



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, October 27, 2009**

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**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Tuesday, October 27, 2009

The House met at 10 a.m.

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*Prayers*

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•(1005)

[English]

## POINTS OF ORDER

### USE OF MEMBER'S PARLIAMENTARY EMAIL ACCOUNT

**Ms. Martha Hall Findlay (Willowdale, Lib.):** Mr. Speaker, I rise on a point of order. An email was sent from my office that contained a solicitation, which was improper. I stand here to personally apologize to the House for any improper use of parliamentary resources.

All of my staff and volunteers are very well aware of all of the rules, and in this case as always, they complied with those. I wish to take full responsibility personally. This was, in fact, my doing.

The email in question was originally sent properly. I decided to send a copy to my colleagues here on the Hill because, ironically, it was an invitation to my 50th birthday and I was trying to encourage multi-partisan activity. That does not excuse the impropriety of sending the email, and I hereby personally apologize.

### NATIONAL DEFENCE STANDING COMMITTEE

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, I rise on a point of order. I guess this is a day for apologies.

The House may remember the matter of Twitter and the tweeting that I apologized about last Tuesday, and that was an error on my part. Subsequently that day I was approached by the media to talk about the nature of the three different motions, one having been before the defence committee in camera. The motion itself was public. The other two motions by two members before the special committee on Afghanistan were also public.

I discussed those motions, the broadness or the narrowness of the individual motions, but there is a genuine belief on the part of some members that doing so was part of the same transaction of disclosure that occurred on Twitter.

While I may disagree, there are certain members who hold that belief genuinely, and I respect that, and I believe an apology is due from me and one is made sincerely. If members believe that I made an error then I was in error, and I accept full responsibility. I apologize to the House and to the committee.

**The Speaker:** I thank the hon. members for their apologies this morning.

[Translation]

Is the hon. member for Joliette rising on a point of order?

**Mr. Pierre Paquette:** Mr. Speaker, I would just like to know whether you would like me to wait until the end of routine proceedings to raise my question of privilege. That is fine with me. What would you prefer?

**The Speaker:** I am prepared to hear the hon. member now if he wants to raise his question of privilege.

\* \* \*

## PRIVILEGE

### INTRODUCTION OF BILLS

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, yesterday, after the apology made by the Minister of Justice regarding the question of privilege I raised last Thursday, you said that, unless you heard further, you considered this matter closed. But this morning, I have more to add.

I would first like to say that although my question of privilege had to do with two ministers, only the Minister of Justice apologized. But the Minister of Public Works and Government Services also disclosed critical information about Bill C-52 before it was introduced in the House.

However, the main reason I have brought the issue up again today is that we are still very concerned about government ministers publicly disclosing information about bills before their first reading in this House. Despite the apology from the Minister of Justice, we fear that the government did not fully learn its lesson.

Although the Minister of Justice apologized in this House for disclosing information about Bill C-52 before it was introduced in the House, the Minister of Public Safety and the Minister of Public Works and Government Services, yet again, held a press conference on Bill C-53, which was on notice but had not yet received first reading in the House. In a press release and a backgrounder that were made public before first reading of the bill, it is clearly indicated that the government intends to eliminate accelerated parole review from the Corrections and Conditional Release Act. Moreover, I sent you these documents with my letter.

*Privilege*

Having read Bill C-53, I can say that this is exactly what it does. It eliminates accelerated parole review and makes some consequential amendments. Once again, the government disclosed the content of a bill before it was introduced in the House.

As the Bloc Québécois House leader, I am often called on to advise my colleagues on the legislative process and private members' business. If there is one thing I stress, it is that bills that Bloc Québécois members want to introduce must remain confidential before they are introduced in the House. I always advise my colleagues to hold their press conferences after their bill has received first reading.

So, Mr. Speaker, if there is no longer any reason to strictly apply the rule of confidentiality of bills on notice, I would just like to know so that I can give my colleagues different advice.

Consequently, Mr. Speaker, I ask you again to consider the question of privilege I raised last Thursday and the new information I have brought to your attention this morning concerning Bill C-53.

I repeat that if you find that there is a prima facie question of privilege, I am prepared to move the appropriate motion.

[*English*]

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the Minister of Justice yesterday expressed regret and his most sincere apologies to the House for releasing any information on Bill C-52 in advance of the bill being tabled.

As we know, once a bill has been put on notice, it is inappropriate to speak to the bill until such time as it has been tabled. The Minister of Justice indicated that he would be advising all of his cabinet colleagues as well of the inappropriateness of this type of action, and he offered his most sincere apologies on behalf of the government for any inadvertent release of information, which should not have happened.

Mr. Speaker, you indicated in your ruling yesterday that you accepted the apology and considered the matter to be closed. I can assure you, on behalf of the government, that this type of early release, if you will, will not be forthcoming again any time in the future.

● (1010)

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, I would just ask the House for a bit of clarification.

The parliamentary secretary has referred to the incident in respect to Bill C-52, regarding which the Minister of Justice has acknowledged that an error was made. As the parliamentary secretary indicated, the minister also indicated that he would be advising ministers generally that the practice of calling premature news conferences should not continue.

However, I took it from the remarks of the representative for the Bloc Québécois that his concern related not only to Bill C-52 but also to the incident that occurred yesterday with respect to Bill C-53, as the practice that was complained about was indeed repeated, with the holding of a premature news conference about a subsequent bill having to do with justice matters.

It is important to have confirmation from the government that it not only acknowledges the mistake in respect of Bill C-52 but also acknowledges that exactly the same mistake was made with respect to Bill C-53, and that the commitment undertaken by the Minister of Justice that this practice will stop is in fact going to apply to each and every minister on each and every bill so that we will not have this ongoing succession of premature news conferences that do in fact encroach upon the privileges of members of this House.

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, you heard some arguments yesterday from various representatives. Just so that you have heard from all parties in the House, because we do consider this a very serious matter, I would like to raise the same point on behalf of members of the New Democratic Party. I would also underline that it is a very serious matter when ministers go out and basically pre-empt the introduction of bills and usurp the privileges of members in the House. It is a fundamental principle in the House that they should not do so, and that the House is the first priority in terms of bills coming forward, being introduced and debated. We consider it a very serious matter.

Although I have heard what the Parliamentary Secretary to the government House leader has said today, I do think it is important that the government be very clear that they are apologizing for what happened and that it does apply to all ministers and to all bills, so that something like this does not happen again.

[*Translation*]

**Mr. Pierre Paquette:** Mr. Speaker, I just want the Parliamentary Secretary to the Leader of the Government in the House of Commons to know that I have a problem not only with the fact that the Minister of Public Works and Government Services did not apologize for the Bill C-52 incident as the Minister of Justice did, but also with the fact that, yesterday, both the Minister of Public Safety and, once again, the Minister of Public Works and Government Services did exactly the same thing with Bill C-53. I offer as proof the press release that I provided to you as well as the backgrounder that goes into great detail about Bill C-53.

Once again, I believe that there has been a breach of parliamentary privilege. I hope that you will consider this fact if you believe it to be relevant.

[*English*]

**Mr. Tom Lukiwski:** Mr. Speaker, I thank all of my colleagues for their interventions with respect to the remarks made, particularly the opposition House leader and the House leader of the Bloc Québécois.

I can only speak to the statements and the apologies made yesterday by the Minister of Justice with respect to Bill C-53 and the interventions that my hon. colleague from the Bloc Québécois had made about ministerial statements on that bill. I cannot confirm that, since I was not aware of that. However, I will be speaking with my colleagues, both the Minister of Public Works and the Minister of Public Safety, at my first opportunity, encouraging them to respond to these interventions at their first opportunity.

*Routine Proceedings***INCOME TAX ACT**

●(1015)

*[Translation]*

**Hon. Dominic LeBlanc (Beauséjour, Lib.):** Mr. Speaker, once again, I would like to second the member for Joliette's remarks.

*[English]*

The parliamentary secretary referred to regret that any information in advance of a bill being tabled became public.

I would like to urge you, Mr. Speaker, when you review this matter, to look at a pattern. With Bill C-52, the Minister of Justice acknowledged that it was inappropriate. You said that you considered the matter closed, and probably at exactly the same time, the Minister of Public Safety was preparing to release details of another bill.

This is not an accident by an overenthusiastic communications assistant in a minister's office, it is a pattern involving many, many bills, particularly in recent weeks. I would urge you, Mr. Speaker, whatever ruling you ultimately decide on, to make clear the rules surrounding this kind of information, and not simply to accept that somebody comes in and apologizes while a colleague at the same time is doing exactly the same thing. There seems to be a communication confusion in the cabinet. Mr. Speaker, and you are the best person to clarify that for everybody.

**The Speaker:** I thank all hon. members for their submissions on this point. I will take the matter under advisement.

As indicated by the Parliamentary Secretary to the government House leader, he will be conferring with his colleagues who may wish to respond to the points of order that have been raised. Certainly clarification can be provided if necessary, but I think it was clear, with respect to the statement by the Minister of Justice, that he acknowledged that what had happened was incorrect and improper. The Chair would probably have ruled to the same effect had I given a ruling in advance, but since he indicated that he felt it was improper and then apologized to the House, I considered the matter closed.

I had not realized there were two ministers involved in that press conference. We have heard that today in the arguments advanced. Of course, I missed the press conference as usual. We also had the suggestion that there had been another press conference on another bill yesterday, so I will take those two items under advisement and come back to the House if necessary. However, I think there will be other submissions on the point, from what the parliamentary secretary suggested, so we will wait to hear those additional submissions.

I thank all hon. members for their intervention on this matter.

**ROUTINE PROCEEDINGS***[English]***GOVERNMENT RESPONSE TO PETITIONS**

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to three petitions.

**Ms. Denise Savoie (Victoria, NDP)** moved for leave to introduce Bill C-466, An Act to amend the Income Tax Act (transportation benefits).

She said: Mr. Speaker, I am please to introduce my commuter choices bill this morning. The twin threats of climate change and poor air quality demand that we creatively encourage alternative modes of transportation to the single occupancy vehicle.

Today, I am proposing to allow employees to receive tax-free employer-provided benefits to cover the costs of transit, carpooling and bicycle commuting. This bill compliments and is an improvement to the current government transit tax credit. The employer-related commuter benefits that are proposed for tax exemption would apply to an employee's highest personal income tax rate. It would also save payroll costs for employers and remove administrative barriers that exist presently.

As this bill illustrates, government can help make better commuter choices easier for Canadians. It would help us to meet our eventual commitments to reduce our greenhouse gas emissions.

I want to thank my constituents, Sarah Webb and Dan Pollock, who inspired this bill, and CUTA, the Canadian Urban Transit Association, for the policy work it did on this bill.

(Motions deemed adopted, bill read the first time and printed)

\* \* \*

●(1020)

**PETITIONS**

## CANADA-COLOMBIA FREE TRADE AGREEMENT

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I have a petition that calls for a stop to the Canada-Colombia trade deal. The violence against workers and members of civil society by paramilitaries in Colombia, who are closely associated with the current Uribe government, has been ongoing with more than 2,200 trade unionists murdered since 1991.

It has continued unabated right up to this day, as well as a host of violence committed against indigenous peoples, Afro-Colombians, human rights activists, workers, farmers, labour leaders and journalists. The Canada-Colombia trade deal was negotiated following a framework similar to the NAFTA agreement, which has mainly benefited huge corporations at the expense of working people.

*Routine Proceedings*

In fact, labour side agreements under NAFTA have not produced effective protection for farmers. Over one million agriculture jobs have been lost in Mexico since NAFTA was signed. All trade agreements must be built upon the principles of fair trade, which fundamentally respect social justice, human rights, labour rights and environmental stewardship as prerequisites for trade.

Finally, the petitioners call on Parliament to reject the Canada-Colombia trade deal until an independent human rights impact assessment is carried out, resulting in concerns addressed. They call for the agreement to be renegotiated along the principles of fair trade, which would take environmental and social impacts fully into account while genuinely respecting and enhancing labour rights and the rights of all affected parties.

POSTAL SERVICE

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP):** Mr. Speaker, I am pleased to table a petition on behalf of my constituents along the highway 11 corridor. The petition asks the government to ensure moratoriums on post office closures and that these be maintained open. The petition also opposes the legalization of remailers and asks that the proposed legislation be withdrawn.

The petition also calls on the Government of Canada to ensure that Canada Post expands and improves postal services within rural areas, given the key role that these services play in the social and economic life of our communities, such as Val Rita, Kapuskasing, Moonbeam, Chapleau, Wawa, Manitouwadge and White River. I could go on, but I believe the House gets the drift.

Therefore, once again, I am pleased to table this petition on behalf of my constituents.

TAX HARMONIZATION

**Ms. Denise Savoie (Victoria, NDP):** Mr. Speaker, I am pleased to present a petition on behalf of hundreds of constituents from Victoria who express their concern about the implementation of the harmonized sales tax at a time when they say Canadians are already struggling because the GST, the federal tax, is charged on more products than the existing provincial sales tax. The HST, they say, will increase the cost on many everyday goods and services like vitamins, haircuts, newspapers, movies and so on, and it will hurt many community businesses in Victoria.

The petitioners are asking the federal government to rescind this measure because no steps have been taken to mitigate the impact on our communities.

DUCHESS OF KENT LEGION

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, I present a petition on behalf of the Duchess of Kent Legion, Branch 263. The Legion has fallen into financial difficulty with the Canada Revenue Agency due to a theft of GST funds by a former employee. While that employee was charged and convicted of the crime, stolen moneys were never recovered.

The Duchess of Kent Legion has a debt of more than \$275,000 and despite paying thousands and thousands of dollars on this debt the accruing interest has driven the Legion deeper into debt every month. The Minister of National Revenue has the authority under

section 23(2) of the Financial Administration Act to forgive the principal and interest.

The petitioners ask the Parliament of Canada to direct the Minister of National Revenue to exercise his authority and forgive the debt. We owe it to our veterans, men and women who have served our country with honour and courage. We need to save their Legion.

• (1025)

VANCOUVER CHINATOWN

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I am pleased to rise in the House today to present a petition. I think it is the third time that I have presented this petition from the people in the Vancouver Chinatown area and Vancouver generally who are very supportive of the idea of designating Chinatown as a national historic site.

The petitioners recognize that Chinatown has been a very important hub for commercial, social and cultural activities in the Chinese community since the 19th century and continues to be a treasured part of Vancouver today.

The petitioners call on the Government of Canada to work with all levels of government and the community to recognize and preserve the rich legacy of Vancouver's Chinatown, and to designate Chinatown as a national historic site.

VOLUNTEER SERVICE MEDAL

**Mr. Glenn Thibeault (Sudbury, NDP):** Mr. Speaker, I am pleased to rise today to present a petition on behalf of over 50 constituents in my riding, to introduce a new volunteer service medal to be known as the Governor General's volunteer medal to acknowledge and recognize volunteerism by Canadian troops.

During a specified period of service to their country, Canadians from September 1939 to March 1947 received the Canadian Volunteer Service Medal. During a specified period of service to their country, Canadians from June 1950 to July 1954 received the Canadian Volunteer Service Medal for their service in Korea.

The undersigned residents of my riding respectfully call upon the Government of Canada to recognize, by means of the issuance of the new Canadian volunteer service medal to be designated the Governor General's volunteer service medal, volunteer service by Canadians in regular or reserve military forces and cadet corps support staff who were not eligible for the aforementioned medals and who have completed 365 days of uninterrupted honourable duty in the service of their country.

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

**Mr. Brad Trost (Saskatoon—Humboldt, CPC):** Mr. Speaker, I have a petition today from people from all four western Canadian provinces.

The petitioners are calling upon the Government of Canada to end funding to Planned Parenthood by the Canadian International Development Agency. They are particularly concerned because they view it as an organization that attacks family values and they are also particularly concerned because the money that CIDA is spending is supposed to be going to development aid and to help the poor people of the world, and instead it is being wasted on promoting propaganda.

### QUESTIONS ON THE ORDER PAPER

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I ask that all questions be allowed to stand.

**The Acting Speaker (Mr. Barry Devolin):** Is that agreed?

**Some hon. members:** Agreed.

## GOVERNMENT ORDERS

[*Translation*]

### INVESTIGATIVE POWERS FOR THE 21ST CENTURY ACT

The House resumed from October 26 consideration of the motion that Bill C-46, An Act to amend the Criminal Code, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act, be read the second time and referred to a committee.

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Mr. Speaker, I am pleased to rise here today to speak to Bill C-46. We will probably study Bill C-47 either later today or tomorrow. Bills C-46 and C-47 are very closely related to each other and, for those watching us, have to do with cybercrime.

It appears that the Canadian government has finally entered the 21st century and wants to address the very serious problem of cybercrime. Before going into the details, I would like to give some background. There was a convention, if we can call it that, known as the convention on cybercrime. That convention was the subject of many meetings. In fact, there were 27 different versions of the convention on cybercrime before the final version was drafted and signed by many countries, including Canada, the United States, Japan, South Africa, and even the Council of Europe. All the countries that signed the convention undertook to introduce one or more bills to implement the convention on cybercrime. That is precisely what the government is doing here today.

We can examine the technical details of the bill in committee. Yes, the Bloc Québécois agrees that Bill C-46 should move forward and be referred to the Standing Committee on Public Safety and National Security. This will also probably be true for Bill C-47.

Bill C-46 should allow police forces to adapt their investigative techniques to modern technologies like cellphones, iPods, the Internet, as well as social networking sites like Facebook and Twitter that link today's online world. This bill will give police forces access to such technologies.

When a bill like this is introduced there is one thing the government and parliamentarians must not forget: the bill must not infringe on basic rights even though we are trying to properly equip our police forces to deal with crime. All of this is being done in response to what happened in 2001. Even though we know that work on cybercrime began in 1995, the events of September 2001 had a substantial impact. That is when governments realized they did not have the means to intercept certain communications. Before and after 1995, and even before and after 2001, surveillance was used. It was very easy to realize you were being followed. We are not talking about a James Bond movie here. We are not nearly as sophisticated as the show *24*, where the characters are totally equipped to deal

### *Government Orders*

with crimes of this nature. We needed to find tools to help deal with cybercrime and make them available to our police forces.

Cybercrime is very subtle and very insidious. It is everywhere today. The members opposite, especially those from the Conservative Party, talk about the luring of children or what some people attempt to do with computers, namely slowly but surely approach children to have sexual encounters.

● (1030)

It is much more than that. I am not saying that the luring of children is not a serious crime, far from it. This is an extremely serious crime. There are also other crimes that are much more subtle, including identity theft and the planning of major crimes. Just look at the London subway bombings. They were planned right here in Canada. Somewhere near Toronto, attacks were being planned with global targets. Here in Canada, the police thanked an individual whose assistance was instrumental in foiling a crime about to unfold in Great Britain.

Cybercrime has become a global phenomenon. Today, we cannot simply say that cybercrime only occurs in Canada, Quebec, or Ottawa and the surrounding region. Cybercrime is a global phenomenon and it has to be addressed globally. That is the purpose of Bill C-46 and Bill C-47, which we will study in the coming days.

There is something worrying me. We will have to carefully study the intrusion into the personal life of an individual. I hesitate to say this because the line between the intrusion into the rights of an individual versus the protection of society is increasingly blurred. We will have to keep a very close eye on this as we study the bill. We must ensure that citizens do not run the risk of being more vulnerable to an intrusion into their private lives. I do not think that anyone in this House is against adapting legislation to the new realities in technology and crime.

I believe that it is abundantly clear that criminals, especially those working on the Web, are brilliant for the most part. Anyone who can use such tools as Facebook or Twitter and the whole Internet is intelligent enough to hatch a good plan for a crime.

We are very close to that reality when we see someone using their cell phone, sending coded messages and providing information over the Internet. We have to follow this up. I will give the example of the transfer of "illegal" funds to tax havens. I spoke about this when debating Bill C-42 and Bill C-52. Today, criminals who use computer technology are increasingly smart. Thus, police forces must be equipped to deal with them. That is the objective of Bill C-46.

*Government Orders*

Technologies do not just benefit criminals and are also available to police. The Bloc Québécois believes that it is important and rather urgent for police to be equipped to detect not just crimes that have been committed, not just those about to be committed, but those that are being planned. We have to be one step ahead of the criminal planning a crime and able to intervene before an offence is committed. That is the objective of Bill C-46.

● (1035)

However, we must avoid allowing the police to use their investigative tools to gain access to a very large amount of information—it goes that far—but we must also monitor some peoples' activities on the Internet to learn more about their private lives. It goes far beyond listening to telephone conversations. This bill goes much further than that.

However, we must find a balance between the fundamental rights to privacy and safety. That is what this is all about. Is the right to privacy more important than the right to safety? That line is easily crossed by police officers or unscrupulous individuals.

We must remember that some police officers were convicted of having used the computer system of the Société de l'assurance automobile du Québec to monitor a spouse's new friend and watch over the movements of that individual. Those police officers were convicted because they had taken private information.

We must be very careful, and this will probably be the most important debate over the next few months. The Ligue des droits et libertés has raised some concerns. We must be careful, we must be prudent, we must be aware, and we must realize that there could be some slip-ups. When it comes to truly addressing security concerns, is protecting the rights of individuals less important than protecting society? That is a debate that will have to be held when the time comes to examine the bill in committee.

It is clear, and I would like to share a little about what the Ligue des droits et libertés has said. According to the Ligue, the bill constitutes an unprecedented invasion of privacy. It has brought up the following points. The government is presenting its bills as a way to make the necessary changes to traditional investigative powers for electronic surveillance to adapt to new communication technologies. But there is no comparison between the information transmitted through a telephone conversation and information that circulates freely.

Moreover, unlike telephone conversations, which leave no trace unless they are recorded, modern communications leave a trail in computer memories that can be detected long after the fact. That is a very important point, and I hope that nobody in this Parliament or in Canada or Quebec believes that once an email has been sent, it is over and done with. Unfortunately for them, I have bad news, because when people send an email using their computer or even their BlackBerry, there is always a trail. Their hard drives retain information about every email ever sent, and that information can be retrieved. That is where we find ourselves in a grey area.

But the Ligue des droits et libertés adds that everything we do in our everyday lives could come under police investigation. They will have access to lists of the websites we visit, emails we send and receive, credit card purchases, purchases of all kinds—clothing,

books, winter gear—our outings, our movements abroad and in Canada, gas purchases, on-line and ATM banking transactions and medical information. Naturally, the list might get even longer.

● (1040)

We have to be prudent. I do not necessarily share all of the concerns expressed by the Ligue des droits et libertés, but they are urging us to be prudent. As parliamentarians, we have to use our judgment. We have to tell police forces—the RCMP, the Sûreté du Québec, the Ontario Provincial Police and other police services in large municipalities—that there are lines that must not be crossed once Bill C-46 is passed.

I firmly believe that one thing is for sure: police forces must have the tools they need to deal with crime in the 21st century. Yes, armed robberies and bank heists are still happening, although less frequently according to the latest statistics. We still hear about corner store hold-ups and all kinds of other assaults. But there is now a new kind of crime called cybercrime. We have been looking for ways to fight it since 1995. We have to make sure we have the tools to do that.

I listened closely to what the Ligue des droits et libertés said, and I feel that we have to be careful. The Ligue says that the bill provides little or no protection against unreasonable seizures without a warrant. The authorities will be able to obtain subscriber data even though the Personal Information Protection and Electronic Documents Act recognizes that this information is private. This is provided for in Bill C-47, but the authorities could still obtain this information. Without a warrant and on the basis of a suspicion, an officer will be able to ask a service provider to keep the contents of all your communications. It is like asking the post office to photocopy all your mail in case something should happen. I feel that people may go a bit too far sometimes, but this serves as a reminder that we must be cautious. I do not necessarily share the views of the Ligue des droits et libertés, but as politicians, we have to listen to both sides of the story.

The Ligue des droits et libertés also says that with a warrant obtained on the basis of a mere suspicion, an agent will easily be able to compel the service provider to turn over all its lists and so on. I believe that this is a bit dangerous, and we will have to address it when this bill is studied in committee. The Ligue added that with a warrant, which can be obtained on the basis of reasonable grounds to believe—less stringent conditions than for wiretapping—the content of your communications could be intercepted.

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Certainly, what the Ligue des droits et libertés is saying is important. It is calling on parliamentarians to be careful when we print and pass legislation, but especially when we apply it. Once the law is passed, it may be too late to amend it. I will say one thing right now: police forces must be equipped to deal with cybercrime and 21st century crime. It is clear that crime prevention is one promising solution. The police will need to be able to prevent such crimes, and that takes equipment.

Obviously, the authorities have to try to uncover a plot before it is carried out. Once a crime has been committed, it is a little late to intervene, even if the criminals are brought to justice. In closing, if the authorities can thwart the crime before it is committed, I believe that this bill is a step in the right direction.

• (1045)

**Ms. Paule Brunelle (Trois-Rivières, BQ):** Mr. Speaker, I listened carefully to my hon. colleague. There is no doubt this bill provides police forces with additional tools. What bothers me is the question of striking a balance between basic human rights and privacy. I think we do need to give police the tools they need to arrest criminals, but I also read what the Privacy Commissioner said about this:

Privacy is a critical element of a free society and there can be no real freedom without it.

Canada is currently on a dangerous path towards a surveillance society.

This makes us all think of Big Brother. I have a question for my colleague. How can we ensure that this bill really gives police forces sufficient guidelines so that privacy and basic human rights are respected?

**Mr. Marc Lemay:** Mr. Speaker, I thank my hon. colleague from Trois-Rivières for her question.

I will not beat around the bush. This will probably be the greatest challenge facing the committee that examines this bill, that is, trying to set guidelines to balance individual rights and the rights of society, and indicating how far police forces should go. Indeed, as the Supreme Court put it so well, the police cannot go on a fishing expedition. They cannot intercept just anything or do anything they want under the pretext that possibly, perhaps, something might be happening. No, guidelines are needed.

As legislators, we definitely must tell police forces that they cannot cross certain lines. I agree with Ms. Stoddart that the greatest challenge with respect to this bill will definitely lie in its implementation. We will probably need detailed definitions of the tools that will be available to the police to prevent crime. Indeed, with this bill, police will go from being involved in arrests, and therefore the punishment of crime—since police generally become involved after the crime is committed—to the prevention of offences about to be committed, since police will be able to intervene before the crime is committed. That is what cybercrime is all about. That will be the challenge.

• (1050)

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, I listened closely to my colleague's speech. If memory serves me correctly, in 1948, George Orwell wrote the book *1984*. He wrote about a society that is quite similar to the one the Conservative government wants to give us. In 1958 or 1959, Ayn Rand wrote *Atlas Shrugged*, which also described a similar society. Yann Martel, a very prolific Quebec

writer, has been sending books to the Prime Minister and the 38th book he sent was a book by Ayn Rand.

Does my colleague not think that our Prime Minister and the government should learn from the past, from what already exists, instead of trying to get us to pass bills on law and order quickly without taking into consideration everything that might happen as a result of these bills, all the consequences these bills might have on society, on all individuals and on all human beings?

**Mr. Marc Lemay:** Mr. Speaker, I would like to thank the member for Laval. She is absolutely right. I do not think that we should be too hasty in passing this bill. Yes, we should pass it here in the House so that the Standing Committee on Public Safety and National Security—which is where it will probably go—or the Standing Committee on Justice—it does not really matter—can study it. That is where the real work will be done.

My colleague is absolutely right. We cannot have cameras all over the place watching everything and everyone for no particular reason. Where exactly do we draw the line? Somewhere between the rights of the individual and the rights of society. The line is a very thin one. The Supreme Court has urged parliamentarians to exercise prudence before making laws that infringe on the individual rights set out in the Canadian Charter of Rights and Freedoms. The debate in the coming months will focus on that. I have tremendous respect for my Conservative colleagues, and I hope that they will not try to rush this bill through. Clearly, we have to take the time to work on it properly. The Convention on Cybercrime has been in the making since 1995. It has taken 27 attempts to get to what we have now. I am sure that we can take a month or two to examine this bill properly.

**Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ):** Mr. Speaker, I was very impressed with the speech by our colleague from Abitibi—Témiscamingue. I think that the concern he expressed about the need to protect privacy and civil rights in general in a bill like this is exactly right. There is another thing, though, that is very important and that is the need to ensure that the authorities have the effective means to control crime in the hyper-technological society in which we live.

Will this new bill give the police more effective means to control such crimes as money laundering or transfers to tax havens?

Do such provisions exist in this new bill? Could my colleague tell us a bit about that?

• (1055)

**Mr. Marc Lemay:** Mr. Speaker, I want to thank my colleague for his question. He is perfectly right. I will say what I said before, namely that this bill will be studied by the Standing Committee on Justice and Human Rights. I sit on the committee and will be very concerned with a close study of this bill.

*Government Orders*

The following is an excerpt from what I have read. The bill also allows “for warrants”—that is to say search warrants or warrants in cyberspace—“to enable the tracking of transactions, individuals and things.... Police would be able to remotely activate existing tracking devices”.

That is dangerous and someone is going to have to explain it to me properly. I think, though, that this provision will make it possible to track money before it leaves Canada and disappears somewhere in the islands or in tax havens. We have to be able to track this money, and hopefully, this bill will make it possible. They also want to be able to track cars. Therefore, chips will be placed in them. How many luxury automobiles have been stolen and are now somewhere in the Emirates, in Russia, or somewhere else? Henceforth we will be able to track them with chips, locate them virtually anywhere, and send search warrants to get them in Russia or elsewhere.

I have been talking about vehicles, but it could be something else. That is a good thing. We should be careful, though, not to cross the line between individual rights and the protection of society. The RCMP already said that it was ready and was expecting this bill. I am looking forward to its appearance before us to explain how it intends to do this.

[*English*]

**Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC):** Mr. Speaker, it is a privilege to represent the good people of Pitt Meadows—Maple Ridge—Mission and to speak in strong support of Bill C-46, which proposes changes to the Criminal Code, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act in order to bring criminal offences and investigative powers up to date with 21st century technologies.

Bill C-46 is an important piece of legislation. We are all very well aware that technology has been changing rapidly over the last couple of decades. Some my age or thereabouts have a hard time keeping up with the technological changes. These changes have changed the way that crimes have been committed and the type of evidence that police need to gather when investigating such crimes. Developments in technology have changed the nature of the crimes themselves, as well as the nature of the investigations required to combat them.

In many ways these changes have also made the world a smaller place. It used to be the case that overseas communication took days or weeks, sometimes even longer than that.

It was not all that many years ago, Mr. Speaker, you might recall that I lived in the Philippines for a number of years. I lived several hours north of Manila, the major centre. The only way to get information back and forth to my family and friends was the old-fashioned way, by letter. We did not have a telephone where I lived. In fact, there were no telephones in the town. People had to go to Manila.

The only way I could make a phone call was to drive to a neighbouring slightly larger town about an hour away, stand in line, wait for a telephone booth, hope the operator could connect me at the appropriate time and then pay quite a bit. Now in the Philippines I am told that per capita there are more cell phones than in Canada. Anywhere people go there now, they are able to be connected throughout the world. That is what has been happening.

Money can be moved from a bank in Singapore to an account in Switzerland by a person in Saskatchewan, of all places, without any trouble at all. These technologies have opened up a world of possibilities for Canadians and Canadian businesses, but they also create new challenges for law enforcement and criminal justice. Because of the global nature of these challenges, global solutions are needed.

Investigators face some of the most significant challenges brought about by these technologies.

Before I talk about the international nature of the problem we face and how this bill responds to it, let me talk in more general terms about cybercrime.

What is cybercrime? There is no universally accepted definition. It has had a number of definitions. It certainly includes crimes perpetrated over the Internet but also any crime in which computer-based technology is used, things as relatively harmless as spam, some would say, to much more important and serious things such as the exploitation of children.

Internet child pornography, for example, has become a \$2.6 billion industry. The latest RCMP estimates indicate that there are 60,000 identified IP addresses in Canada accessing child pornography. People may be surprised to know this but the National Centre for Missing and Exploited Children documented that 85 children are reported missing every hour, not every day, every week or every month, but every hour, totalling more than 750,000 missing in a year. Many cases involve luring schemes facilitated online.

There is identity theft, which is very serious. In fact, in 2006 almost 8,000 cases were reported in Canada.

There is securities manipulation where wrong information is put online and the price of securities, stocks and so on go up or down in relation to that information. The markets are manipulated in that way.

There is the serious threat to critical infrastructure. It is estimated by some that the next threat to national security will be either the disruption of electronic commerce or the creation of an emergency situation.

All of these things are very costly. There are social costs certainly, but there are economic costs as well. We do not know how much these things cost. There really is no way to add them all up.

● (1100)

A study released earlier this year by McAfee estimated that hacking, Internet fraud, denial of service attacks and high tech mischief cost the world economy more than \$1 trillion a year in lost business revenue, which is a huge cost. There is no reason to think these things will decline so we need to take them very seriously.

*Government Orders*

Some of this material was taken from a website put out by the Global Centre for Securing Cyberspace, interestingly based in Calgary, Alberta. Its mission is to proactively protect people, property and commerce from cyberspace-enabled attacks through the facilitation of cross-sector collaborations with law enforcement, government, industry and academia. There are some very helpful resources on that site that I would recommend to my colleagues and to anyone listening to this debate. People will find some very helpful things on the site if they are at all involved with the Internet or the computer.

Some of these attacks in cyberspace, cybercrime, can come from outside Canada. Our authorities need to be able to co-operate with authorities in foreign countries to investigate these crimes and to bring the criminals to justice. In order to make this co-operation effective, we, along with our international partners, need to have available a standard set of tools capable of facilitating these investigations in the new technological environment.

We believe that the ratification of the Council of Europe's Convention on Cybercrime and its additional protocol on xenophobia is an essential component of enabling these types of internal and international investigations. This convention is the only international treaty that is specifically designed to provide the legal tools to help in the investigation and prosecution of computer and Internet based crime, as well as more general crimes involving electronic evidence.

In conjunction with the necessary amendments in Bill C-46 to the Criminal Code and the other acts, ratification of the convention would put Canada in a position to effectively conduct modern investigations with an international component. Ratification of the convention would also assist foreign signatory countries by allowing them to access the Criminal Code's new investigative tools in appropriate cases.

I would like to read some paragraphs of the preamble of this convention so members will get a sense for what it is all about. It states:

Convinced of the need to pursue, as a matter of priority, a common criminal policy aimed at the protection of society against cybercrime...;

Conscious of the profound changes brought about by the digitalisation, convergence and continuing globalisation of computer networks;

Concerned by the risk that computer networks and electronic information may also be used for committing criminal offences and that evidence relating to such offences may be stored and transferred by these networks;

Recognising the need for co-operation between States and private industry in combating cybercrime and the need to protect legitimate interests in the use and development of information technologies;

Believing that an effective fight against cybercrime requires increased, rapid and well-functioning international co-operation in criminal matters;

And this is an interesting one:

Convinced that the present Convention is necessary to deter action directed against the confidentiality, integrity and availability of computer systems, networks and computer data as well as the misuse of such systems, networks and data by providing for the criminalisation of such conduct, as described in this Convention...

And so on.

It is an important convention. Canada was involved in the development of it, along with the Council of Europe. It does a number of important things, each of which plays a part in enabling investigations.

The first thing it does is it requires signatory states to adopt a minimum set of standards for computer-related crimes. For instance, the convention requires that countries criminalize illegal access to computers. This is basically a hacking offence. It also requires the criminalization of illegal interception, data interference, system interference and misuse of devices.

• (1105)

Now, to be clear, most of those activities are already criminal offences in Canada. The few gaps that remain would be closed with the rest of the amendments proposed in the bill that we are debating today.

The types of crimes we are talking about here are exactly the kinds of crimes that do not respect orders very well, and that is why we need co-operation from our global partners to fight them. We need to ensure our partners are not letting their own citizens hack into Canadian computer systems. We also need to ensure that we all have similar laws to ensure we can prosecute crimes in Canada that have connections to other countries.

The convention covers other types of crimes committed using computers. For instance, the convention prohibits the distribution of child pornography over the Internet, a crime that we have been working hard to fight here in Canada. The convention's additional protocol on xenophobia and racism also broadens the scope of the convention to cover criminal behaviour relating to hate, racism and xenophobia disseminated over computer systems.

We need to do our part and encourage other countries to join us in these important fights. Ratifying the convention and its additional protocol is a necessary step in that direction.

There is another side to what the convention does, which is equally important. The convention also creates a set of investigative tools that every state party will need to fight the kinds of crimes we have just been talking about. These are really important investigative tools in a world where data can be deleted in the blink of an eye. The convention requires that all its signatory states have this kind of mechanism in place. This will be of significant help to our international investigations.

As one can imagine, cross-border investigations are more complicated than domestic ones, which means that they can go more slowly. In order to ensure that vital data in a foreign country is not lost, we need to work with our partners so we will all have such tools available to us.

The convention would also require that we adopt a number of other important investigative powers and that these same tools be adopted by our partners. This common approach to the investigation of computer crimes will speed up the efficiency and effectiveness of cross-border investigations immeasurably.

The convention would also create some new ways of co-operating on these investigations. For example, it would require that each country designate a point of contact that would be available 24/7 to give immediate assistance in these kinds of investigations. This type of mechanism would vastly increase the efficiency of cross-border investigations, which can be quite complicated to conduct.

*Government Orders*

As members can see, the ratification of the convention on cybercrime is a vital component of Canada's fight against cybercrime and its ability to investigate crimes in the modern world. The amendments in Bill C-46 would go a long way toward addressing these issues, but to make our fight against these crimes truly effective, we need to recognize their increasingly global nature.

Together, ratification of the convention and the amendments in this bill would ensure that we can respond to some of the difficult challenges that new technologies currently pose to the criminal law and criminal investigations.

I encourage all members in the House to give Bill C-46 their full support.

● (1110)

**Mr. Mike Allen (Tobique—Mactaquac, CPC):** Mr. Speaker, at the conclusion of his speech, my colleague talked about modern investigations. One could conclude that Canadians might want to jump to the next conclusion and be concerned about what this might mean for law enforcement. Would law enforcement officials be able to monitor everyone's Internet, email or cell phone use if that happened to be the case?

[*Translation*]

I know that the Parliamentary Secretary to the Minister of Fisheries and Oceans understands how important it is to maintain a proper balance involving public safety, privacy and our rights and liberties.

[*English*]

I was wondering if my colleague could take a moment to comment on that. Does he see that as a concern in the bill if law enforcement is able to monitor everyone's email, Internet and cell phone activity?

**Mr. Randy Kamp:** Mr. Speaker, my colleague raised an important issue that was raised in the House earlier today and earlier in this debate as well.

The whole notion of lawful access, which is one of the terms being used, is not about eaves-dropping on private conversations or monitoring web surfing or emailing habits of Canadians or even being permitted to read those. If this bill becomes law, law enforcement agencies will not be able to accept private communications or obtain transmission data without being authorized to do so by law. That is an important point and it needs to be clear.

Throughout the bill, transmission data is talked about as a concept, and that is about being able to look at header data rather than the content of an email itself. Privacy is protected in this bill.

[*Translation*]

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, the Ligue des droits et libertés has expressed serious reservations about this bill. We would like to move forward with this bill but we must be careful.

For example, one provision of the bill would allow a judge to issue a preservation order for data if there are reasonable grounds to believe that an offence has been committed under the law of a foreign state. Unfortunately, not all countries have the same rights and freedoms as we have in Canada.

This week, we heard about a man from Saudi Arabia who spoke about his sexual experiences on television. He was sentenced to life imprisonment. In a number of countries, homosexuality is a criminal offence. Does that mean that, if we accept these provisions, someone from another country could condemn a homosexual who came here to have a relationship with someone from Quebec or Canada and that this provision would be used to obtain information about the meeting of these two people? Would this person be prosecuted when they returned to their country? That worries me.

● (1115)

[*English*]

**Mr. Randy Kamp:** Mr. Speaker, I heard her concern but I did not hear a question there.

All I can say is that this government and, I think, all Canadian governments are strongly committed to maintaining the rule of law in all of our legislation in the way we conduct business and in the way we expect Canadians who are governed by these laws to conduct their business as well.

The legislation includes a number of tools that are needed in the society in which we live today in this technological age. All of the access tools, the production orders, preservation orders, interception orders and search warrants would be required to be granted with lawful authority under the protection and governance of the Charter of Rights and Freedoms, the Privacy Act, and so on.

These are very important conditions in Canadian law. I understand her concern, which she might want to raise at committee, but it is not a concern that I share.

**Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I noticed the member spoke briefly on the issue of privacy when asked an excellent question by a member on this side. I am concerned somewhat about the privacy issue because I have heard comments from my constituents. I know this Conservative government has stood up for privacy issues for Canadians and the privacy rights that they have.

I am particularly interested in the drafting of the bill itself and whether, in the drafting of this bill, the government looked at the issue of privacy and the issue of protecting privacy rights of Canadians in particular.

**Mr. Randy Kamp:** Mr. Speaker, my colleague is quite right. Those are important considerations and the government is taking them very seriously.

In fact, there have been consultations on this for quite a while. In addition to our involvement with the convention, which I referred to in my speech, the Government of Canada has been consulting on this. It had some consultations in 2002 under a former government, again in 2005, and then, in preparation for the introduction of this bill, there have been some consultations at multiple levels. The issue of privacy has been one of those issues that has been front and centre in those consultations and discussions in order to ensure we get that balance exactly right.

*Government Orders*

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Mr. Speaker, I certainly recognize and acknowledge my colleague's comments regarding the fact that it is a changing world and there is the need for new tools in the 21st century.

Does the member have an example that he could share in terms of something that might happen and how these tools could facilitate justice for the victims?

**Mr. Randy Kamp:** Mr. Speaker, there are a number of things. There are those things that are very tragic, such as Internet luring, for which we do not have all the tools we need. When my colleague spoke on this yesterday, he referred to that in his work as a police officer and how these new tools would have enabled him in his work to deal with something like that.

There is also cyberbullying, which has become a pretty serious thing. Receiving threatening or harassing emails is something that goes on and, in fact, maybe some of us receive those from time to time, but that is part of our job. However, it is a serious thing and a growing problem. It can even become a very serious problem, such as securities manipulation and so on, that could put our economies in jeopardy. The tools that are a part of this would help our law enforcement agencies be better able to combat those.

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Mr. Speaker, I am happy to be speaking in support of Bill C-46, which seeks to provide necessary amendments concerning evidence. In many ways, this legislation is a long time coming. I believe that it allows policing authorities and our court system to operate in the 21st century. Criminals are committing their crimes in the present tense. We cannot live in the past.

My history with this bill began earlier this year when my community was reeling from a spate of gun crimes. It seemed that every other day yet another shooting had claimed the life of someone. In the past, most citizens believed that gang violence only affected those who were involved in gang culture. There was less public outcry because of this.

How that changed over the course of this year. Not even innocent women, children or senior citizens were safe from a stray bullet or from feeling the grief of losing a loved one to this terrible increase of killings in our community. I needed to know what could be done, so at that time I spoke to Kash Heed, the current minister of public safety and solicitor general in British Columbia, along with my friend and former colleague, Mr. Wally Oppal, and MLA John van Dongen, who was the minister of public safety and solicitor general in British Columbia at that time.

All three of them were very frank about how they felt about the current legislation. They had lived and breathed these issues in the courtroom and they have listened to the police officers on the front lines of this battle in British Columbia. I have spent a great deal of time listening to these front line officers and first responders as well. I knew that the recommendations that Mr. van Dongen, minister Heed and Mr. Oppal would give me were sure to be grounded in reality, a reality that the current legislation does not reflect.

That is why this bill is so important. The Liberal Party of Canada was lucky enough to have Wally Oppal and then B.C. solicitor general John van Dongen come to Ottawa to present a whole slate of

legislative recommendations. This bill represents job one from what we have heard.

First and foremost, by extending the definition of transmission data to all means of telecommunications beyond telephones goes a long way to addressing a situation we are all familiar with in the House. Members only need to look at the holsters on their belts or in their pockets to know what I am talking about. I am talking about the BlackBerry.

We all have to face one thing here. We may try to be ahead of the curve, but we should face the fact that criminals are at least as sophisticated as we are. They talk on these tools. They email and send PIN messages to each other. They know their way around police surveillance because right now in a court of law anything they say or write will be inadmissible.

We could argue that we in the House are asking for legislation that allows our email correspondence and PINs to be admissible. Yet, the Conservative government's own legislation on freedom of information for the government stops short of email correspondence. I leave it to the members on the other side of the House to explain this point to Canadians, especially because they were the ones who made such a big noise about transparency and accountability when they were first elected.

• (1120)

As we have seen over the last year, of course, transparency and accountability have taken quite a beating in the cheque republic we are all living in now, but let us hope that with this legislation the government is moving in the right direction at least within the Criminal Code.

There is another part of the bill, however, that I would like to be a bit more serious about at this time. It refers to an issue that I think every member of Parliament in the House would agree goes far beyond partisan interests.

The stiff penalty that this bill would bring in for those who use the Internet to exploit a child makes this bill, without a doubt, one of the most important reforms we as members of Parliament can champion.

As a parent of two daughters and a young boy I can say that I, along with my wife Roni, like most Canadians view this very modern form of evil as a family's worst nightmare.

As a member of Parliament I know we all, no matter what party we belong to, come to the House to work for our communities, but what no one riding can speak for is the community that exists online and the importance we must place in ensuring the highest standards of conduct to protect the innocent.

This amendment is really about bringing our justice system into the century we are all living in now, the world our kids will inherit. Let us ensure they can grow up in a world where we can guarantee their safety when they are online as well.

*Government Orders*

I would like to say in closing that I really do not have any problem with the main points in the bill at all. Indeed, I know from my side of the House when a crime bill works for Canadians we see no reason in slowing down the process. Of course, we will never hear that from my colleagues across the floor, but a quick look at our record on crime bills that make sense tells that story.

The fact is, as I mentioned earlier, we do not have the luxury of living in the past tense because criminals are taking advantage of how our laws have not modernized. We have to move with the times and allow our police and our court system to let justice prevail. Though there may be finer points with the bill that could stand a closer look, that is what we are here for.

I am sure I speak for all of us in the House when I say that if we truly mean it when we say we want to make Parliament work, there is no greater priority than making it work for the justice system.

• (1125)

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Mr. Speaker, it is certainly an honour for me to speak in favour of Bill C-46, the investigative powers for the 21st century act which aligns with the government's priority of getting tough on crime, including the Internet and other computer crimes. It also responds to many of the issues surrounding organized crime.

The justice committee has undertaken a comprehensive study of organized crime, and at every venue and at every hearing we hear about the need for the police to have the exact type of tools that Bill C-46 provides.

With the amendments put forward in Bill C-46, which amends the Criminal Code among other acts, including the Mutual Legal Assistance in Criminal Matters Act and the Competition Act, Parliament would provide police officers with more precise and less cumbersome investigative techniques which they need and have been asking for in the 21st century to do their work in a more effective and efficient manner.

Crime is becoming more sophisticated. Criminals are becoming technocrats and police need to keep up with technical advances that organized crime has been developing.

In addition to updating certain existing offences that are facilitated by the Internet, including child sexual exploitation, Bill C-46 proposes to create new production and preservation orders to address today's computer and telecommunications environment.

Investigative powers must be tailored to modern technologies. Investigations may be compromised if they are not. In addition, these changes assist in ensuring that established privacy protections put in place to protect the rights of all Canadians are maintained in the face of these ever-developing new technologies.

Bill C-46 would update the existing dial number recorder warrant, which currently allows police to obtain data relating to dialed telephone numbers. The proposed transmission data recorder warrant would allow police to obtain data in relation to the routing of an electronic communication, including communications by email or by cellphone in real time. Police would also be able to obtain historical data of the same kind under such a production order.

The existing requirements for obtaining dialed telephone number data would continue to apply to the data obtained under the transmission data warrant. As with the existing warrant, the updated powers would explicitly exclude access to the content of the message.

The existing tracking warrant would similarly be updated to provide for both a production order for tracking data and a warrant for the real-time collection of that tracking data. These updates would create a two-warrant system, which would better recognize the different expectations of privacy that persons have in relation to their personal location and that of their vehicles, transactions and other things.

Computer data by its very nature is volatile. As a result, there is a risk that it will be lost in the time that it takes for police to get a warrant or order to obtain that type of evidence. Police need a way to ensure that computer data necessary to an investigation is preserved during this time and during the fullness of the investigation. The new preservation demand and preservation order is simply a do not delete order, requiring the custodian of the computer data to ensure the preservation for a limited period of time, and of specific data related to a specific communication or to a specific subscriber. This data will only be preserved for the purpose of conducting a specific investigation.

It is crucial to understand that any disclosure of information under all of these legislative proposals would be pursuant to a judicial authorization. That protection is not being changed by these amendments to the Criminal Code.

We need to ensure that pursuant to a judge's order, investigators can obtain the kind of information they need, but no more and nothing else. We must ensure that any intrusion into privacy only goes as far as is necessary. These new measures guarantee privacy with precision and strike the appropriate balance, I submit, between law enforcement needs and privacy protections.

The proposed legislative amendments are required to meet our domestic imperatives. However, they would also allow Canada to ratify the Council of Europe Convention on Cybercrime and its additional protocol on xenophobia and racism. In the international context, this treaty is not only one of its kind and will allow Canadian law enforcement to avail itself of the international cooperation that the protocol permits.

I can assure the House that the legislative proposals put forward in the bill would not only contribute to getting Canadian law enforcement officers the tools they need in the 21st century but they also demonstrate Canada's commitment to cross-border and hemispheric security in the Americas, and assist in meeting international expectations for Canadian participation in the global fight against cybercrime.

• (1130)

Lawful access is not about eavesdropping on private communication, or monitoring the web surfing and emailing habits of ordinary Canadians. It is about ensuring that law enforcement and national security agencies have the technical and legal ability to keep up with new developments in information and communications technology.

*Government Orders*

New technology is a useful and powerful tool. However, in the hands of criminals, terrorists and organized crime, this same technology can be used in ways that threaten public safety and national security. That is why the Government of Canada is committed to updating Canada's laws to keep pace with these ever emerging technologies. While Canada was one of the first countries to enact criminal laws in the areas of computer crime, there have been no substantial amendments since the 1990s. Technology has evolved considerably since then and Canada's laws have to keep pace.

These increasingly complex technologies are challenging conventional investigative methods and criminals are taking advantage of this situation using sophisticated technology to help them carry out their illicit activities that threaten the safety and security of Canadians. To overcome these challenges, legislative tools such as this bill and amendments to the Criminal Code must evolve so that law enforcement can effectively investigate criminal activities while ensuring that Canadian's privacy laws and civil liberties are always respected. The proposed legislation will update certain existing Criminal Code offences and investigative powers as well as create new powers to meet the demands of today's technological cybercrime environment.

The proposed legislation will accomplish five things. First, it will update the current Criminal Code provisions to allow police to obtain transmission data, also known as traffic data, that is received or sent via the telephone or Internet. Second, it will require telecommunication service providers to preserve, for a limited period of time, data related to a specific communication or subscriber, if that information is needed for the investigation of an offence. Third, it will make it a specific offence for two or more persons to agree to arrange to commit an offence against a child by means of telecommunication. Fourth, it will modernize the current tracking warrant provisions to better recognize Canadians' expectations of privacy. Fifth, it will update the Mutual Legal Assistance in Criminal Matters Act so that the proposed new investigative powers in the Criminal Code are accessible to Canada's treaty partners.

This bill deals with data preservation and not data retention. When requested to do so through a preservation order, ISPs would only be required to preserve specific data already in their possession with respect to a particular suspect. Data preservation would ensure that volatile information vital to an investigation was not deleted before the police were in a position to access the specific data by way of a judicially authorized search warrant or a production order. These proposed amendments would not require ISPs to retain data relating to all of their customers' Internet activities.

Privacy will be protected by these amendments. The government is strongly committed to maintaining the rule of law in all of its legislation. None of the lawful access tools such as production orders, preservation orders, interception orders and search warrants can be obtained in the absence of lawful authority. A person's reasonable expectation of privacy will continue to guide how the Canadian government operates and how its legislation will be enforced.

In addition, the government will ensure that such authority will continue to be exercised, bearing in mind privacy and human rights contained in the Canadian Charter of Rights and Freedoms and the

Personal Information Protection and Electronic Documents Act. The issuance of warrants will continue to require judicial authorization. No lawful access, production orders, preservation orders, interception orders, or search warrants can be obtained in the absence of lawful authority.

It is with a view to maintaining the privacy of Canadian citizens and keeping up with the sophistication of the new breed of high-tech criminals that I ask all hon. members to support Bill C-46.

• (1135)

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, the member seems to be very knowledgeable about this particular bill and, I suspect, the whole e-government file itself. I am not sure if the hon. member can answer, but could he give us an update on what is happening with the government's program on e-government, particularly the secure channel? Does he have any information that he could impart to the House as to what the status is of the government's secure channel program?

We know a little about the e-health situation. Only about 17% of the health records are online at this point and somehow a billion or six hundred million are missing, and I would certainly like to get into that at some point.

However, could the hon. member tell us anything about the secure channel, or about the e-government file, and any progress the government might have made in the last four years?

**The Acting Speaker (Mr. Barry Devolin):** Before I go to the hon. member for Edmonton—St. Albert, I would remind members that we are discussing Bill C-46. With that, the hon. member for Edmonton—St. Albert.

**Mr. Brent Rathgeber:** Mr. Speaker, I think you have answered the question for me. Bill C-46 is a safe street and safe community initiative that fits with the government's law and order agenda. Electronic health records and e-secure channels are beyond my area of expertise.

The member's question is a good one, but it has very little, if anything, to do with Bill C-46.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, it is a great privilege to speak to Bill C-46 on behalf of the New Democratic caucus. The bill amends the Criminal Code, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act, and is colloquially known as the investigative powers for the 21st century act.

New Democrats agree that we must be tougher on crime. We must be tougher on Internet-based crime. We have to have zero tolerance for child pornography or any offence targeted at children or any particularly vulnerable people in our society. In this regard, we support modernizing our laws to make sure that cellphones, email, the Internet and all modern forms of communication through which crimes may be committed are not a haven for criminal activity.

The New Democratic caucus is pleased to work with the government to ensure that these changes are made, but also that they are made in a correct manner so that they are effective and efficient and achieve the goals to which they are directed.

*Government Orders*

New Democrats support this bill in principle, but look forward to examining it in detail to ensure that it will be effective in combatting cybercrime while protecting the privacy rights of ordinary, law-abiding Canadians and in following long-held, cherished and established precepts of civil liberties and law in this country, which I will speak to in a few moments. There are a number of provisions in this bill that we think are positive and we are pleased to support.

First, this bill creates a new Criminal Code offence to prohibit people from agreeing to or making arrangements with another person to sexually exploit a child. I am going to pause there. That is a positive amendment to our Criminal Code with which we think it is impossible for any right-thinking individual to disagree. We would point out, however, it is probably the case that there are presently Criminal Code provisions which, arguably, cover such an offence now, but if it helps the police community, the judiciary and our prosecutors, and more important, if it makes it clear as a social denunciation by our society that it is absolutely unacceptable and intolerable that anybody would even think of sexually exploiting a child, then we think this is a positive amendment.

Another provision in this bill that we are pleased to support is the creation of another new Criminal Code offence for possessing a computer virus for the purpose of committing mischief. This pales in comparison to the previous amendment I just discussed. However, it does modernize our Criminal Code to take into account something in the digital world that has become a pressing problem and creates economic and social dislocation in our society.

Much of the rest of the bill is taken up with amendments to the definition of various terms to reflect modern technologies. As an example, the Criminal Code presently discusses the warrant system with respect to telecommunications. This bill proposes to modernize the language by making it clear that when we speak of telecommunications, we speak of things such as Internet transmissions, email transmissions, website visits and website creation, as well as cellular phone transmissions.

In that respect, we think this is a positive and long overdue amendment to the Criminal Code that will again help our judiciary and prosecutors and, indeed, everybody associated with the judicial system to expedite and make our warrant system better.

While we have not been presented with any compelling evidence that the current definitions are impeding police and investigations, we are not opposed to updating this language in our laws to reflect this new technological reality.

I will pause there to comment that many people in civil society and experts in the digital and technological world have pointed out repeatedly that there does not seem to have been a case made where any police force in this country has not been able to use the current definitions and provisions in the Criminal Code to get warrants in a case involving new digital technology. A number of organizations have repeatedly asked for such examples and, to my knowledge and understanding, not a single example has been forthcoming.

● (1140)

Nevertheless, sometimes it behooves Parliament to act in a proactive manner and to identify gaps in our law or needed

improvements in our law without waiting for mischief to actually take place. In this respect, this is a positive step.

Concerns have been expressed by experts in the digital world, including those who have a particular interest in ensuring that citizens' privacy interests are always taken into account by Parliament, including the Privacy Commissioner of Canada and privacy commissioners of various provinces. They are concerned that this legislation has some deficiencies and may not strike the right balance between individual privacy and the legitimate needs of the authorities. The Privacy Commissioner has set forth a number of very helpful and valid benchmarks that will help us as parliamentarians as we consider this bill and other bills that touch on these areas. Let me mention some of these considerations.

Any intrusions of our civil liberties must be minimally intrusive at all times. We must impose limits on the use of new powers and ensure that appropriate legal thresholds, including judicial oversight, remain in place for all court authorizations. We must require that draft regulations be reviewed publicly before coming into force. We must always include effective oversight whenever we are talking about expanding or creating new police powers, particularly when those relate to intercepting communications from our citizens.

We must provide for regular public reporting on the use of these powers. In particular, it would be considered very helpful to include a five year parliamentary review of this bill and others like it, which I will speak about in a moment, that also deal with Internet privacy and the need for us to modernize our laws in terms of technological and digital communications.

We look forward, as New Democrats, to working together to address these concerns and others during the committee study of this bill.

The current telecommunications provisions in the Criminal Code that speak of intercepted communications were drafted in a time when telephones were the primary mechanism over which certain crimes were being committed. It is called telephony, and in the telephony world our police forces used wiretaps. The digital world has changed the type of technology and the type of investigative tools that are needed to deal with crimes.

In terms of the content, we need to have laws that are geared more toward production orders and preservation orders so that when a crime is committed digitally, the information is not erased or overridden quickly in order to destroy the evidence of those crimes before there is a chance to intercept it. It is very important that we give our police forces the tools to effectively police and intercept these kinds of communications, which is one thing that this bill is geared to do. The provisions in this bill to create production orders and preservation orders in the digital world are sound and new.

*Government Orders*

However, there are some concerns about this bill that New Democrats have heard through our early consultation with people who are very familiar with the digital world, and in particular with crimes as they are being committed in that world. One concern is that the bill appears to lower the standard for getting warrants. At present, in order to get a warrant to get a telephone intercept, a police officer would have to appear before a judge and would have to provide information or evidence that would give reasonable grounds to believe that a crime was being committed or was about to be committed.

• (1145)

This bill uses different language. It departs from that long, well-litigated, well-known standard. It talks about having police officers appear before judges to get production orders or preservation orders based on a reasonable suspicion, having reasonable grounds to suspect that a crime may be committed.

Using different words, “belief” as opposed to “suspicion”, we of course know will result in a different standard before our courts. A number of civil liberty groups in this country have expressed the concern that this would result in a diminution of the standard test used to get a warrant. This matter is something that I believe the committee will be looking at very carefully, calling witnesses to appear before it who have expertise both in criminal law and in civil liberties jurisprudence, to ensure that Canadians' rights would not be unduly affected by this.

There is also a concern in the digital community that this bill, while positive in its own right albeit with some of the reservations I have mentioned, when combined with some of the government's other legislation, would represent a holistic problem.

I am not going to get into too much detail, but there is a companion bill to Bill C-46 before this House, and that is Bill C-47. Bill C-47 is a bill that would require telecom service providers to install equipment that would allow them to preserve data about their subscribers so that they would be subject to a warrant later on. In that respect, we on this side of the House, in the New Democratic caucus, think that may be a positive and necessary development in our law.

However, Bill C-47, as it currently stands, would also allow police, without a search warrant, to demand that those telecom service providers give the police personal information about their subscribers, including their name, their address, their Internet service provider, ISP, and the number in their cellphone that would allow it to be digitally tracked. That has raised grave and serious concerns, not only among experts in the digital community, but also with every Canadian who uses the Internet or web surfs, because that provision represents a serious departure from our law under which Canadians' personal private information ought not to be disclosed to the police without judicial oversight.

Now, the concept of having Bill C-46 and Bill C-47 together is something that we, as parliamentarians, have to be very cognizant of because, as all members of this House know, bills do not operate in isolation. Laws do not operate in isolation. One law may have impacts on another. In this respect, New Democrats are going to be working very hard to achieve a balance between preserving Canadians' privacy and ensuring that our police and our judiciary

have the tools they need to effectively fight crimes committed over the Internet or in the digital world. Case closed.

Let there be no mistake. My friends on the Conservative side of the House seem to think they have a unilateral lock on concern for victims in this country. They seem to think that they are the only people who care about safety, or the only people who care about crime, or the only people who care about victims. I would point out that people on this side of the House, New Democrats, have always championed the most vulnerable people in this society and we have always supported laws that make our citizens safe in this country.

With the greatest of respect to my colleagues on the other side of the House, I think they are prepared to sacrifice civil liberties and privacy rights in order to achieve safety, whereas New Democrats believe that it is important to have a balance whereby we can live in a society that is safe, democratic, and secure for our citizens and at the same time respects the privacy and civil liberties of those citizens.

That is the balance that we believe needs to be achieved in this bill and when this bill is read in conjunction with Bill C-47.

• (1150)

We on this side of the House will be working hard in order to achieve both of those objectives.

I just want to move briefly into some of the details of Bill C-46 so that Canadians who are watching us here today or those who are interested in this bill can understand what it would really do.

Bill C-46 would allow for warrants to obtain transmission data, thereby extending to all means of telecommunications the investigative powers that are currently restricted to data associated with telephones. In other words, it would modernize our warrants and our production orders, bringing them from the telephone age into the digital age.

The bill would require the production of data regarding the transmission of communications and the location of transactions, individuals or things. Again, this would be a positive step reflecting the fact that in the digital world, crimes can be committed in a nanosecond and evidence of them destroyed in a nanosecond. Through the use of cellular phones and mobile computers, that data can be moved. We need to take care of that.

Bill C-46 would create the power to “make preservation demands” and “orders to compel the preservation of electronic evidence”, which I spoke about a bit earlier. If data on these crimes can be created, that data can be erased. Sometimes police need the ability to go in and freeze the status quo, and that is a very important power that our police may need to have.

The bill would provide for warrants to allow the tracking of transactions, individuals and things, within legal thresholds that would be appropriate to the interests at stake.

Under this bill, police would be able to remotely activate existing tracking devices. Forty years ago a telephone line went into a house and that line did not move. Now, a cellular phone is mobile and it goes wherever the person who has it goes. It is important to modernize our laws to deal with that.

*Government Orders*

I am going to pause here to emphasize that we need to make sure that the legal thresholds for giving police these powers remain at the current levels, to make sure that police must still appear before a judge and must demonstrate before a judge that there are reasonable grounds to believe that a crime has been or is about to be committed so that Canadians' privacy rights are not restricted or impinged upon when it is unjust to do so.

The bill would create a new offence, which would involve someone using a telecommunications system, such as the Internet, to agree to make arrangements with another person for the purpose of sexually exploiting a child. The offence would carry a maximum penalty of 10 years' imprisonment. I touched on that earlier. There is nothing more odious, in New Democrats' view, than a crime that involves the sexual exploitation of anybody, but in particular, a child.

Further, this bill would amend the Competition Act, for the purpose of enforcing certain provisions of that act, in view of new provisions being added to the Criminal Code concerning demands and orders for the preservation of computer data.

This bill would amend the Mutual Legal Assistance in Criminal Matters Act such that it would give Canadian authorities responding to requests for assistance some of the new investigative powers being added under the Criminal Code and it would allow the Commissioner for Competition to execute search warrants under the Mutual Legal Assistance in Criminal Matters Act.

Overall, we think Bill C-46 would be a positive step that would help modernize our laws. It would help give our police the investigative powers they need to catch up to the digital world and the digital age.

New Democrats will support this bill as it moves forward to achieve that aim, while we remain at the same time a strong and unceasing voice to make sure that the privacy interests and civil liberties of Canadians are kept firmly at the forefront of our mind at every step of this equation.

We can have that balance in Canadian society. One of the reasons Canada is one of the best places on earth to live is that we have always managed to achieve that balance between safety, security and liberty and civil liberties and civil rights. New Democrats will continue to work hard to achieve this balance, and we encourage all members of this House to join with us in making sure that Canadians are safe and free.

• (1155)

[*Translation*]

**Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ):** Mr. Speaker, I listened with a great deal of interest to the presentations and, in particular, to the very serious misgivings about this bill expressed by my NDP colleague.

I would like to bring to his attention the serious reservations expressed by the Ligue des droits et libertés and, if possible, have him comment on them. The Ligue is a Quebec organization that was established in 1963 to defend the principles of the Universal Declaration of Human Rights in Quebec.

It has expressed very serious reservations about the bill especially the fact that it provides only limited, if any, protection against

abusive seizures. For example, this organization says that the authorities will be able to obtain your subscriber information without a legal warrant, even though the Personal Information Protection and Electronic Documents Act recognizes that this information is private. It has also pointed out that, without a legal warrant and on the basis of a suspicion, an officer can ask a service provider to preserve the contents of all your communications. It is like asking the postal service to photocopy someone's letters just in case they may contain some information.

I would like to know what my NDP colleague thinks of these aspects of the bill.

• (1200)

[*English*]

**Mr. Don Davies:** Mr. Speaker, I would like to thank my colleague for his thoughtful comments and questions.

One of the confusing parts of the bill is that the government chose to introduce Bills C-46 and C-47 at the same time, and they interrelate.

It is quite complicated and difficult to untangle which particular clause deals with which particular bill.

One of my colleague's concerns was the ability of police to get subscriber information from telecom service providers without a warrant. With respect to my colleague, that provision is in Bill C-47, but he can be forgiven for being confused about that. We were all confused about that because of the way the government chose to combine these bills.

The bill before us, Bill C-46, does not, from our reading, contain any provision for police to get any information from anyone without a search warrant. That is Bill C-46.

However, with regard to Bill C-47, he is exactly right. New Democrats will be opposing Bill C-47 on that very basis. That bill allows police to get very personal information about people without a search warrant, and we will stand firm against that. However, this bill does not do that.

One thing the member is correct about though is that this bill does create the concept of a preservation order so that telecom service providers will have to, upon the request of police, preserve certain data. I believe the member is quite right to point out the serious privacy reservations we have with that. At committee I think we will be looking very carefully at that area.

I guess the difficulty is that with electronic crimes, evidence of which can be created and then erased, there has to be some mechanism, the argument goes, to preserve that data. Otherwise a crime can be committed and the data is gone.

Therefore we have to look for a way to see if we can balance that need with the need to protect Canadians' privacy rights. The member is quite right and I thank him for pointing out that very important balance that must be struck. We will work in committee to see if that balance can be achieved.

If it cannot be achieved, then we can always come back to the House at third reading and vote against the bill.

*Government Orders*

**Mr. Glenn Thibeault (Sudbury, NDP):** Madam Speaker, I would like to commend my hon. colleague for his very informative and well-written speech. I am quite impressed.

I am also very pleased to hear that we as New Democrats will be supporting the bill in principle and examining it in more detail when it goes to committee.

We were pleased with some of the provisions in the bill that the hon. member talked about: the creation of a new Criminal Code offence to prohibit people from agreeing with or making arrangements with another person to sexually exploit a child; and the creation of a new Criminal Code offence for possessing a computer virus for the purpose of committing mischief.

However, there are a few things that the member mentioned that we as New Democrats have concern with. I am talking about the thresholds and allowing the judge to have that balance.

I am wondering if the member could explain that in more detail for me.

**Mr. Don Davies:** Madam Speaker, I thank my hon. colleague who does such a wonderful job representing his constituency. He has given much of his career to helping people in the community, particularly the children and families in need. I commend him for all the work that he does.

The concern that my colleague quite properly raises has to do with a change in the language in the bill around obtaining warrants by the police for intercepting or preserving digital data. It uses a very curious phrase. It talks about police appearing before a judge and demonstrating that they have reasonable and probable grounds to suspect that a crime has been committed.

The normative word that has been used in this country for decades for a normal warrant is to appear before a judge and demonstrate that one has reasonable and probable grounds to believe that a crime has been committed. The change of the word “believe” to “suspect” has some meaning. Civil liberty and privacy groups are concerned that this would be a reduction in the standard that police would need to demonstrate before they got an order.

Again, we are dealing with very sensitive material here. We are dealing with people's digital lives, their emails and the websites that they are visiting. This gets to the heart of a person's communications. My colleague from the Bloc made an analogy to Canada Post. This is our mail and our personal communications.

While all Canadians have an interest in ensuring we have effective tools to ensure we are not abusing those tools to commit crimes, we need to ensure there are rock solid lines drawn in the sand to ensure that anybody who is intercepting that material has demonstrated to someone in a judicial capacity that there are reasonable and probable grounds to warrant having that privacy interfered with.

That is why New Democrats have been working to understand why this change has been made in that bill and to understand what impact it may have. If it results in a diminution of Canadians' privacy rights with respect to their digital lives, we will oppose that change.

• (1205)

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, the member made a comment regarding a possible five year parliamentary review of the legislation, which is a particularly good idea for a number of reasons. First, technology changes over a five year period can be very extreme, as we know. Even in one year, there can be major changes in technology.

I am interested in knowing what form this review would take and what sort of mechanism would be employed, or if we would simply be looking at a sunset clause here, which is often done in legislation. After five years, the legislation would expire and we would need to start over again at that time. Does he feel that a review mechanism would be better?

**Mr. Don Davies:** Madam Speaker, with respect to my hon. colleague's very cogent question, the privacy commissioner herself has called for assurances that any proposals on surveillance as a concept of good public policy should have a number of concepts attached, and one of them includes a five year parliamentary review.

What I think her office meant by that is not a sunset clause but a parliamentary review so that parliamentarians can sit in the chamber five years from now, examine how these surveillance powers have been exercised and determine how the judiciary has interpreted these sections. As we all know, once these sections get litigated, a wording can sometimes take a turn that parliamentarians may or may not have intended.

I would think that the minister would be responsible for bringing such a review before the chamber. It is his and his government's legislation and they should bring it back to Parliament to ensure it is meeting its objectives.

[*Translation*]

**Mr. Guy André (Berthier—Maskinongé, BQ):** Madam Speaker, I am pleased to speak today to Bill C-46, which would modernize investigative methods in relation to computer crimes.

The Bloc Québécois supports Bill C-46 in principle. It will allow police forces to adapt their investigative techniques to contemporary technological realities, such as the widespread use of cellphones or the Internet, and it will facilitate the work of police officers without unduly infringing on basic rights. I will come back to that later and to the Ligue des droits et des libertés du Québec. The Bloc Québécois has always preferred that route for fighting crime and protecting the individual.

The Bloc Québécois feels that increasing the chance of being caught is much more of a deterrent than increasing the punishment, which often seems remote and abstract. However, this bill raises a number of concerns with respect to privacy, while any justification for infringement of privacy has not been fully demonstrated.

Given the importance of enhancing police powers to deal with the most complex forms of organized crime, the Bloc Québécois supports Bill C-46 in principle. However—and this caveat is important—it will ensure in committee that any invasion of privacy is minimal, always necessary and very clearly defined.

*Government Orders*

As a number of my colleagues have already said, fighting cybercrime is a major challenge in today's world, which has 1.5 billion Internet users, not to mention those who use cellphones, BlackBerrys or other communication devices.

Before I go any further with this bill, I would like to digress and point out that the problem with access to Internet service is an increase in economic crime and crimes against individuals. At the same time, the fact that certain regions do not have access to high speed Internet represents a major problem. There should be a debate on this in the House. To a number of economic and social stakeholders in my region, access to high speed Internet represents an economic issue for the very development of rural regions and communities. It is now essential to some financial and trade transactions with other countries. It is distressing to see that a number of municipalities in my riding, such as Mandeville, Saint-Gabriel-de-Brandon and Saint-Mathieu, do not have access to high speed Internet. Accordingly, a number of municipalities in the riding I represent want these services.

For years now, the Bloc has been calling on the federal government to establish a program to promote the installation of high speed Internet in the regions. The federal government has finally responded with the broadband Canada program, but I think more money needs to be invested in it.

I wanted to digress here, because, as we know, the Internet poses a problem for a number of people today. At the same time, many people and regions do not yet have access to high speed Internet.

I will return now to the bill before us. With the expansion of the Internet and digital technology, cybercrime has become a growing threat, as a number of my Bloc Québécois colleagues and members of the other parties have mentioned in the House.

To deal with it more effectively, the European Union, with the cooperation of countries such as the United States and Canada, developed the convention on cybercrime. Its purpose is to formulate a common criminal policy aimed at protecting society against cybercrime, through such means as more appropriate and stronger legislation and the promotion of international cooperation.

• (1210)

As we know, the Internet reaches beyond the borders of Quebec, Canada and, ultimately, the world. Anything is possible with the Internet. People everywhere in the world are within reach.

In order to harmonize the legislation of the various countries, the international convention establishes four broad categories of offences. First, there are offences relating to network security. An example of this might be offences against confidentiality. Then there are computer and content offences. This refers to child pornography sites, for example. Finally there are offences against intellectual property and related rights, such as the illegal reproduction of protected works causing a great stir.

Although Canada signed the convention in November 2001, it has yet to ratify it. The government is introducing this bill, but it has not even ratified a convention we signed in November 2001.

And so the bill before us today is, in a way, a next step to the convention. Why have we not signed the convention? This is a question we have to ask today.

The legal arsenal must be constantly readapted in the face of organized and international cybercrime, which uses digital technology and Internet resources as targets or means to offend.

Bill C-46 modernizes the tools used by police services to track criminals by creating the power to require the production of data relating to the transmission of communications and the location of individuals.

This bill also creates a power to make preservation demands and order the preservation of electronic evidence.

In other words, the bill establishes the new concept of transmission of data and also makes it possible to seize transmission data.

The bill would therefore permit the seizure of data and of the content of transmissions based on reasonable grounds to believe that a person has committed an offence.

A police officer acting without a judicial warrant, and based on suspicion, will be able to compel a service provider to preserve the content of all communications that took place previously between the individual and other persons. This is somewhat like asking the post office to photocopy all of someone's letters.

The bill also allows warrants to be issued to track transactions, individuals or things.

The concern we have about this bill is of course the entire question of confidentiality and people's liberty. This bill must not result in wrongful intrusion into the lives of people or into communications people might engage in. Those communications are confidential to that person and the other people with whom they converse over networks like the Internet. This is a major concern.

As well, and I think this is a very important point, Bill C-46 creates a new offence, subject to a maximum sentence of imprisonment for 10 years, that prohibits the use of a computer system to enter into agreements with another person to commit a sexual offence against a child.

• (1215)

The bill also amends the Mutual Legal Assistance in Criminal Matters Act to make some of the new investigative powers being added to the Criminal Code available to Canadian authorities executing incoming requests for assistance and to allow the Commissioner of Competition to execute search warrants issued under the Mutual Legal Assistance in Criminal Matters Act.

*Government Orders*

Overall, the purpose of the bill is to enable police forces to adapt their investigative techniques to modern technological realities. Facilitating police work, where it does not unduly interfere with fundamental rights, is an avenue the Bloc Québécois has always advocated for fighting crime. This is what must be taken into account, and we will insist on this when the bill is considered in committee.

The new investigative methods the police will be allowed provide for access to a very broad range of information. Obviously, that information must be dealt with in a way that also protects individuals' privacy. Monitoring someone's activities on the Internet provides a lot more information about their private life. That is the caveat we would state.

For example, as has also been pointed out by the Ligue des droits et libertés, this bill is a cause for concern about respect for privacy, given that the justification for such interference has not yet been demonstrated.

In this respect, I would like to mention the concern of Quebec's Ligue des droits et libertés that Bills C-46 and C-47 give Canadian authorities unprecedented means and powers that allow them to pry into the private lives of citizens. The government has not shown that existing investigative powers are inadequate. In a democratic society, it is the government's actions that must be transparent, whereas the private lives of citizens must be protected. Conducting surveillance activities on the strength of mere suspicion threatens the presumption of innocence. These are concerns that were raised by the Ligue des droits et libertés.

Moreover, this urge to unduly monitor our communications could trigger a kind of self-censorship and restrict people's freedom of speech and freedom of thought.

In short, the Ligue feels that the bill is a major intrusion into people's private lives. In a democratic society, it is the government's actions that must be transparent, whereas the private lives of citizens must be protected. This is why the Bloc Québécois will carefully review this legislation in committee to ensure that the powers given to the police are not excessive but, rather, are justified and clearly delineated.

It is very important to reconcile the fight against cybercrime with the rights of Internet users. That is what this bill is all about. In order to be acceptable to the House, the bill must necessarily deal with these two important issues. Indeed, freedom of association, freedom of expression and non-discrimination are all rights that must be respected.

The right to speak freely and to receive and communicate information or ideas without interference from public authorities is also important. We must not go to the other extreme, where people would no longer feel comfortable conversing and exchanging views on the Internet. As parliamentarians, we must find the best possible balance between these two fundamental rights, namely the right to privacy and the right to security.

I also want to stress the importance of prevention in an effective strategy against cybercrime.

● (1220)

Little is said here about prevention, but the government's strategy must necessarily be based on a multi-pronged approach. It must involve both the private and the public sectors.

How can we better protect our young people who communicate on the Internet? How can we better protect people who conduct financial transactions on the Internet? How can we ensure that the system is safe for people? How can we teach people to be careful? How can we convince our young people to avoid contacts that may sometimes be harmful to them and threaten their physical and mental well-being?

Here, in the House of Commons, we can put in place means to better protect Internet users. It is important to give the public, and particularly younger people, the tools and the means to protect themselves against cybercrime. A great deal of information must be provided on this issue. We must get people and entrepreneurs to adopt safe computer practices and to invest in prevention.

Currently, Internet users are often careless. Many people turn on their computer and enter important information on the Internet, without worrying enough about possible consequences. We must change this mentality. In order to do so, we must inform the public of the dangers related to the use of Internet services. We must promote public awareness and, of course, we must provide tools to better use a technology that is now very much part of people's lives.

In conclusion, we are going to support this legislation, but with some reservations.

● (1225)

**Mr. Robert Vincent (Shefford, BQ):** Madam Speaker, first of all, I would like to congratulate my colleague from Berthier—Maskinongé for his comments on this bill. They were clear and simple, to ensure that the people listening at home can understand the purpose of this bill.

I think that the people who are listening to today's debate at home are wondering what impact this will have on their privacy. Does the government want to go further? Does the government want to invade their privacy even more? That is what people are wondering. And it is not just the public wondering whether the government wants to interfere in their private lives.

Even Canada's Privacy Commissioner, Jennifer Stoddart, has concerns and has expressed them. I would like to know what my colleague thinks was behind this comment by the commissioner:

Privacy is a critical element of a free society and there can be no real freedom without it.

Canada is currently on a dangerous path towards a surveillance society.

This is what the public understands. They understand that there could be more surveillance of any aspect of their private life. She went on to say:

We are beginning to think of more and more everyday situations in terms of "risk" and the previously exceptional collection and use of personal information are becoming normal.

*Government Orders*

In conclusion, I would like to know what my colleague thinks about the fact that the commissioner does not fully support this bill, because she believes that we are currently on a slippery slope with respect to surveillance. I would like to hear what my colleague thinks about the Privacy Commissioner's views on surveillance.

**Mr. Guy André:** Madam Speaker, I would like to thank my colleague for his excellent question. He has always been very dedicated to representing the people in his riding in all every area of activity, whether it be industry or the Internet. I would like to congratulate him for his efforts.

To answer his question, this bill makes it possible to seize transmission data, that is, data relating to the persons with whom and devices with which a person has communicated, after obtaining a warrant based merely on reasonable grounds to suspect.

So then it is possible to get all of the information disclosed on the Internet, simply when a police officer suspects that some information put there might be criminal. That requires a level of justification that, in our view, is not very stringent. And yet knowledge of all the sites and people with whom a person communicates often discloses private things, such as their social networks, their areas of interest in terms of their future, their career, and their professional activities. This information is confidential. Often, it may be a matter of concern to the public of Quebec. If a person has not committed crimes, and someone, based on a suspicion, can see all of the communications transmitted to other people through an activity on the Internet, there is a degree of danger in that regard. That is our concern.

• (1230)

**Ms. Nicole Demers (Laval, BQ):** Madam Speaker, like the Ligue des droits et libertés, I am concerned about wrongful seizures.

In the bill, we see that even without a warrant, and based solely on suspicion, a supplier of products could be asked to preserve all of their communications. That is a matter of considerable concern, because we know that in the past there have been abuses committed by the Royal Canadian Mounted Police against people who, like me, hoped to have a country one day. It is of great concern to me to see things like that included in a bill. We could not be certain that our rights would be preserved and respected.

I hope the bill will go to committee and be amended. It is very important to preserve these rights and freedoms.

**Mr. Guy André:** Madam Speaker, I would like to thank my colleague from Laval for her excellent question. She has indeed been fighting for many years to have a country. With her, we carry on that struggle here in the House. She is very dedicated to that cause.

I would reply to her that this bill, as she said in her comments, offers only limited and virtually non-existent protections against wrongful warrantless seizures. The authorities could obtain your subscriber data, even though the Personal Information Protection and Electronic Documents Act recognizes that that information is private.

Here is another example. With a warrant, and based on suspicion, an officer will be able to ask a service provider to preserve the content of all your communications for a virtually unlimited time. That is like asking the post office to photocopy all the letters someone sends by mail. This presents a danger. I agree with my

colleague from Laval. In committee, the Bloc Québécois will pay careful attention to these questions. The battle against cybercrime is important, but so is protecting individual citizens.

**Mrs. Josée Beaudin (Saint-Lambert, BQ):** Madam Speaker, I want to thank my colleague for his speech. There has been a lot of talk over the last two hours about the importance of maintaining a balance between the right to privacy and the right to safety. The Ligue des droits et libertés says that the trend toward the undue surveillance of our communications could result in a certain amount of self-censorship and could undermine freedom of speech and thought.

Could my colleague explain once again how important the discussion will be in committee and how important it will be to debate such things as the powers conferred on the police? What powers should be conferred on the police and what powers would be excessive? Could my colleague explain once again how important this issue is and how important the discussion in committee will be in this regard?

**Mr. Guy André:** Madam Speaker, the hon. member for Saint-Lambert shares the concern of all Bloc members who have addressed the House. The right to privacy is also very important, as she pointed out.

I gave a few examples. This bill would give judges the ability, for instance, to order the preservation of computer data if they had reasonable grounds to suspect that someone had broken the law of a foreign country. This provision does not require any similarity between the foreign law and Canadian law. Could this provision enable authorities in countries where abortion is a crime, for example, to get the evidence they need to convict a woman who had an abortion in Canada? This question must be asked. These are issues that the Bloc will obviously raise when the bill is sent to committee for study because confidentiality is important to people who surf the Internet.

We agree that cybercrime must be controlled. It is growing all the time in various guises, whether economic and social crime, violent crime or cyber-bullying. These are all crimes committed on the Internet and we have to protect ourselves against them while also protecting the confidentiality of people who surf the Web.

• (1235)

[English]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, I am very pleased to speak to Bill C-46 today.

At the outset, I note a quieter tone in the House today than when the debate began on this bill yesterday. We had a number of attack dogs from the government's side getting up and accusing members of the opposition, particularly the Liberal opposition, defenceless though it was, of trying to initiate an election, a \$300 million waste of time, and blaming the Liberals for the fact that somehow this bill was finally getting debate when in fact this bill, in its previous incarnations, had been around for a number of years now, actually going into past Parliaments.

*Government Orders*

I thought it was something that the government should refrain from doing because the reality is that it is this government that actually passed legislation for fixed election dates some two or three years ago and then went about ignoring its own legislation. Just shortly after it passed the legislation, it desperately looked for ways to circumvent its own laws and called an election one year ahead of schedule last year, causing that same \$300 million useless expense that it is blaming the Liberals for right now.

Given that today we are in a much calmer environment here, this is an example of all three parties working together and I believe this is yet another bill that the government is going to see action on. The NDP will be supporting this bill to get it to committee and I would say that as with any bill, there are questions about particular parts of the bill, interpretations of the bill, and those are issues that we will deal with at committee.

I firmly believe, after having a number of years in elected office, that it is always better, if possible, to support a bill at second reading to get it to committee, provided that one is voting for the principle of the bill at second reading. It has to be, in my view, a pretty bad bill not to get support at second reading.

When the bill gets to committee, that is the time to look at the clauses of the bill on a clause by clause basis, try to make amendments and changes that we want, and then at that point, when it comes back to the House, decide whether or not we can support the amended bill.

With regard to the general concept and the general principles involved in this bill, there is no question that this bill is one that merits support and that should be passed to committee.

Bill C-46 is an act to amend the Criminal Code, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act. The bill sets out to provide police with updated powers to investigate, execute warrants, and charge individuals who are using digital technology to commit crimes. Specifically, the bill addresses gaps in the Criminal Code dealing with search warrants and production orders to permit police to obtain transmission data, which include text messages, files and photographs from telephones.

As well, Bill C-46 proposes to broaden the scope of warrants to allow tracking warrants, which would permit police to remotely activate existing tracking devices found in certain types of technology such as cellphones and tracking devices in some cars, and would also continue to permit the police to install a separate device that would allow for tracking. One of the members from the Bloc, earlier this morning, talked about criminal gangs stealing expensive cars, that those cars could be tracked overseas and recovered through this legislation.

In addition, the bill would create a new preservation order that would require a telecommunications service provider to safeguard and not delete its data related to a specific communication or a subscriber when police believe that data will assist in an investigation.

The bill proposes modifications to the Mutual Legal Assistance in Criminal Matters Act, and it widens the scope of assistance that Canada could provide to other countries in fighting cybercrime. Amendments to the Competition Act would provide the Competition

Bureau and police with adequate tools to investigate computer-related crime.

• (1240)

Finally, Bill C-46 proposes the creation of two new Criminal Code offences. A new offence would be created to prohibit anyone from using a computer system such as the Internet to agree or make arrangements with another person for the purpose of sexually exploiting a child. Currently, the Criminal Code prohibits anyone from using the Internet to communicate directly with a child for the purpose of facilitating child sexual exploitation, but it does not prohibit people from agreeing or making arrangements with another person to sexually exploit a child.

As well, a new offence would be created making it a Criminal Code violation for possessing a computer virus for the purpose of committing mischief.

New Democrats agree that we must be tougher on crime and we should be certainly tougher on Internet-based crime and that in fact we should have a zero tolerance for child pornography.

Canadians also need to know that when they use the Internet or they use email what their privacy rights are.

The bill appears to reintroduce warrantless searches which would allow police to conduct searches without proper oversight. We are already hearing serious warnings from people like the Privacy Commissioner. I asked one or two questions about that this morning and she has some very important observations about this area. That is something, once again, that we are going to have to deal with at the committee stage.

We also have some concerns that the stakeholders have to be properly consulted. I know that at committee we dealt with another bill a few months ago, the charities bill, which is a bill that had been through several incarnations, and through several parliaments. We are still finding that only a small number of charities actually even know that the bill exists.

It seems hard to believe that if the government is doing its job that it would not be sending out letters to thousands of charities across the country telling them that such a bill is before the House and it is in their particular interest to make representations and get involved in the process. I think that is the sort of problem that we all face that we can only dig down so far with legislation. We only have so much time to do the consultations and sometimes it is hard to shake out and stir up the stakeholders to get them involved. However, that is something that we definitely want to do on this bill.

We think it is very important to modernize these laws. It is not only this law that needs modernization. There are many laws that we have on the books which go back to the horse and buggy days. We have to upgrade and update these laws to get them into the computer age. That fact is that even in five or ten years the technology can change so much that we are basically playing catch up. That is what I find as a legislator that we seem to be always playing catch up from a legislative point of view.

*Government Orders*

We need to get tough on criminals like Internet predators while still allowing ordinary Canadians privacy when sending e-mails to friends and family.

The previous Bloc member asked a question just minutes ago about that very point. It is a very difficult balance between the privacy issues, protecting people's privacy and certainly having the public protected. That is the exercise that we have to deal with at this particular time.

New Democrats agree that we must be tougher on crime, tough on Internet-based crime and have zero tolerance for child pornography. We support modernizing our laws to ensure that cellphones and the Internet are not a haven for criminal activity. We want to work with the government to ensure that these changes are done right.

• (1245)

Now that the Internet is in place, particularly since 1995, criminals adapt very quickly. If they can get away with frauds and scams by using the Internet and do it in an offshore place where there are really no laws against what they are doing, or they can hide and not suffer the consequences, then they will do that. We need to adapt to these changes by giving our police forces the tools they need to catch up to the criminals and stop them before they get away with their crimes. We in the NDP are very interested in combatting cybercrime.

We are pleased with a number of provisions in the bill and one is the creation of a new Criminal Code offence to prohibit people from agreeing or making arrangements with another person to sexually exploit a child. Another one is the creation of a new Criminal Code offence for possessing a computer virus for the purpose of committing mischief.

As I indicated before, much of the bill is taken up with amendments to definitions of various terms to reflect modern technologies. We have not seen any compelling evidence yet that the current definitions impede police in their investigations but we are certainly not opposed to getting the updated language in there to reflect the realities of today.

I mentioned before that the Privacy Commissioner had some opinions about the legislation. She has called for assurances that any legislative proposals on surveillance be minimally intrusive. She has called for a limit on the use of new powers and ensure that appropriate legal thresholds remain in place for court authorizations. She also has asked that the draft regulations be reviewed publicly before coming into force and that we include effective oversight. I am not exactly certain what she has in mind there but oversight, in any type of government legislation, is good.

We only need to look at the lack of oversight in the eHealth file, which started out as, and still is, a very positive and solid idea, but 10 years after the start of the eHealth programs, not only in the federal government but in the provincial Governments of Ontario, there is absolutely nothing to show for it. I could even go back further to the Manitoba government before 1999 where it spent \$50 million on an eHealth program and yet, at the end of the day, there was absolutely nothing to show for it.

The federal government feels that 16% of Canadians will have electronic health files by perhaps 2010. The cost is about \$1.6 billion and that \$1.6 billion was supposed to cover the whole country. I

must ask a rhetorical question. How do these programs get out of control? I have always been a very big supporter of e-government files, eHealth files and e-commerce files. In fact, when the legislation was introduced in Manitoba in 2000, the most comprehensive e-commerce legislation in the country, I was the MLA in charge of putting it all together.

At that time, we were trying to promote e-commerce but people were reluctant to buy things online. It was just the very beginning of the process. I remember getting a piece of consumer legislation in that legislation, which I think, to this day, only exists in Manitoba, and that was the requirement that if someone bought a product or service online and, as the consumer, did not get that product or service, then the credit card company was responsible for reimbursing the consumer. That was peculiar to Canada at the time but I took it from one of two or three American states that had that legislation at the time. Ten years ago, we put that piece of consumer legislation and several others dealing with electronic commerce into an omnibus bill dealing with electronic commerce to promote the idea.

• (1250)

However, at the time we could never have even comprehended what in fact would happen over those ensuing years. As a matter of fact, we had the best government-secured system in the country in terms of security. Our people were so good that when they left the Manitoba government we were paying them maybe \$100,000 a year, which we thought was excessive. However, one of them went to work for the Bank of Montreal and I think his salary was \$300,000 a year. He lived in Toronto anyway, so he made \$300,000 a year and simply walked to work, as opposed to flying back and forth to Manitoba every week for \$100,000. That is just to show members how important Internet security actually became at about that time.

Members will recall that there were viruses afloat in those days that crippled the British government. The B.C. government was down for a day or two. I think Manitoba was the only government that we were aware of that withstood all of these cyber attacks. I used to get printouts and reports, certainly not a daily basis but any time I wanted them, which would show how many attacks the government would have.

I think any of the members of the government can talk to their online people and can get that information themselves. They can go back and ask how secure our government's system is. They can ask about the number of attacks, the type of attacks and where they are coming from. I think they might be surprised to see those results. They might be positively surprised now because those attacks may be dropping. I have not followed the file as much as I did in the past years.

*Government Orders*

When Reg Alcock was here he was a big champion of e-government and pushed the file. He obviously lost track of that eHealth file somewhere because it is not producing the results that he would have hoped for. However, his heart and his head were in the right place. He certainly pushed Prime Minister Martin on that whole e-government file. I would guess that the file has been essentially forgotten under the Conservative government. It is just a guess at this point, but my guess is that the Conservatives have gone for simply retrenchment and have taken out no real new initiative since Reg left that particular file. I checked into the secured channel just about a year and a half ago and they were basically retooling the whole concept.

The government has a duty to get its systems and services online as quickly as possible and make them transactional so that people can get proper service. In Manitoba, we have student aid applications online. We did not want students driving 100 miles to Winnipeg to stand in line at the student aid branch for an hour to fill out an application and then drive all the way home again, so we put the application online.

All government services should be put on line. Not only should the government have the applications on line, but it should make them transactional so people can pay for the service with their credit card and have a much happier experience dealing with the government than having to wait in line at government offices. This is something that I do not hear much from the government on and I think we should be looking at that. I intend to ask more questions about that in the future.

What sort of oversight will we have on the bill? I sure hope it is a better oversight than what we had on the eHealth file and other files where there were boondoggles in the government.

I think the five year parliamentary review that was suggested by the Privacy Commissioner is a good idea. However, I need to know whether there will be a review after five years, which is a great idea, or even a sunset clause after five years given the great changes in technology that could happen over a period like that.

•(1255)

**Mrs. Shelly Glover (Parliamentary Secretary for Official Languages, CPC):** Madam Speaker, I commend my colleague opposite for taking the time to speak to this issue. However, I must say that I was very disappointed yesterday to hear the member criticize the government for the tone that was injected.

I want to remind the member of something that one of his own colleagues said, the member for Winnipeg Centre, when we were discussing the comments of a member of the Liberal opposition. The member for Winnipeg Centre compared the government's push toward tough on crime legislation to the plight of African Americans during the 1960s who were suppressed and targeted by racists. I could not believe my ears that this would come from an NDP member in my home town, but he suggested that the government's tough on crime legislation was actually designed to put more aboriginal people, my family, my cousins, my aunts and my uncles, behind bars. It was atrocious and scandalous.

I believe it is important to address comments like that made by NDP members in the House, which is why we stood so strong against what was said.

The other thing I heard the member say is that he believes there should be tough legislation on things like child pornography. Members of his own party voted against the human trafficking bill. Some members of his party decided they would not support protecting Canadian children and women.

I am sorry but I need to ask the member a question. How are we to believe him when he stands before us and says that he believes we need to get tough on crime and yet his party takes actions not to protect our children, women and aboriginal people? How can he stand before us and say that he cares about tough on crime legislation?

**Mr. Jim Maloway:** Madam Speaker, the member certainly took us on a trip to various subjects.

The reality is that we in the NDP have said, over and over again, that we believe that being smart on crime is better than being what she calls tough on crime. We only use the example of minimum sentences. They have been tried in the United States, which now has a lot of rich prison owners because the prisons were turned over to private entrepreneurs.

Governor Schwarzenegger in California must now release thousands of people on early parole because he cannot afford to keep them any more as the state has run out of money. The crime rate in the United States is way higher than it is in Canada. That is an example of ideology trumping smartness. We need to deal with issues that actually work.

Winnipeg actually got some action on auto theft by establishing immobilizer programs for cars. A task force was set up within the police service to chase down car thieves, get them off the streets and put them in jail. Car thefts went down to the point, although we are not there yet, where one day this year there were no car thefts at all. To me, that is smart on crime, I do not know how many times we need to say that but the hon. member for Saint Boniface, obviously, does not get the concept.

The government should be looking around the world to see what works. Why is the incarceration rate in Sweden only 77 per 100,000, 177 per 100,000 in Canada and 700 per 100,000 in the United States? She is looking the wrong way. She should be looking to Sweden and not the United States. It is not that the United States does not have some good features but let us pick some good features of the U.S. system that actually show results and work.

However, those people are blinded. They have their blinders on and they create their crime bills based on what they do for their polling results. When they get great polling results, they bring in more of these types of bills. They do not care whether they work or not, it depends on what they do for their polls.

*Government Orders*

• (1300)

[*Translation*]

**Mrs. Josée Beaudin (Saint-Lambert, BQ):** Madam Speaker, the Bloc Québécois has always been in favour of facilitating the work of police officers, when it does not infringe on basic rights, as one of the best ways to fight crime. We also think that increasing the likelihood of getting caught has a much more dissuasive effect than increasing the punishment, which can often seem pretty remote and abstract to fraudsters.

My colleague seems to share that view. He said just a while ago, and I would like to hear him again on this, that as technology develops, cybercrime is increasing and will continue to do so. He said he would be interested in reviewing the Criminal Code more often in this respect. He also said it was important to keep the public informed about what is in the bill. I would appreciate it if he could expand on this.

[*English*]

**Mr. Jim Maloway:** Madam Speaker, I missed the first part of the member's question, but I certainly got the second part of it. It seems to me that in technology, we are dealing with an ever-increasing rate of change. Years ago, the Pony Express was replaced by the telegraph system and the telegraph system was replaced by telephones. Those changes took place over 50 to 100 years, but computer changes are happening in a much smaller timeframe. The Internet has been around for quite a long time, but it was not until 1995 that people started getting their first emails. That was the case for me. Until then, a computer was just a computer. Before 1983, there were not really any PCs around. The use of the Internet did not start until 1995 and beyond.

Think of the explosion in the computer world. A company as huge as Microsoft dominated that particular sector of the market and was outsmarted by the people at Google. When a company like Microsoft cannot keep ahead of the curve, how are we supposed to do it?

Trying to keep ahead of these people is part of the problem we face as legislators.

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Madam Speaker, I have a couple of questions and I hope my colleague can answer both.

He alluded in his speech to the possibility of having a five-year review or perhaps sunseting this legislation. I would like him to expand on that because I think he had more to say in that regard.

He made indirect reference to some notable boondoggles, namely e-health and secure channel. I wonder if he would be able to explain why the government is not making any particular progress in terms of e-government.

• (1305)

**Mr. Jim Maloway:** Madam Speaker, those are two very good questions. Regarding the whole issue of the five-year parliamentary review, I am not certain what form the review would take. The suggestion was that we put the minister in charge of it, but we know that ministers can take forever to get something like that done. Maybe there is a more impartial way in which the review could take place.

The sunset clause is of particular interest, because at that point, the law would expire and there would be no other option but to reintroduce it and start from scratch. I would have to defer to the legal beagles, and there are a lot of them in the House, to tell me whether that would work. Either option is good. I think that the member is on the right track.

In terms of the boondoggles, I am not holding any one government responsible for them. We have seen boondoggles under Liberal governments and Conservative governments. I am trying to get to the bottom of how it happened. With all the brain power involved in the project in the first place, how did the project get out of control? That is what I am really interested in finding out and I think that the Auditor General's report will probably tell us a lot.

[*Translation*]

**Mr. Nicolas Dufour (Repentigny, BQ):** Madam Speaker, it is my pleasure to rise today to address Bill C-46 on investigations and the Internet.

This is an interesting bill for a very specific reason. For the past little while, the government side has been introducing legislation to deal with crime, cybercrime and new technology used by criminals. One can think, for instance, of the identity theft bill, which the Bloc Québécois supports, and Bill C-46, which the Bloc Québécois will also be supporting. I will outline later our reasons for supporting this bill, but I will also mention the contraindications to this bill; it is a matter of dosage.

I must say that what is being proposed by the government side is interesting for a change. We can sense a desire to modernize, which is something of a novelty on the part of a Reform-Conservative Party. They should normally be acting like dinosaurs, but all of a sudden, we can see an increased effort to try and modernize some pieces of legislation. The problem is that subtlety is not their forte. Complications might happen, which they may not know what to do about. Hence the importance of thorough debate.

We cannot pass a bill as important as this one that quickly. A few short days are not enough to conclude debate, close the matter and immediately pass the bill. We will need time to examine the bill and consider its consequences. If this bill can be referred to the Standing Committee on Justice or the Standing Committee on Public Safety, for example, we will have to take the time to speak with witnesses and see whether some valuable amendments could be made.

I will confess that the Bloc is supporting this bill because of its importance and because of the fact that, increasingly, the world is turning to the Internet. More and more banking is done on the Internet, which could attract fraudsters to the net. There is another major problem, that of pedophilia. There is the risk of having to deal with the exploitation of minors and children. That sort of thing happens on the Internet. At least, with new legislation, there will be new equipment to go after sexual offenders, these predators—if I can put it that way—and catch them as quickly as possible and clean up the Internet a little.

*Government Orders*

We are all aware of the meteoric rise in the use of the Internet since the mid-1990s. Its use is constantly growing. I provided a couple of examples about pedophilia on the Internet, which can be and is misused. There is Internet fraud as well. I will establish a link with what we were debating last week regarding identity theft. With the arrival of sites such as Facebook, more and more information is available on the Internet. It can of course be improperly used. With this bill, we will at least have the means to deal with this sort of crime all the more vigorously.

On the subject of problems, we must not go to the other extreme. It is in this regard that I have some fears about the Conservatives, and perhaps more about the Reform and Alliance wing of the Conservatives. It would be easy to get carried away with this bill. The Ligue des droits et libertés in Quebec has expressed serious concerns regarding this bill, since confidential information obtained on people could be misused. The league says the government has to be transparent and the private life of people has to be protected.

So already there is a problem with this bill, which will have to be debated in committee. Witnesses will have to be heard and serious work must be done, as the Bloc has done each time in legal matters. To echo what my NDP colleague said earlier, we in the Bloc have always been smart on crime. I think we have one of the best critics on the subject in our colleague, the hon. member for Marc-Aurèle-Fortin. He was minister of public security in Quebec for many years and it was he who fought the hardest against crime, among other things. The Hell's Angels at the time, are an example.

● (1310)

All of the knowledge and intellect of the hon. member for Marc-Aurèle-Fortin could shed fantastic light in committee, where witnesses could be called and amendments worked out. This bill is consistent, but needs fine tuning. I am known to be a perfectionist. We will have to make improvements in committee.

I have been listening to my other colleagues' speeches since the beginning of the day. I am not just a perfectionist, I also have a good ear and am a good listener. One of the areas that could be tackled most easily with this bill is cyberpedophilia. Unfortunately, people do not use the Internet only for good purposes. I was surprised recently when I read statistics about Internet usage. Nearly 90% of Internet sites and Internet pages are related to pornography. This is shocking. Obviously cyberpedophiles have no qualms about using the Internet to distribute child pornography files. We have a duty to combat this vigorously, to make sure that we eliminate this atrocity to the extent possible; we are all in agreement. This is the example that came up most often in the case of this bill.

My colleague from Abitibi—Témiscamingue has done just as good a job as my colleague from Marc-Aurèle-Fortin when it comes to justice and public safety issues. He was just saying that we could put chips in cars. Very often, when a car is stolen, it is broken down into parts that are sent to the four corners of the world, and this makes tracing a difficult task. It is very hard to find the car or the parts intact.

At least, we are seeing modernization of some laws, as I was just saying. This is no longer the era of highway robbery and of trains being derailed so the cars could be robbed. The Jesse James's of this world belong to the past. But it was a somewhat more romantic era,

if I may say so. Nonetheless, we are seeing bandits making wide use of the Internet, in our day, to achieve their ends. Bank thefts are becoming increasingly complex. These people have an extraordinary ability to reinvent themselves. I have always been told that government reacts rather than acting, but it is clear that the government has finally decided to act, and to introduce this bill.

As I said, it will be extremely important to move this debate to committee so we can examine all facets of the bill. My fear is that the Conservatives want to pass it too quickly. We have seen this in far too many justice-related files. They say they are tough on crime. I will not say what I think of this tough on crime analogy, but in some cases we can very clearly see that it is completely bizarre.

Just now, my colleague drew comparisons with the United States. In particular, I am thinking of the minimum sentences the Conservatives are trying to shove down the opposition parties' throats. We can see that the American Republicans have tried such sentences, and where it has got them.

Bill C-46 amends the Criminal Code. Among other things creates a new concept called "transmission data," which would extend to all means of telecommunication the investigative powers that are currently restricted to data associated with telephones.

As I said, this is no longer the era of mere telephone wiretapping. We have to look at all information exchanged on the Internet. I will draw a parallel. I certainly would not want to get involved in the election about to be held at the municipal level in Quebec, but when there is collusion, we often see that the Internet has been used to exchange information about price fixing.

● (1315)

It is apparent, therefore, that these kinds of dishonest, fraudulent conversations are not carried out solely on the telephone any more or in dark little rooms. We have reached the point now where people can easily commit fraud from their offices over the Internet.

This bill also creates, therefore, the power to compel the production of data relating to the transmission of communications; it creates the power to require the production of data on the location from which individuals operate; it creates the power to make preservation demands and orders to compel the preservation of electronic evidence; it allows for warrants to be issued, subject of course to legal thresholds appropriate to the interests at stake; and it makes it possible to track transactions, individuals and things. The police will be able to remotely activate tracking devices. These are exactly the kind of things that can become problematic and should be considered in the implementation of the bill.

*Government Orders*

As I have been saying and as the Ligue des droits et libertés said, we must be careful that the government itself does not use the legislation at some point for the wrong reasons. Far be it from me to suggest that the government might currently have some nefarious ideas. We have seen, though, what they are sometimes capable of. The bill will also create a new offence with a maximum punishment of ten years in prison for the use of computer systems like the Internet to agree or arrange with another person to commit a sexual offence against a child.

The bill also amends the Competition Act—this is ironic because it is precisely what I was just talking about in regard to the collusion on Montreal Island—to make applicable for certain provisions of the act the new provisions being added to the Criminal Code respecting demands and orders for the preservation of computer data and orders for the production of documents relating to the transmission of communications or financial data.

Finally, the bill amends the Mutual Legal Assistance in Criminal Matters Act to make some of the new investigative powers being added to the Criminal Code available to Canadian authorities executing incoming requests for assistance and to allow the Commissioner of Competition to execute search warrants under the Mutual Legal Assistance in Criminal Matters Act.

As I said, the Bloc Québécois is in principle in favour of Bill C-46, whose purpose is to enable police forces to adapt their investigative techniques to contemporary technological realities, such as the widespread use of cellphones and the Internet.

I would like to draw another connection. Not only criminals use these kinds of communications but increasingly also terrorists, who use such things as the Internet and cellphones to carry out their plans. We can therefore fight on both fronts.

Facilitating police work, where it does not unduly interfere with fundamental rights, is an avenue the Bloc Québécois has always advocated for fighting crime. This approach has certainly proved itself in Quebec. The Bloc Québécois also thinks that increasing the likelihood of getting caught is a much greater deterrent than increasing the punishments, which often seem pretty remote and abstract.

I must say that when I see criminals, of whatever sort, who are warned that they will get a sentence of 15 or 20 years in prison for something like cocaine trafficking, they do not seem very worried about it because they are focused on what they stand to gain. Criminals may well think it would be pretty good to sell cocaine for a few years for the \$10 million or so they would get.

So it is much more a question of increasing police presence and better equipping the police to fight crime. It is this that will really deter criminals rather than simply warning them they will get a 10-year sentence, because no criminal thinks they will be caught until the means are in place to catch them.

However, as I was saying, this bill raises a number of concerns regarding respect of privacy, whereas there has been no justification provided for such infringement. Given the importance of strengthening police powers to fight the most complex forms of organized crime, the Bloc supports the principle behind the bill.

I wish to reiterate my full confidence in my colleagues from Marc-Aurèle-Fortin and Abitibi—Témiscamingue. I am sure that they will do some extraordinary, meticulous and exemplary work in committee to ensure that there are as few intrusions into people's private lives as possible, and that those intrusions are always necessary and very well delineated.

• (1320)

If I am permitted a few minutes, I may perhaps put the whole thing in context and recall to some extent the origins of the spirit of the bill. It all comes from the Convention on Cybercrime, which underlies Bill C-46 and Bill C-47, which we will study a little later. The bill before us draws largely on it. The convention was formulated by the Council of Europe with the active involvement of Canada, the United States, Japan and South Africa.

Under the terms of its preamble, the convention aims to pursue a common criminal policy aimed at the protection of society against cybercrime, inter alia, by adopting appropriate legislation and fostering international co-operation. It is structured, more specifically, around three regulatory lines, that of harmonization of domestic laws, the establishment of appropriate means in order to facilitate the conduct of investigations and criminal proceedings on electronic networks and, finally, the establishment of a rapid and effective system of international cooperation.

On the subject of cybercrime and the Internet, the letters, www, stand for the World Wide Web. And we know why—because it is truly world wide. So, a criminal can easily be based in South Africa and commit crimes in Canada or Europe. Hence the importance of cooperating multilaterally with other countries to acquire the means and to work together to stop these criminals.

In order to harmonize domestic laws, international conventions on cybercrime set out the offences in four broad categories. First, there are offences relating to the security of networks, namely offences involving confidentiality, integrity, or data or system availability. There are also computer-related offences, namely falsification and fraud and then offences relating to content, namely child pornography, as I was saying earlier. Finally, there are offences relating to infringement of intellectual property and related rights, such as the illegal reproduction of protected works. In the case of offences relating to the dissemination of racist or xenophobic ideas and to trafficking in human beings over the networks, there is an additional protocol.

*Government Orders*

To facilitate investigations and prosecution in cyberspace, the convention contains a series of provisions that the signatories will have to approve. These provide, among other things, for the preservation, search and seizure, and interception of data stored on a computer system. Finally, to promote international cooperation, signatories will be permitted to act on behalf of others in acquiring electronic evidence. This will not give the signatories the authority to conduct transborder investigations, proceedings or searches, but a network of national contact points will be established to provide constant and immediate assistance with ongoing investigations. This goes to show the value, as I indicated, of multilateral cooperation in that regard.

I gave the example of a criminal who could very well send data—or commit a Criminal Code offence—from South Africa to Canada. The idea of going over there to arrest him is therefore far from our minds, but if we are at least able to provide information to local authorities, send them the data, we will be much more likely to catch him.

So, the cybercrime convention is the result of a lengthy process undertaken in 1995. The document underwent 27 drafts, because of the need to take into account reticence on the part of several consumer associations, warning against the serious danger of breaching privacy.

The Chair is signaling that I am running out of time. That is unfortunate, because I could have gone on for hours. My hon. colleagues will no doubt put very good questions to me, and I will gladly answer them.

• (1325)

**Mr. Robert Vincent (Shefford, BQ):** Madam Speaker, my colleague delivered an eloquent speech. I think he did a very good job of explaining the basics of the bill so we all understand. I would like to congratulate him.

I believe that most of those listening will have understood one problem. That problem is suspicion and the fact that a police investigation can be initiated based solely on suspicion.

This bill is not just opening a door, it is opening a very big patio door. Investigating someone based on suspicion alone is very serious business. Any suspicion at all for any reason whatsoever can lead to the investigation of a person who may have nothing at all to do with the reason for suspicion. Broad investigations based on suspicion can be a problem.

I believe that, as parliamentarians, we have to eliminate that possibility at the outset. If we give the police the power to investigate anything at all based on suspicion, there will be no end in sight. As I said before, the Privacy Commissioner does not agree with this approach. It opens a huge door. We want the committee to make sure that door does not give the police carte blanche.

I would like my colleague to comment on the notion of suspicion and the tremendous latitude it gives to police.

**Mr. Nicolas Dufour:** Madam Speaker, I am happy to answer my colleague's question. When it comes to this issue, we should not simply talk about a patio door, but about a patio door that has been completely smashed in.

We all heard my colleague's question. Is it not nice to be able to exchange views with such brilliant individuals? I do not mean to put him on a pedestal, but this is the kind of thinking that we do in the Bloc Québécois, and it is because we have true debates that the bills and amendments that we propose are much more progressive.

I must admit that I share my colleague's concerns about this issue. This is why we want to refer the bill to a committee. Earlier, I mentioned the excellent work of two other colleagues of mine, namely the hon. members for Abitibi—Témiscamingue and for Marc-Aurèle-Fortin. They will be able to propose amendments.

The issue of suspicion was raised. I must say that I am extremely concerned about giving such broad powers to the police. I certainly do not want to disparage the work of police officers. Their work is absolutely exemplary. These people are prepared to give their lives to protect citizens. However, the problem is that the bill does not include any specifics about these powers. An investigation targeting an individual can be launched without any judicial warrant.

There is a very fine line between privacy protection and the power of police to act. We will have to be very serious in dealing with this issue. We cannot be partisan as the Conservatives unfortunately all too often tend to be. In order to have a true discussion, they must set aside their ideology, because we on this side do not have one.

The public also has every reason to be concerned. Considering that the police could act without any valid grounds, merely on the basis of suspicion, it is easy to imagine the problems that this could generate. We are all human beings and human nature being what it is, man will do what man will do. If a police officer, for one reason or another—as we have seen all too often—decided to start checking on an individual who is at his computer or on the telephone for personal reasons, one can imagine the problem that this would cause.

Some police officers could totally lose it—and again we have seen that happen—and begin to investigate any individual, whenever they want.

There is something here that really scares me. We will have to define that fine line and this will be a very complex exercise. However, considering the colleagues that I have with me, and the quality of our debates, I am not at all worried.

• (1330)

**Ms. Nicole Demers (Laval, BQ):** Madam Speaker, as always, I am fascinated by the lucidity of my young colleague. However, I think he has kept some of his naïveté, but there is nothing wrong with that. In fact, it is important for a member of Parliament to keep some degree of naïveté.

I would even push my suspicions a bit further with regard to the drafting and the passing of this bill. We have seen in the past—unfortunately, my colleague is too young to remember—serious wrongdoings on the part of CSIS and the RCMP. And these wrongdoings were not attributable to individuals; they stemmed from mandates given by duly elected politicians.

*Government Orders*

Right now, with the government we have that puts key people in key positions in all our institutions, I am afraid we are heading toward a state that will not be very interesting. I am even afraid that there will be attempts to prevent people from expressing themselves freely over the Internet. It scares me. I think we must be careful of that.

I want to ask my young colleague if he has the same fears.

**Mr. Nicolas Dufour:** Madam Speaker, as for my naïveté, I always remember that John F. Kennedy said that in politics, you can lose your illusions, but not your ideals.

With regard to what my colleague from Laval is saying, I would give the example of the Patriot Act, which George Bush introduced in the United States after the September 11 attacks. We saw how that law was misused. It was based on lofty principles and patriotic ideals. The government said that the purpose of the Patriot Act was to protect the people and ensure that no one would ever commit terrorist acts on American soil again. The problem is that we saw how the Republican government used that law. Far too much power was put in the hands of politicians, who used it to further their own personal interests. That is the danger.

I would like to talk about the October crisis of 1970. I am too young to remember it; in fact, I was not even a gleam in my parents' eyes. In a way, the government raided the sovereigntist movement for the simple reason that these people had views that contrasted with those of the federal colonial government. What did the government do? It arrested the leaders of the sovereigntist movement, the union leaders, the business people, the defence lawyers. It arrested everyone who was likely to oppose what the government decided. Then it introduced martial law.

For a government that does not always have good ideas, as the Conservatives have demonstrated, this bill places far too much power in certain people's hands, and that can have an adverse effect. I want to tell my Conservative colleagues that we are not opposed to the bill. We are not opposed to the spirit of the bill. We are opposed to the adverse effects this bill may have. There is a difference. I hope my Conservative colleagues will be able to set aside partisanship and draw the line with us to protect people's privacy.

**Mr. Robert Vincent (Shefford, BQ):** Madam Speaker, earlier I raised the issue of suspicion, as did my colleague.

At the government level, nothing would prevent someone from asking the police to investigate a colleague on the mere strength of suspicions. Things could go even further. If suspicions did exist, police forces could investigate each other such as, for example, CSIS and the RCMP. There would be no end to this. There will be abuse and this is what we want to prevent. If, in committee, we can thoroughly review this issue and see the impact of relying on suspicions and what we want to achieve at the government level, then we may have something concrete.

I wonder if my colleague could elaborate on this.

• (1335)

**The Acting Speaker (Ms. Denise Savoie):** The hon. member for Repentigny has about 50 seconds.

**Mr. Nicolas Dufour:** Madam Speaker, I am going to be very brief. I fully agree with my colleague. I am certainly not pretending to be a lawyer. In fact, I am still very far from having that training.

However, when we look at the issue of suspicions, there is no doubt that the process can be very biased. As I said, we are talking about human beings who have suspicions. A man has emotions. Unfortunately, this may sometimes lead to terrible consequences.

**The Acting Speaker (Ms. Denise Savoie):** Is the House ready for the question?

**Some hon. members:** Question.

**The Acting Speaker (Ms. Denise Savoie):** The question is on the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**The Acting Speaker (Ms. Denise Savoie):** I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Public Safety and National Security.

(Motion agreed to, bill read the second time and referred to a committee)

\* \* \*

[English]

**TECHNICAL ASSISTANCE FOR LAW ENFORCEMENT IN THE 21ST CENTURY ACT**

**Hon. Rob Merrifield (for the Minister of Public Safety)** moved that Bill C-47, An Act regulating telecommunications facilities to support investigations, be read the second time and referred to a committee.

**Mrs. Shelly Glover (Parliamentary Secretary for Official Languages, CPC):** Madam Speaker, I am very proud to rise before the House today to debate Bill C-47, which confirms once again that this government is committed to getting tough on crime. Since coming to office, we have taken concrete steps to give those in law enforcement the tools they need to crack down on crime and ensure that criminals face the consequences of their actions. This long overdue legislation is yet another crucial step forward in our strategy to keep Canadians safe and our country secure. It will equip the police and national security agents with the tools they need to combat crime and terrorism in the digital age.

This bill, the technical assistance for law enforcement in the 21st century act, will enable the law enforcement community and our justice partners to investigate and prosecute crime in a rapidly evolving communications environment. The bill, in a nutshell, will give them the same capability to access Internet and cellphone messages with warrants as they currently have to access wiretap telephone calls. Equally important, it will give national security agencies new intercept capabilities to combat terrorism and to work more effectively with their global counterparts.

Many of our closest allies have had similar legislation in place for quite some time now. In fact, last year the G8 called on members to beef up their intercept capability to fight international crime. That is precisely what this legislation will do.

*Government Orders*

Bill C-47 will remove the competitive advantage which technology has given to criminals and to terrorists for far too long. As it now stands, when Canadian police officers and national security officials try to intercept messages being sent by criminals or terrorists using the latest technologies, they are hamstrung by legislation dating back decades. Canada's intercept laws are 35 years old. They were written in the days of the typewriter and rotary telephone, long before the world of email and smart phones.

Today's antiquated law gives lawbreakers an unfair and sometimes frightening advantage. Child pornographers, organized crime members and terrorists are using sophisticated new technologies to conduct their activities out of reach of the law. The fast-growing gap between our outdated legislation and today's tech-savvy criminals poses a significant threat to all Canadians. It is creating virtual safe havens where sexual predators, perpetrators of hate crimes, and Internet fraud artists can operate free from fear of detection and apprehension. That is something that Bill C-47 will stop. The bill will shut these safe havens down. High tech equipped criminals will now be met by high tech equipped police officers.

The previous government introduced lawful access legislation recognizing the need to give public safety officials the tools they require to do their jobs. While it was a good start, Bill C-47 builds on that effort and strengthens it further. Specifically, the bill before us today will ensure that when law enforcement and security officials have a warrant to intercept messages by criminals or terrorists, they are not prevented from doing so due to a lack of technical ability.

Today we have situations where judicial authorization is granted but the interception cannot take place because the network is not intercept capable. This is simply unacceptable. Canada's police forces and CSIS must be able to keep pace with the advanced technologies being used by criminals and terrorists.

I want to be clear, however, that the proposals we are putting forward are not new or even revolutionary. In modernizing Canada's lawful access laws, we are not providing new powers or expanding on existing interception authorities that have been in place since 1974, nor are we compromising individuals' personal information, or putting an undue burden on business. We are simply bringing our country's legislation out of the cold war era and into the 21st century.

I can assure my hon. colleagues that this legislation strikes the right balance between the interests of technology companies that need to remain competitive, the interests of the police in keeping our communities safe, and the interests of members of the public in their legitimate expectations of privacy. Our government's proposed changes will be introduced gradually to allow businesses to adjust to these new obligations.

Bill C-47 provides an initial transition period of 18 months to allow service providers time to integrate lawful interception requirements into new equipment and services. It includes the possibility of a two-year exemption to respond to new technologies. This will serve to protect innovation and competitiveness.

• (1340)

The legislation is also flexible enough to respond to a company's particular circumstances. The specific needs of smaller firms have in fact been taken into account. The bill contains a three-year

exemption for service providers with less than 100,000 subscribers from certain requirements that are too costly for them at this time. Certain organizations, such as schools, libraries and charities, are also exempt entirely.

Equally important to the private sector, service providers will be free to select the most cost-effective intercept solutions available. They will not be tied to government-determined standards or equipment. Along with flexibility, we have built cost sharing into the legislation to help defray the expenses associated with these changes.

Companies will be required to pay for intercept capability in certain new equipment and software. However, the government will provide reasonable compensation when retrofits to existing networks are needed. This approach recognizes that we have a shared responsibility to address a problem that directly affects the safety of Canadians.

The other major component of the government's proposed legislation is the requirement for service providers to make basic subscriber information available on request to designated members of the law enforcement community and CSIS. Timely access to this information is essential in the fight against crime, especially crimes committed over the Internet such as online fraud, identity theft and child sexual exploitation.

At the moment, there is no federal legislation specifically designed to allow for obtaining basic subscriber information, identifiers that are often crucial in the early stages of an investigation. As a result, when this information is required, the police face a patchwork of responses from service providers across the country. Some companies release this information readily while others demand a warrant.

Without this basic information, police often reach a dead end as they are unable to obtain enough information to pursue an investigative lead or obtain a warrant. However, I would like to emphasize that provisions for access to information have actually been tightened under this bill to ensure Canadians' privacy and human rights. These safeguards include mandatory record keeping, internal audits and external oversight and the limited designation of law enforcement and CSIS officials who can even request such information.

Without Bill C-47, unscrupulous con artists can continue to defraud unsuspecting Internet users responding to email scams. Child abusers and pornographers will anonymously exploit Internet chat rooms, luring young victims away from their homes and into harm's way. Having worked as a police officer for almost 19 years, I did spend an awful lot of time in the child abuse unit and I speak personally to the frustration of Canadian police officers who have been unable to access information to solve or prevent child abuse atrocities.

*Government Orders*

I have also seen drug traffickers who tempt youth into addiction because law enforcement agencies cannot gather the necessary evidence to put them in jail. Without this bill and the proposed enhancements, child abusers and drug traffickers may continue untraced. Dangerous kidnappers and murderers will escape detection because their whereabouts remain untraceable. That is why we need this act and why we need to act now.

This is a crucial piece of legislation required to make our families, homes and communities safer. For this reason, I urge hon. members in the House from all parties to give Bill C-47 swift passage so that Canadian police officers and CSIS agents can get on with their jobs of creating a safer country for all of us.

• (1345)

[Translation]

**Hon. Dan McTeague (Pickering—Scarborough East, Lib.):** Madam Speaker, I was pleased to hear the comments of the member proposing this legislation.

[English]

I am very concerned. We all agree on the principles that are outlined with respect to this bill and we could debate the question as to why the bill was split in two.

However, considering the effort this member made back in 2002-03 when dealing with the Kids' Internet Safety Alliance and people like Detective Paul Gillespie and others when we brought to bear issues of child pornography, exploitation on the Internet and the challenges faced by Internet service providers that would often not allow these warrants and certainly not on a costly basis, why has the government taken so long? Recognizing that the member for Notre-Dame-de-Grâce—Lachine had virtually the same bill that the member is taking about here today, why did it take the Conservative government four years to propose a bill if it is that important? I want the hon. member to explain to us why it took four years of dithering before it put this legislation forward. She is asking for speedy passage. Where has the government been for the past four years?

**Mrs. Shelly Glover:** Madam Speaker, I must say I am thrilled to hear my colleague indicate that he is prepared to support legislation such as this that will propose some new changes so that Canadian police officers can in fact do their jobs.

I want to take a moment to address his very important question. I was only elected in 2008. I spent, as I said before, almost 19 years policing before that. I can tell the House that when I arrived here, I was absolutely appalled at the obstacles that were continually placed before this government as we moved, slowly but surely, toward a safer country. It is members like the member who just spoke who have continually tried to put those obstacles in place so we cannot move forward.

In fact, just last week, Liberal senators attempted to gut a very important bill put forward by this government in an attempt to stop it. I would simply say that it is because of the obstacles put forward by an opposition that does not believe in making this country safe that there are delays.

• (1350)

**Mr. Andrew Kania (Brampton West, Lib.):** Madam Speaker, I support the bill. It is something the Liberal government introduced in 2005 and this bill is virtually identical.

My question is, why now? Why did it take this long to bring this forward and, specifically, why now, considering that we are in the worst economic crisis since the Great Depression?

We have lost 500,000 full-time jobs. We have an EI crisis. We have an isotopes crisis. Our H1N1 vaccine is late in comparison to other countries. We have a pension crisis.

Why is the government introducing this criminal legislation now rather than dealing with these other problems? Why did it take four years and what changed to make this an emergency now rather than dealing with these other issues first?

**Mrs. Shelly Glover:** Madam Speaker, I must say that I completely respect my colleague's position on many of our crime bills. He has been fairly supportive of some of the measures that we have taken in committee and I want to thank him for that support because he realizes just how important these things are.

The question was about timing. As I said earlier, it is astonishing to me as a new member of Parliament how very slow things move in a minority government when opposition parties deliberately go against very minor things in bills or in committee. I too am appalled at how slow this system is.

However, we have introduced a number of measures through the justice department and the public safety department to address the need for tough on crime legislation. We are going to continue to do that. We are going to have to follow the process that is in place.

I myself believe in democratic reform. I myself believe in Senate reform, particularly after seeing Liberal senators attempt time after time to gut our crime bills. I hope the member supports us on Senate reform as well as supporting us, as he has indicated, on Bill C-47.

[Translation]

**Mr. Nicolas Dufour (Repentigny, BQ):** Madam Speaker, I am always surprised by the Conservatives' attitude. The hon. member for Saint Boniface told us that whenever we oppose the government, we are just engaging in partisanship. Whenever we disagree with its legislation we are engaging in partisanship. Yet, when the Conservatives were in opposition, they opposed everything that the Liberals did, but that was all right then. At the time, it was the Liberals who were telling the Conservatives that they were opposed to everything. I do not understand it at all. That is obviously why I want Quebec to get out of that system.

*Government Orders*

The hon. member is adamant that this bill should be passed as quickly as possible. Personally, I think we have to do our homework. We cannot simply ram through any bill. We must take the time, in committee, to listen to all those who have concerns about the legislation. Let us not forget that a bad law creates bad problems.

**Mrs. Shelly Glover:** Madam Speaker, I am sorry but I did not hear a question in those comments. Nevertheless, I want to respond to some of the comments made by our young colleague from the Bloc Québécois.

First I want to react to what he said about our great country. I will fight against the division of this country in any way I can and in all possible situations. Hearing a member reiterate here, in the House of Commons, his desire to separate, to divide and to destroy our country really bothers me. It breaks my heart. I am very disappointed every time I hear a member of the Bloc say such things.

I also want to correct my colleague. I do not think he heard my answer when my Liberal colleague asked me a question. I did not answer that it was partisanship. I said that it was the process itself that was the problem. That is why we have to look at several aspects of the system. We must ensure that the process in place is effective. That is why I support the attempts at democratic reform by our minister.

• (1355)

[*English*]

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Madam Speaker, it was good to hear my colleague express what was valuable about this bill. She is in a very unique position to comment on this bill given her former role as a police officer. Since I came to the House in 2008, like she did, there has been a constant threat of unnecessary elections. I would really like to hear from my colleague, what does that do these important pieces of justice legislation?

**Mrs. Shelly Glover:** Madam Speaker, I want to thank my colleague who joined me in the class of 2008 here in the House of Commons.

New members of Parliament, who just recently came here, have really formed a bond. We do share a number of conversations about the new things we see here in the House of Commons and compare them to our old lives.

As she mentioned, my policing days often get discussed because we have a need to move forward to protect Canadians, to protect not only women and children as we have discussed many times but aboriginal Canadians, Canadians of other cultures. To continually hear that we may not get the chance to defend their rights and to protect them is disturbing. Every time we hear about a looming election that could destroy all of the work that has been done is very disturbing.

As a new member of Parliament, I have been in campaign mode since the moment I arrived. Frankly, I would really like to just continue to move forward to ensure these bills are passed, so we can do the right thing, and the right thing is to protect the economy and to move to recovery.

Canadians have seen a very difficult time. We are dealing with a fragile recovery and are just at the point where Canadians are about

to see the fruits of our labour after a year in the House of Commons, and yet again we hear the Liberals talking about forcing us into an election.

I really urge opposition members to take this into consideration and stop the shenanigans about upcoming elections. Let us do the hard work that Canadians want.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Madam Speaker, let me begin on the point that the hon. member across left off on and that is the incredible disingenuous position that it is somehow this side that is causing problems with this legislation.

It was, in fact, a Liberal government that introduced this bill in 2005 and it was the Conservative Party that took us into the polls at that time and killed this legislation.

Then the member for Notre-Dame-de-Grâce—Lachine introduced a private member's bill in the next session of Parliament that sat on the order paper. It was the same bill before us today. Who killed that? The Conservative Party.

Stephen Harper—

**The Acting Speaker (Ms. Denise Savoie):** Order, please. The member should know that he cannot use a sitting member's name.

**Mr. Mark Holland:** The Prime Minister walked into the Governor General's office and caused an election; thus killing this bill again.

Therefore, for four years since the bill has been written and waiting to be implemented, the government through obfuscation and through creating elections has blocked the legislation from coming forward.

When finally in this session the government brought it forward, it waited until the very end of the session, the last week just before the summer recess, to introduce it to ensure that we had no time to study it or implement it. Here we are in the fall, four years after the Liberals introduced this legislation and it has not been implemented.

For the other side to talk about the urgency of this bill, about the need to pass it immediately, is disingenuous. There is no reason it should have sat on the shelf for four years. The blame lies 100% on the other side and it is 100% irresponsible.

• (1400)

**The Acting Speaker (Ms. Denise Savoie):** Order, please. The hon. member will have 18 minutes to resume his comments.

Statements by members, the hon. member for Crowfoot.

*Statements by Members***STATEMENTS BY MEMBERS***[English]***FIREARMS REGISTRY**

**Mr. Kevin Sorenson (Crowfoot, CPC):** Madam Speaker, since being elected the member of Parliament for Crowfoot, I have joined my colleagues working toward the abolishment of the failed and costly long gun registry.

My constituents have constantly and consistently contacted me opposing this issue for nine years. My predecessor, as member of Parliament, opposed the Liberal bill, Bill C-68, warning that it would not reduce gun-related violence nor protect the safety of Canadians, and that it would be too costly. He was right.

Fourteen years later, over \$1 billion of taxpayer money should have been spent on policing budgets, border control, education, treatment for violent offences and help for victims.

The Canadian Taxpayers Federation is now calling for the registry to be abolished. For 14 years, law-abiding firearm owners, hunters, farmers and recreational gun groups have been targeted and are burdened with the ongoing high costs.

I call upon all Canadians to urge their member of Parliament to support Bill C-391 and abolish the long gun registry.

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**TINA MOORES**

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.):** Madam Speaker, I rise today to pay tribute and honour a truly heroic person, Tina Moores, of Grand Falls—Windsor, Newfoundland and Labrador.

On August 15, 2009, Ms. Moores, at 35 years of age, bravely lost her life in saving a 9-year-old girl from drowning at Red Indian Lake near the community of Buchans.

She was known as a kind and giving person. If she saw someone in need and was in a position to offer assistance, she was there to lend a helping hand.

Tina was an operating room nurse at the Central Regional Health Centre, a career she dearly loved. She was a certified lifeguard for many years, and she was a Red Cross water safety instructor. She was also a Special Olympics coach.

Tina was a person who had a heart of gold, a person with a great sense of humour and a great smile. She was loved by all who knew her and she did what she had to do in a difficult situation to save a young girl's life.

In the true definition of a hero, Tina Moores fits that description. She made the ultimate sacrifice and will not be forgotten. Tina will be sadly missed by her large circle of friends and her family. My thoughts and prayers go out to them all.

*[Translation]***CUBA**

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Madam Speaker, tomorrow Cuba will present, for the 18th consecutive year, a draft resolution to the UN General Assembly entitled “Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba”.

The embargo against Cuba affects more than one state because the extraterritorial application of U.S. laws is very prejudicial to the economic sovereignty of many other states. This embargo has a significant impact on our Quebec companies because, due to fear of reprisals by the U.S. government, they do not export to Cuba or do business with the island. The embargo has been condemned by all Central American and South American countries and Obama's administration has shown some signs of openness.

Therefore, I hope that Canada will act sensibly and once again give its unconditional support to the resolution in order to show its respect for international law.

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*[English]***TAX HARMONIZATION**

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, it is public knowledge that the Conservative federal government is pressuring the Government of Manitoba to opt into a harmonized sales tax similar to its successful efforts to buy off the Liberal Governments of Ontario and British Columbia with large, one-time cash payments.

This money will make up for the provincial revenue lost from businesses as the burden is shifted to many individual taxpayers in those provinces who will have to pay a new tax on goods and services presently exempted under their provincial sales tax.

Manitobans want to know how much a new harmonized sales tax will cost the average taxpayer overall on services like funerals, air travel, home renovations, landscaping, legal fees and the purchase of new homes. Additional goods, like fast food value meals, newspapers, magazines, tobacco, gasoline and home heating fuels, will be taxed. Where is the transparency?

\* \* \*

**UNITED WAY**

**Mr. Gordon Brown (Leeds—Grenville, CPC):** Madam Speaker, volunteers under the leadership of the executive director, Judi Baril, the president, Rick Fry, and campaign chairs, Andy and Sharon Jordan with the United Way of Leeds and Grenville are conducting their annual fundraising drive.

This year they are working hard to meet the campaign goal of \$925,000. The money supports 27 agencies that contribute to the quality of life in Leeds and Grenville. These agencies serve 33,000 people annually.

As part of the fundraising efforts, I, along with honorary game chairman and NHL Hall of Famer, Leo Boivin, am proud to present Hockey Night in Leeds and Grenville 3.

Conservative members of Parliament, former NHL stars and local municipal and community leaders will be at the Leo Boivin Arena in Prescott on Monday night, November 16, in a charity hockey game to support the United Way.

I want to thank in advance those who are giving up their evening to play in the game and I want to invite everyone to come out and enjoy a great evening for a great cause.

\* \* \*

• (1405)

[Translation]

#### DINA OUELLETTE

**Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.):** Mr. Speaker, I am very pleased to rise here today to congratulate Dina Ouellette, a citizen of my riding, who was chosen to be a guardian of the Olympic flame and to join the Canadian delegation going to Greece to bring it back.

Miss Ouellette will join the team as a first nations representative. She currently lives on the Madawaska Maliseet First Nation reserve.

In addition to having the opportunity to go to Greece to bring the Olympic flame back to Canada, Dina Ouellette will also be able to follow the flame on its journey across Canada, from Halifax, Nova Scotia as far as London, Ontario.

It is important to point out that Miss Ouellette is one of 11 aboriginal Canadians chosen as guardians of the flame.

I wish Miss Ouellette a most rewarding experience. Her determination and enthusiasm are a source of pride for everyone in Madawaska—Restigouche and for all Canadians.

Congratulations, Dina.

\* \* \*

[English]

#### SASKATOON

**Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC):** Mr. Speaker, a recent survey was conducted by the Canadian Federation of Independent Business. I would like to take this opportunity to recognize and congratulate Saskatoon for ranking as the number one entrepreneurial city in all of Canada.

There is no doubt that small and medium enterprises are Canada's engines of growth.

Saskatoon is at the heart of the business boom in Saskatchewan as a result of the combination of federal, provincial and municipal tax policy adjustments that have enabled and supported business start-ups.

Communities count on businesses to play an important part in their economic and social well-being. Saskatoon has out-performed by providing a great environment for small business development. Business owners in Saskatoon have remained largely optimistic

#### Statements by Members

through the global downturn and, as a result, have increased the number of established businesses in our wonderful community.

Saskatoon has soared to the top and I am honoured to share this success with Canadians across the country.

\* \* \*

[Translation]

#### GASPÉ PENINSULA

**Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ):** Mr. Speaker, I would like to draw attention today to the fact that the October 2009 issue of *Traveler*, published by the famous *National Geographic*, included the Gaspé Peninsula among the top 50 “places of a lifetime”. My region is the only place in Quebec and one of only three in Canada to have made the list.

The Gaspé Peninsula earned this ranking in the category of “Places where man and nature live in harmony”, among such places as Asia's Gobi desert, Montenegro in Europe and Argentina's Mendoza region.

The text describing the Gaspé Peninsula was written by well-known singer-songwriter-composer Kevin Parent, who talks about places that are dear to his heart, where one can see both sea and mountains, two pillars of the Gaspé landscape. He also pays special tribute to the warmth and gregariousness of Gaspésians.

As the member of Parliament for Gaspésie—Îles-de-la-Madeleine, I am proud of such recognition, and I encourage the hon. members to let themselves be charmed by the wide expanses and spaces of leisure that make the Gaspé Peninsula such a wonderful place.

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#### JUSTICE

**Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC):** Mr. Speaker, we are happy to see that the bill to provide harsher punishments for identity theft crimes will soon become law.

This is yet another achievement that shows that our Conservative government works very hard when it comes to protecting Canadians.

Our greatest duty is to protect all Canadians, to protect who they are: unique individuals, whose identities are theirs alone.

Crime is always evolving. Violence often changes form, but we are confident that we are taking a big step forward with the enactment of this legislation, and we are not stopping there.

This bill is one more tool to help the police and the courts protect personal information. It updates the types of offences in the Criminal Code, and addresses traffic in identity information and traffic in government-issued identity documents.

With the support of all the parties, we are able to implement bills where immediate action is needed, because our Conservative government is responsible for you and for future generations.

*Statements by Members*

•(1410)

[English]

**JACK POOLE**

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Mr. Speaker, it was with great sadness that we learned of the passing of a truly great Canadian, Jack Poole.

Much of the credit for successful leadership of the bid and preparation for Vancouver's 2010 Winter Olympic and Paralympic Games rests with Jack, who died last week following a battle with pancreatic cancer.

On the very day of Jack's passing, the Olympic torch, a symbol for global peace, had just been lit in Greece to mark the beginning of the torch relays for the Vancouver Games.

Although saddened by his death, I am encouraged that so many Canadians will carry forward Jack's dream of seeing the Olympics in Vancouver and Canada.

An Officer of the Order of Canada, Jack was a humanitarian who lived his life with integrity and generosity. He will be remembered by his friends and colleagues as a passionate and driven leader and philanthropist who was dedicated to the public good.

Liberal caucus members join me in offering condolences to Jack's wife, Darlene, and their many friends and family. Our thoughts and prayers are with them.

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**AUTO THEFT**

**Ms. Dona Cadman (Surrey North, CPC):** Mr. Speaker, auto theft significantly impacts Canadians and businesses, with an estimated cost of more than \$1 billion each year. This amount takes into account the cost of the theft of non-insured vehicles, policing and legal and out-of-pocket costs, such as deductibles.

While Canadians suffer the financial and emotional impacts of this crime, organized crime profits. That is why our government is committed to cracking down on auto theft. We have legislation, which is currently sitting in the Senate, that would add new penalties in the area of property theft and, more specifically, the serious crime of auto theft. Our message to the Liberal leader is simple: Pass the legislation and stop playing political games.

Canadians can count on this government and this Prime Minister to stand up for the rights of victims and law-abiding Canadians.

\* \* \*

**PENSIONS**

**Mr. Malcolm Allen (Welland, NDP):** Mr. Speaker, seniors and retirees in my riding of Welland are deeply concerned about whether the savings they accumulated during their lifetime of hard work will be enough to adequately sustain them in their retirement.

In fact, at least 11 million Canadians have only their public pensions to rely upon for their retirement and, at current levels, those pensions offer benefits that are far from adequate, forcing all too many seniors back into the workforce instead of enjoying their retirement years.

New Democrats have proposed a plan that will protect the pensions of seniors. This plan includes increasing the GIS in order to end seniors' poverty, strengthening the CPP with a goal of doubling benefits, developing a national insurance program funded by plan sponsors that would guarantee pensioners \$2,500 a month in the event of a bankruptcy or pension plan failure, and creating a national facility to adopt workplace pension plans of companies in bankruptcy or in difficulty.

New Democrats are leading the way on pension reform and it is time for the government to follow our lead. The seniors of Canada deserve to live with dignity and respect, and New Democrats will continue to fight to ensure every senior in Canada receives the pension benefits they deserve.

\* \* \*

**IDENTITY THEFT**

**Mr. Phil McColeman (Brant, CPC):** Mr. Speaker, our government knows that organized crime and modern technology are changing the criminal landscape to make identity theft easier than ever. Identity theft is one of the fastest growing and most lucrative crimes in North America, especially for organized crime groups.

This government reintroduced legislation that aims to protect Canadians from identity theft by giving police the tools they need to stop this activity before the damage is done. I am proud to say that despite the Liberals' foot-dragging, our legislation to crack down on identity theft was finally passed in the House and will soon become the law of this land.

Finally, Canadians will be better protected from identity theft by giving police the tools they need to stop this activity before the damage is done.

Canadians know that they can count on this government and this Prime Minister to stand up for the rights of victims and law-abiding Canadians.

\* \* \*

[Translation]

**FATHER AND GUNS**

**Mr. Roger Pomerleau (Drummond, BQ):** Mr. Speaker, *Father and Guns* will be screened here in Ottawa tonight. A police comedy starring Michel Côté, Louis-José Houde, Rémy Girard and Caroline Dhavernas, the film has grossed nearly \$11 million at the box office.

Quebec's filmmakers make miracles with the resources available to them. As we all know, the Conservative government, which scorns both artists and their work, froze the budget for Telefilm Canada's feature film fund.

Yet this same government does not hesitate to claim the Quebec film industry's success as its own, calling it Canadian film. Contrary to what some have claimed, Canadian film does not account for 20% of the market in Canada. It accounts for barely 1.4%, while nearly 18% of the market belongs to Quebec film. That is an important distinction to make.

**Some hon. members:** Oh, oh!

**Mr. Roger Pomerleau:** In closing, I invite all of those busy shouting across the way to go see this Quebec film, which has English subtitles to help—

• (1415)

**The Speaker:** The hon. member for Hull—Aylmer.

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### FATHER AND GUNS

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, the film *Father and Guns*, which I greatly enjoyed watching, has been an enormous success, earning nearly \$11 million at the box office since it was released in Quebec in July.

The film was written and directed by Émile Gaudreault, co-written by Ian Lauzon, produced by Denise Robert and Daniel Louis of Cinémaginaire, and distributed by Alliance Vivafilm. It stars Michel Côté, Louis-José Houde, Rémy Girard and Caroline Dhavernas, to name a few.

This production, which received financial support from Telefilm Canada, has become the most popular French language film of all time in Canada. It is a perfect example of the success that can be achieved by our artists.

I would therefore like to congratulate the many, excellent actors and partners involved in production, promotion and distribution in this industry. It is thanks to their hard work, enthusiasm and determination that the industry remains so strong. Bravo!

\* \* \*

[English]

### INFRASTRUCTURE

**Mr. Rodney Weston (Saint John, CPC):** Mr. Speaker, our government's action plan is working. Projects from coast to coast are creating jobs and stimulating the economies of communities big and small right across Canada. Citizens and community leaders alike are seeing the work being done every day.

Despite this good news, the Liberal leader is not happy. His desire for an unnecessary and unwanted election has led him to hope for the worst during the global economic recession. His desire for an unwanted election has led him to falsely charge that we have not spent infrastructure money fast enough. When it became clear that this was not the case, he made the baseless accusation that the programs are not fair. That did not work either because it just is not true.

We are focused on the economy while the Liberal leader is focused on mud slinging and forcing an election which only proves he is not in it for Canadians, he is just in it for himself.

### Oral Questions

## ORAL QUESTIONS

[Translation]

### ETHICS

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Speaker, let us look at the facts: \$100 million spent on partisan propaganda without accountability; infrastructure monies distributed as though they were rewards points; more than 60 investigations by the Ethics Commissioner; a minister under investigation for his ties to lobbyists and federal agencies; a Conservative senator linked to key players in a scandal.

When are the Conservatives going to clean up this ethical mess?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, this is a time of global economic recession. However, Canada's performance exceeds that of many other countries and the government's measures are well-supported by Canadians and even the vast majority of provincial governments.

[English]

That question reminds me of the old saying that when you throw mud, you lose ground.

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Speaker, the Conservatives have spent 12 times more on meaningless sloganeering than on real information on H1N1. At 12 times more, that is \$100 million.

The Prime Minister may think that it is his money, but it is not. Taxpayers should know that \$100 million buys a year's salary for 1,700 public health nurses. It buys 10,000 ventilators, or it buys 35,000 days of ICU beds.

Why does the Prime Minister insist on wasting borrowed money on partisan advertising while Canadians struggle to deal with this pandemic?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I say to the member for Ottawa South that this government has an important responsibility to communicate our actions through Canada's economic action plan.

We are going through some unprecedented economic times and Canadians want to be informed of the significant actions that their government is taking in this regard. We have put politics aside and are working constructively with all provincial and territorial governments across the country.

We are focused on jobs. We are focused on fighting H1N1. We are focused on building industry. We are focused on supporting the unemployed. All we have is the sloganeering from the Liberal member opposite and that is too bad.

• (1420)

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Speaker, the Prime Minister's horse called accountability, the one he rode to Ottawa on, has apparently died.

Infrastructure money is disbursed like points in a Conservative rewards program. There are over 60 investigations before the Ethics Commissioner. There is a minister under investigation for improper ties with lobbyists and federal agencies. There is a Conservative senator linked to key players in an emerging scandal.

*Oral Questions*

Is this what Joe Clark meant when he said that these Conservatives were “a private interest party in a public interest country”?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, in September, all the Liberal Party had to offer Canadians was an unnecessary and opportunistic election. In October, while this government focuses on jobs, the economy, the health of Canadians with H1N1 and the needs of the unemployed, all the Liberal Party can do is muckrake.

I will tell the member what we are doing in the province of Ontario. We are working hard with the provincial government of Dalton McGuinty. We are creating jobs. We are creating opportunities. We are building cleaner water systems. We are building public transit. We are getting the job done. We are going to remain focused on the needs of Canadians and ensure that we get the job done for our economy.

\* \* \*

[Translation]

**COMPETITION BUREAU**

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, the claims about Senator Housakos' acquaintances remind us of the Competition Bureau's inaction in collusion investigations. Despite allegations from former senior public officials, nothing is moving forward. Despite the existence of electronic surveillance transcripts, nothing is moving forward. Despite suspicious businesses and police search warrants, nothing is moving forward.

Is the Competition Bureau dragging its feet because the Conservatives are scared of what could be discovered?

[English]

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the outrageous comments made by the member opposite do not serve her or her constituents well. They do not serve the Liberal Party well.

If she has any facts whatsoever to present, I would encourage her to do so in this place and I would encourage her to do so outside this place. If she has any evidence or anything to put up, she should put it on the table. The reality is that all we have seen from the Liberal Party this month after their pursuit of an unnecessary and opportunistic election is mud throwing.

We are going to remain focused on jobs, hope and opportunity for every Canadian in every part of this great country.

[Translation]

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, the Conservatives claim to be pouring billions of dollars into asphalt and cement.

Is taxpayers' money going into the pockets of suspicious individuals or businesses?

Are the friends of Senator Housakos and the Prime Minister's advisor, Dimitri Soudas, people we would want to be associated with?

Is there a system to artificially inflate prices?

What guidelines have the Conservatives given the Competition Bureau? I would like the Prime Minister to answer.

[English]

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I have here a press release put out by the Liberal Party, which states, “Liberal Party National Director Rocco Rossi today welcomed Yves Lemire, the new Deputy National Director of the Liberal Party of Canada”. He is becoming “an integral part of the Liberal team” and he has the full support of the Liberal leader. We checked later on in this press release and Mr. Lemire was also a municipal councillor on the island of Montreal and he used to work for Benoît Labonté, the executive director of Vision Montreal. Quel scandale.

\* \* \*

[Translation]

**JACQUES CARTIER AND CHAMPLAIN BRIDGES INCORPORATED**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the political lieutenant—

**Some hon. members:** Oh, oh!

**The Speaker:** Order, please. The hon. member for Laurier—Sainte-Marie has the floor.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the political lieutenant for Quebec said that he had no problem with officials from Jacques Cartier and Champlain Bridges Incorporated attending a Conservative Party fundraiser. However, the rules of ethics prohibit such activity. The political lieutenant for Quebec therefore condoned the fact that officials appointed by his government broke the rules of ethics and awarded a contract to BPR, a firm that employed Conservative Senator Housakos.

Does the Prime Minister stand by these statements made by his own political lieutenant for Quebec?

• (1425)

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, we brought in very clear rules about political donations. The Conservative Party receives donations from tens of thousands of donors. These donations are all quite modest. That is our system.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, I note that he did not answer the question and is therefore condoning breaking the rules of ethics, just like his political lieutenant.

Here are the facts. On the day of the cocktail party organized by Senator Housakos, he announced \$212 million in funding to repair the Champlain Bridge and attended a pre-cocktail gathering that was also attended by officials from the bridge and BPR, one of the firms that was awarded the \$1.4 million contract to study the condition of the bridge. Senator Housakos works for that firm.

Is this not a case of partisan appointments made to facilitate favouritism? The Prime Minister once condemned—

**The Speaker:** The hon. Minister of Transport.

*Oral Questions*

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, this Prime Minister and this government created the Federal Accountability Act. This government put an end to all of the former government's practices.

[*English*]

It is the Prime Minister and this government that eliminated big money from politics. It is the Prime Minister who eliminated corporate, union and \$5,000 cocktail parties. It is this government that has brought about more accountability and ethics reform than any other government in history, and we have every right to be very proud of that.

[*Translation*]

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Mr. Speaker, when they were in opposition, the Conservatives condemned the Liberals' lack of ethics. Today, though, those same Conservatives have abandoned their lofty principles and are showing favouritism by making partisan appointments.

I want to ask the Minister of Public Works and Government Services, who is defending the behaviour of his Conservative friends at Jacques Cartier and Champlain Bridges Incorporated, why it is more acceptable to break the ethics rules now than when the Liberals were in power?

**Hon. Christian Paradis (Minister of Public Works and Government Services, CPC):** Mr. Speaker, I hear the Leader of the Opposition and the Bloc leader making so-called clarifications of the facts. What they are doing is muddying the waters. Quite simply, Jacques Cartier and Champlain Bridges Incorporated is an independent corporation whose job it is to award contracts in a fair, open and transparent manner. That is what it does. The government has nothing to do with the process.

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Mr. Speaker, the May 20 cocktail fundraiser organized by Léo Housakos was attended by Paul Kefalas, who chairs the board of Jacques Cartier and Champlain Bridges Incorporated, and Serge Martel, a known Conservative who is a member of the same board and who signed the call for tenders pertaining to the contract that was awarded to the consortium of which BPR is part and for which Léo Housakos worked.

How can the Minister of Public Works and Government Services condone the fact that these people were at a pre-cocktail, unless it is because he was in attendance himself?

**Hon. Christian Paradis (Minister of Public Works and Government Services, CPC):** Mr. Speaker, I want to remind my colleague that it was under this government that the toughest law ever on federal political party financing was passed. This is the first time there has been such a tough law at the federal level, and it was passed under this government. We are talking about a transparent, fair and open tendering process conducted by an independent crown corporation. If my colleague has any formal accusations to make, she should make them from the other side of the House.

[*English*]

## AFGHANISTAN

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the Conservatives have been doing everything in their power to muzzle and prevent diplomat Richard Colvin from telling what he knows about what happened in Afghan prisons. He has had to hire his own lawyer but the government has come in with every intimidation approach and delay tactic it can come up with.

He has to pay for his own lawyer but now the government is saying it will not pay the bills unless his lawyer reveals the list of absolutely everyone she spoke with.

That is unbelievable. No lawyer should ever be asked to do that. No lawyer would do that. To do so would be to break the ethical contract.

What has the government got to hide? Let Colvin speak.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, there are so many inaccuracies in that question, I do not know where to start. At least the NDP is asking its questions from the floor of the House today.

There is a policy in place that covers Mr. Colvin and that covers the legal bills of any public servant. The rules are no different for Mr. Colvin than they are for any other public servant.

● (1430)

[*Translation*]

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, in one of Mr. Colvin's memos, the diplomat stated that the detainees had been burned, whipped with cables and shocked with electricity while in Afghan custody in Kandahar. The deputy minister of public safety received this memo in 2007.

Did the Minister of Public Safety see that memo or not? Will he continue to claim that he knew nothing about it, while silencing those who do know?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, as we have indicated, as soon as we learned about the concrete allegations, with proof of torture in Afghanistan, we changed the procedures and concluded a new treaty with the Afghan government. We made proposals and took action two and a half years ago. These issues are behind us.

\* \* \*

[*English*]

## CANADIAN FORCES

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, 17 years ago today the Federal Court reached the conclusion that gays and lesbians should be allowed into our armed forces because otherwise we would be violating the Canadian Charter of Rights and Freedoms. This verdict allowed openly gay men and women to join the armed forces of Canada.

Unfortunately, prior to that time, people were discharged, often given dishonourable discharges, as a result of their sexual orientation. That has left a stain on our history.

*Oral Questions*

I am going to ask the Prime Minister whether he would agree that the government should apologize for those decisions and provide compensation.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the government is not here today to correct all the wrongs of the past. The government is here to learn from the past and make sure we have a better future.

I can say that we are very proud of every single man and woman who wears the uniform of the Canadian Forces.

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**LOBBYING**

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I have a question for the Prime Minister.

Today the Commissioner of Lobbying testified that the Lobbying Act prohibited her from disclosing whether she was investigating any matter. Yesterday, however, the Prime Minister announced that his office was cutting off all communications with the lobbying firm, Navigator Limited, while the Commissioner of Lobbying was investigating ethical breaches by the firm.

Consequently the Prime Minister has undermined the confidentiality required by the Lobbying Act and compromised a potential investigation.

Why did he do this and when did he first find out about it?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** The lobbyist code of conduct, Mr. Speaker, is the responsibility of the independent, arm's-length officer of Parliament, the Commissioner of Lobbying, not the government.

The commissioner, as I said, is an independent officer. The office was established by this government in the Federal Accountability Act, so that these practices can be dealt with very transparently by an independent officer.

This government prides itself on accountability and ethics. That is why we strengthened the powers and the responsibilities of this arm's-length agency that is charged with investigating this matter, and we will continue to abide by all the rules.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, Navigator is not just any lobby firm; it is an arm of the Conservative Party.

Navigator operatives include a current media spokesman for the Prime Minister, the executive assistant to the Prime Minister's former chief of staff, the current and former spokesman for Brian Mulroney, and others who have close ties to the Minister of Finance, the Minister of Transport and the Minister of Natural Resources.

How can the Prime Minister claim to be distancing his Conservative government from Navigator when the firm is literally the face of the Conservative Party?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, it is kind of interesting to note that there is a fellow who used to work at this company. What is his name? His name is Warren Kinsella. There is another arch neo-con working at this firm and he used to work for the member for Toronto Centre. His name is Robin Sears.

I do not think this is any sort of secret Conservative organization.

\* \* \*

• (1435)

**INFRASTRUCTURE**

**Mr. Gerard Kennedy (Parkdale—High Park, Lib.):** Mr. Speaker, my question is for the Prime Minister.

The Minister of Industry has abused his authority by giving his own riding the biggest share of infrastructure stimulus funds. The same minister has given his own riding the highest amount of community adjustment program funds at the direct expense of unemployed families elsewhere. Even next spring's G8 meeting has become an excuse to give him another \$39 million to spend on his re-election.

The Minister of Industry has broken trust with Canada's unemployed by abusing job creation funds for his political advantage.

Mr. Prime Minister, is he a renegade minister you will now discipline?

**The Speaker:** Order, please. The hon. member for Parkdale—High Park knows he must address his questions to the chair and not to other members.

The hon. Minister of Transport is rising to respond to the question.

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, around the province of Ontario we have been able to accomplish a great deal, and I will tell the House how we have been able to do that.

We appealed to all municipal leaders across the country. Did they have infrastructure projects that would make our water cleaner? Did they have infrastructure projects that would expand public transit to improve the quality of life of people in this country? Did they have projects that would make bridges safer and our transportation systems better?

We had a partner in that effort, and that partner's name is Dalton McGuinty.

We are proud of our partnership with municipalities. We are proud of our relationship with the Premier of Ontario.

I only wish that the member could get along as well with Dalton McGuinty as those of us on the frontbench on this side do.

**Mr. Gerard Kennedy (Parkdale—High Park, Lib.):** Mr. Speaker, I can see why the members are hiding behind another government. It is because their Minister of Industry has filled his pork barrel to the point of overflowing with eighty million taxpayer dollars.

From the G8 summit fund, a purely federal fund, he is giving millions to communities that are 60 kilometres away from the summit site and summit activity. In addition, he is giving \$800,000 for streetscaping to the town of Bracebridge, which did not even request it. The local paper calls it "a shameful waste of taxpayers' money".

*Oral Questions*

My question is simple: Will the Prime Minister now investigate this obvious abuse of authority and ethics—

**The Speaker:** Order. The hon. Minister of Transport.

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, while those of us on this side of the House are focused on jobs, are focused on the economy, are focused on the plight of the unemployed and on what we can do to make this country a brighter and better place, we have crossed political lines.

Look what the Liberal deputy premier of Ontario said:

I think overall when we see how all the infrastructure dollars that are stimulus related have been allocated, I am pretty confident that there is going to be a very, very equitable regional distribution.

I agree with Mr. Smitherman.

The bottom line is that the member does not like us working with the Province of Ontario. If he cannot get along with Dalton McGuinty, then thank goodness there are those of us on this side of the House who—

**The Speaker:** The hon. member for Saint-Jean.

\* \* \*

[*Translation*]

**AFGHANISTAN**

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, Richard Colvin, who informed the government of possible cases of torture in Afghanistan, was told by the Conservative government that his lawyer's fees would not be covered even though he had obtained preliminary approval.

The only explanation for the government's reversal is that it does not want the truth to come out about the Afghan prisoners who were tortured in Afghanistan.

**Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC):** Mr. Speaker, in reply to the direct question of whether or not the fees of Mr. Colvin's lawyer will be paid, the answer is yes. There are procedures to be followed and the government will ensure that his fees are paid under the appropriate circumstances.

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, the government is asking to see the notes and the names of the people consulted by the lawyer for the individual in question before making a decision on payment.

Is this not a government attempt to breach client-solicitor privilege? Furthermore, it is engaging in shameless blackmail by threatening Mr. Colvin in this way.

Are the Conservatives not showing, once again, that all their gobbledegook about transparency is sheer hypocrisy?

**Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC):** Mr. Speaker, the gobbledegook champion in this House does not sit on this side but on the other side.

I just said that these bills will be paid. There are procedures to be followed; everyone follows them.

I hope that the member will acknowledge the importance of following procedures. At that point, we will be in a position to defray the expenses associated with the individual's defence.

\* \* \*

● (1440)

**THE ENVIRONMENT**

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, despite his promise in September, the Minister of the Environment has acknowledged that the Conservative government will not table a regulatory framework before the Copenhagen conference on climate change. This is the third postponement in three years.

Does the minister of oil companies realize that Canada, through its lack of leadership, is sabotaging the negotiations leading to a follow-up agreement on the Kyoto protocol?

**Hon. Jim Prentice (Minister of the Environment, CPC):** Mr. Speaker, our plan is clear: we will reduce our greenhouse gas emissions by 20% by 2020. That is the North American target and we are using a North American approach.

I might add, about the Copenhagen conference, that it is important to have a national approach that can fit into an international agreement. We have to maintain a flexible approach at the negotiating table in order to increase our chances for success.

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, the minister has just shown that he is not a minister of the environment; he is a minister of the oil companies. That is the reality.

By refusing to table this regulatory framework and by requiring Canada to have less stringent reduction targets than Europe and Japan, the Conservatives are showing that they do not intend to negotiate in good faith at the Copenhagen conference.

Will the minister admit that Canada has no credibility when it comes to global warming? That is Canada's international reputation.

[*English*]

**Hon. Jim Prentice (Minister of the Environment, CPC):** Mr. Speaker, Bloc members are going to have to decide if they want to continue to support NDP publicity stunts or if they want to be supportive of real environmental policy.

Reductions that have been put forward by the NDP and the Bloc are not achievable in a Canadian context considering our geography, our climate, the nature of our industrial base, and our population and economic growth since 1990.

This government will press forward with a continental approach, a suggested North American cap and trade approach, the clean energy dialogue, tailpipe emissions standards, aviation marine standards, all the good things that the Bloc should support.

*Oral Questions***HEALTH**

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Mr. Speaker, first the minister ordered 50.4 million doses of adjuvanted vaccine and told the people of Canada that it was safe for everyone. Suddenly, the government put in a special order for non-adjuvanted vaccine for pregnant women. Then it said the order was going to be late. Then it said not to worry, that they could take the first vaccine. Now it has ordered 200,000 more doses of non-adjuvanted vaccine from Australia so pregnant women do not have to wait for the non-adjuvanted. At the same time, the government is saying the adjuvanted vaccine is safe for them. This is dizzying.

What are the pregnant women of Canada supposed to believe?

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, the Chief Public Health Officer and the medical officers of provinces and territories have all said that both vaccines are safe for pregnant women. We take their advice very seriously and every Canadian who wants a vaccine will receive it.

We are urging Canadians to get the vaccine because this is the best way to protect themselves and their families.

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Mr. Speaker, MPs' offices across the country are inundated with people who do not know what to do. One woman who has previously worked in a—

**An hon. member:** That's not true.

**An hon. member:** Nonsense.

**Some hon. members:** Oh, oh!

**Hon. Carolyn Bennett:** This is not funny.

Mr. Speaker, one woman—

**Some hon. members:** Oh, oh!

**The Speaker:** Order, please. The hon. member for St. Paul's has the floor. She will want to address her question to the chair.

The hon. member for St. Paul's.

**Hon. Carolyn Bennett:** Mr. Speaker, my colleagues may laugh.

This woman has worked in pandemic preparedness her whole life. She is 21 weeks pregnant and is agonizing over her decision whether to take the adjuvant vaccine or wait for the non-adjuvant. She has done her research, she has spoken to six obstetricians, and she still does not know what to do.

How can it be that, at this late stage, the government has created such confusion?

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, we continue to work with the provinces and territories on the rollout and we take the matter very seriously. Both the Chief Public Health Officer of this country and medical officers of this country have stated both non-adjuvanted and adjuvanted are safe for pregnant women.

As well, the Canadian Society of Obstetricians and Gynaecologists says that it is safe.

Why can the member not accept the advice of experts?

● (1445)

[Translation]

**Mr. Justin Trudeau (Papineau, Lib.):** Mr. Speaker, last July, two thirds of Canadians were planning to get vaccinated against H1N1, but now only half of them are planning to get vaccinated. And the figures are worse with respect to youth. A mere 36% of young adults are considering getting vaccinated, and that percentage is even lower in Quebec. That virus is targeting young Canadians, and this government is not getting the message across to them.

How do these Conservatives think they can justify once again not looking after our youth?

[English]

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, again, we continue to work with the provinces and territories in the rollout. Our government has demonstrated leadership when it comes to communicating with Canadians on the H1N1. We have held weekly conferences with the provinces and territories, as well as weekly conferences and weekly updates with the opposition critics, and a public education campaign, which includes print, radio and so on.

Our government is ensuring that we inform as many Canadians as possible about ways to protect themselves and their families, and we encourage the opposition members to do the same.

[Translation]

**Mr. Justin Trudeau (Papineau, Lib.):** Mr. Speaker, my question was about youth. The figures clearly show that this government has once again let them down. In addition, had this government done its job, there would not be this much confusion about the H1N1 vaccination. Instead of informing the public about this virus, the government preferred to spend \$100 million on Conservative propaganda.

When will this government realize that the health and safety of Canadians has to take precedence over partisanship?

[English]

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, Canada is well positioned in dealing with this pandemic. We have implemented the pandemic plan since April. We are in a very fortunate position now. We are able to vaccinate every single Canadian in this country, every single youth, adult, senior, et cetera.

We will continue to work with the provinces and territories for the rollout of the vaccine. Yesterday was the first day of the rollout and we will continue to see people line up to get the vaccine for the next two weeks.

\* \* \*

**JUSTICE**

**Mrs. Tilly O'Neill-Gordon (Miramichi, CPC):** Mr. Speaker, auto theft has a significant impact on individual Canadians and businesses, with an estimated cost of more than \$1 billion each year. While Canadians suffer the financial and emotional impacts of this crime, organized crime profits.

Would the Minister of Justice update the House on the status of our government's legislation?

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, the best way to fight gangs and organized crime is to disrupt the criminal enterprises they rely on. This is why our government is committed to cracking down on auto theft. We have legislation that would add new penalties in the area of property theft; more specifically, the serious crime of auto theft.

Unfortunately, that bill has been sitting in the Senate since June of this year. My message to those Liberal senators is simple. Let us get tough on crime. Let us get this bill passed. Canadians deserve better.

\* \* \*

#### TAX HARMONIZATION

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP):** Mr. Speaker, the government's new sales tax means the home of their dreams will be further out of reach for many families. The Canadian Home Builders Association has said that the HST will add substantially to the cost of a new home. This is discouraging news for Canadian families and for home builders. This government is pricing Canadians right out of the market.

Will the finance minister cancel this tax grab? I hope he does not say that it is a provincial issue. His signature is on an agreement to pay provinces to do it.

**Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC):** Mr. Speaker, it has been explained here many times. I will have to repeat that the hon. member, instead of standing in this House and voting against every tax reduction that we put forward, should actually go and talk to her premier or to her finance minister in her province because that is their jurisdiction.

Instead of wasting time here, she could be supporting some of our get tough on crime legislation, instead of asking questions like that, that do not even belong in this House.

• (1450)

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP):** Mr. Speaker, the finance minister and the Conservative government know that the HST is not a provincial issue. Even the minister's wife has written him a letter asking him to stop funding its implementation.

The HST will hit Canadians even in their times of sorrow. A \$5,000 funeral will cost \$400 more. Funeral director Patrick McGarry, cousin of the Conservative candidate from Ottawa Centre, is publicly encouraging people to pay for their funerals before the HST is launched: "Buy your coffin now while you can still afford one".

Is this really the sales pitch the government wants Canadians to face?

**Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC):** Mr. Speaker, I understand the hon. member got my message because she certainly spoke loud enough that the finance minister in Queen's Park could probably hear it.

Let me remind the hon. member, when she raises the issue of taxes, what she and her party over in the corner have voted against.

#### Oral Questions

They voted against personal tax cuts. They voted against reducing the GST for all Canadians. They voted against exempting autism-related personnel training from the GST. They voted against all of that.

\* \* \*

[Translation]

#### TELEFILM CANADA

**Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ):** Mr. Speaker, as we know, the Department of Canadian Heritage investigated Telefilm Canada in 2007. No action was taken following the investigation's report, and absolutely nothing was done about its findings, which have never been made public.

Can the government release the findings of the investigation into Telefilm Canada?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, in the case of Telefilm Canada, we have changed how it operates with taxpayers' money. The report the member referred to is in the government's hands. We are taking the necessary steps to look after taxpayers' needs.

**Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ):** Mr. Speaker, I understand the minister plans to table the findings of that report soon, but some new facts have also emerged.

In 2002, Charles Bélanger, president of Telefilm Canada, decided on his own initiative to pay thousands of dollars in grants to Cinar, without checking with his board of directors. The House will recall that, at that time, Charles Bélanger's wife co-owned Teletoon with Cinar.

Considering this new information, combined with what Cinar has recently admitted, why does the government not re-open the investigation into the Cinar file? Who is the government trying to protect?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, the allegations my colleague is talking about involve events that happened under the previous government, a Liberal government. The allegations she mentioned were the subject of an investigation and recommendations on how to improve the governance of Telefilm Canada were proposed. As a result, our government made some changes and those changes have been implemented. We are ensuring that diligence is maintained to better serve the needs of all Canadians.

\* \* \*

[English]

#### FISHERIES AND OCEANS

**Hon. Lawrence MacAulay (Cardigan, Lib.):** Mr. Speaker, the government should be well aware that the people involved in the fishing community worldwide are concerned about the preservation of the fish stocks. The government should be fully aware that the herring stocks in the southern gulf are under extreme pressure.

*Oral Questions*

Why would the government lower the minimum size for the large herring seiners from 24.5 to 23.5 centimetres? Will the minister do what is right, reverse this decision, and put it back to 24.5 centimetres for the sake of the herring stocks?

**Hon. Gail Shea (Minister of Fisheries and Oceans, CPC):** Mr. Speaker, the small fish protocol is actually within science advice.

However, I want to make the House aware that the hon. member went to the press a few weeks about our herring policy and about the seiner policy. He led people to believe that we are allowing more small fish to be fished.

I want to point out that it was the Liberal government back in 1998 that put in place a 35% small fish protocol, which we actually lowered.

**Hon. Lawrence MacAulay (Cardigan, Lib.):** Mr. Speaker, the issue here is to put a stop to the elimination of the herring stocks in the southern gulf.

Along with lowering the herring size to suit the large seiners, the Conservative government also changed the bycatch for the seiners from 10% to 30%, which means approximately one-third of the herring catch can be immature stock.

Has the government put the elimination of the herring stock in the southern gulf on fast-track, or will it do the right thing and reinstate the bycatch to 10% in an effort to save the herring stock in the southern gulf?

• (1455)

**Hon. Gail Shea (Minister of Fisheries and Oceans, CPC):** Mr. Speaker, does the member have a problem hearing? He obviously did not hear what I said.

He intentionally mis—

**Some hon. members:** Oh, oh!

**The Speaker:** Order, please. There seems to be a little bit of tumult in the House. It is very difficult to hear the Minister of Fisheries and Oceans who has the floor. The President of the Treasury Board says it is a red herring, but the answer is not.

The Minister of Fisheries and Oceans has the floor and members will want to hear the response. Order, please.

**Hon. Gail Shea:** Mr. Speaker, I do want to point out, as I just did previously, that under the Liberal government in 1998 the small fish protocol was set at 35%, not 10%. The hon. member should tell the truth to the fishing community.

**Some hon. members:** Oh, oh!

**The Speaker:** Order, please. The hon. member for Acadie—Bathurst.

\* \* \*

[*Translation*]

**EMPLOYMENT INSURANCE**

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, this morning, Statistics Canada informed us that the number of people receiving employment insurance benefits fell in August. But the situation is much more complicated. The number of recipients increased in New Brunswick and in Quebec. In Ontario and

Saskatchewan, the decrease was caused by the fact that many workers reached the end of their benefit period.

In Ontario, Manitoba and Alberta, 40% of people are not eligible, and that number keeps increasing. What does the government plan on doing?

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, we have already done a lot to help those who have been unfortunate enough to lose their jobs. What we have already done is to add five additional weeks of EI benefits, which helped 300,000 Canadians this year. We expanded the work-sharing program, which is currently protecting more than 165,000 jobs. Furthermore, I remind members that we are trying to expand the support system for long-tenured workers.

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, a representative from the International Union of Operating Engineers, who appeared before the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, recommended that apprentices be put in the same category as workers who receive special benefits. In short, he was asking that the new legislation encourage apprentices to continue learning their trades and pursue training, instead of penalizing them by making them ineligible for EI benefits. Bill C-50 penalizes apprentices.

Is the government prepared to amend Bill C-50 to avoid penalizing apprentices?

[*English*]

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, the one thing that we have done as a Conservative government is to encourage apprenticeships. We did that, right out of the chute, with our apprenticeship incentive grants of up to \$2,000 for students who sign up in apprenticeship programs.

In our economic action plan we enlarged on that by providing the apprenticeship completion grant, so now students in the trades can collect up to \$4,000 in grants to help them achieve their goal of skills in the skilled trades.

I would point out that the hon. member and all the members of his party voted against both those initiatives.

\* \* \*

**JUSTICE**

**Mr. Mike Allen (Tobique—Mactaquac, CPC):** Mr. Speaker, we know that organized crime is flourishing with the advancement of modern technology and Canadians also recognize the violence associated with it.

Our government has implemented a comprehensive approach to combating organized crime and gangs in this country. For two years, we have fought the opposition to pass identity theft legislation that will give police the tools they need to fight this lucrative activity.

I am pleased that our government's Bill S-4 has received royal assent and will soon be the law of the land. Could the Minister of Justice tell the House what this will mean for Canadians?

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, the member is quite correct. Two years ago, we introduced Bill C-27, which was our first attempt to protect Canadians from the growing crime of identity theft.

We had to reintroduce this legislation and I have been calling upon the opposition for months to get this passed. I am pleased to say that we finally got it through the House and Canadians will be better protected from identity theft by giving police the tools they need.

There is only one party and one government prepared to stand up for victims in this country and it is this Conservative government.

\* \* \*

● (1500)

#### IRAN

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, we are witnessing, in Ahmadinejad's Iran, four distinct and interrelated threats: the nuclear, the genocidal, the terrorist and massive domestic repression.

What action will the government take to hold Iran to account? In particular, will the government sanction Iran's revolutionary guards, who are at the core of each of these threats, and its energy and banking sectors that create the capacity for this kind of violence?

I invite the government to adopt my own private member's Iran accountability act, which would address all these threats with corresponding remedies. Will it do so?

**Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC):** Mr. Speaker, under this government, on Thursday of this week, Canada will table a strong resolution at the United Nations General Assembly that will continue to take Iran to task for its appalling behaviour in international affairs and the blatant disregard the regime carries out on its own citizens.

Under this government, we will finally stand up with everybody who is supporting us for human rights.

\* \* \*

[Translation]

#### NATIONAL DEFENCE

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, the journalist who made public the report on the deplorable conditions of Quebec's heritage military buildings said that he was told by the Department of Defence that the \$100 million in renovations of La Citadelle have been postponed for ten years.

Does the minister responsible for Greater Quebec City realize that, given the unsafe state of the buildings owned by National Defence, a delay of 10 years will result in additional costs not to mention safety issues and will jeopardize valuable heritage buildings?

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, this is of great interest to us. Of all the installations, La Citadelle is one of the historical sites that has the greatest heritage value to the department. We have planned significant work to restore and repair the structures in coming years. This will be in addition to the \$20 million in work

#### Privilege

completed in the 1980s and early 2000s to restore various buildings and fortifications.

\* \* \*

#### PRESENCE IN GALLERY

**The Speaker:** I wish to draw the attention of the members to the presence in the Senate gallery of crew and cast of the popular film *De père en flic*: producer Denise Robert, director Émile Gaudreault, comedians Michel Côté, Luc Senay, Patrice Coquereau, Joachim Tanguay and Clermont Jolicoeur, as well as board chair of Telefilm Canada, Michel Roy.

**Some hon. members:** Hear, hear.

\* \* \*

● (1505)

[English]

#### POINTS OF ORDER

##### ORAL QUESTIONS

**Hon. Lawrence MacAulay (Cardigan, Lib.):** Mr. Speaker, I rise on a point of order. I am sure the Minister of Fisheries and Oceans would not intentionally mislead the House but I want to put a number of facts on the record.

What I have in my hand is a variation order from the Department of Fisheries and Oceans that came into force on September 2, 2009. These are just facts that indicate what the rules are. The department passed rules that helped eliminate the herring stock in the southern gulf and this must be stopped.

**The Speaker:** I invite the hon. member for Cardigan to put notice of his question on the late show and he can have a debate on the subject then rather than raise a point of order which might get us into a debate now rather than on the late show when the rules suggest it be done. I know the Minister of Fisheries and Oceans would look forward to such a debate. I can tell from the enthusiastic listening of the hon. member's point of order.

\* \* \*

#### PRIVILEGE

##### DISTURBANCE IN GALLERY

**Hon. Jay Hill (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I rise today on a question of privilege in regard to the disturbance in the public gallery yesterday during question period. I charge the member for Toronto—Danforth with contempt for his involvement in this incident.

It has now become quite clear that the people who disrupted the proceedings of this House were guests of the leader of the NDP. That member booked room 237-C from 11:30 a.m. to 1:30 p.m. yesterday prior to question period for the use of that group. It was set up, according to the parliamentary functions room request form, for theatre-style seating and standing microphones for questions and media feed, all provided by the House of Commons.

*Privilege*

Conservative members of the environment committee happened to be meeting in the Commonwealth room, which is adjacent to room 237-C. Those members reported to me that they heard the group in room 237-C practising their chant very loudly. It was clear to all people.

We cannot allow members to misuse Parliament to aid in such obstruction. Obstructing members in the performance of their duties is a breach of our privileges, as we well know. Clearly, yesterday, during question period, this House was obstructed by the disturbance in the gallery. Question period was interrupted while security cleared the gallery.

The Canadian press reported that the NDP member for Skeena—Bulkley Valley stood outside watching after the protesters were ushered from the building and praised their disruptive tactics. He was quoted as saying, “It’s pretty powerful, there’s no doubt about it, young people getting this animated.”

This was not just a bunch of kids making a point. We had two constables that reportedly went to the hospital as a result of that group making its point. It was also reported to me that some members were uncomfortable and feared for their safety. Might I remind the Speaker that it is also contempt to intimidate or attempt to intimidate members of this House.

I would refer hon. members to Marleau and Montpetit at page 67 where it states:

There are, however, other affronts against the dignity and authority of Parliament which may not fall within one of the specifically defined privileges. Thus, the House also claims the right to punish, as a contempt, any action which, though not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions; obstructs or impedes any Member or Officer of the House in the discharge of their duties;

Marleau and Montpetit goes on to state:

By far, the most important right accorded to Members of the House is the exercise of freedom of speech in parliamentary proceedings. It has been described as:

...a fundamental right without which they would be hampered in the performance of their duties. It permits them to speak in the House without inhibition, to refer to any matter or express any opinion as they see fit, to say what they feel needs to be said in the furtherance of the national interest and the aspirations of their constituents.

On page 84 of Marleau and Montpetit, it states:

Speakers have consistently upheld the right of the House to the services of its Members free from intimidation....

The precedent cited on that same page is from Speaker Lamoureux, who went further and suggested that members should be protected from “threats or attempts at intimidation”.

We must provide protection for the House, its members and its officers from improper obstruction or attempt at or threat of obstruction that interferes with the performance of their respective functions.

The leader of the protesters is the political events organizer of the NDP. His group gained access to the parliamentary precinct because of the leader of the NDP. The leader of the NDP provided a practice room for this group. The group was allowed to go from its practice to the galleries where it obstructed the proceedings of the House and intimidated some members.

In summary, Mr. Speaker, I would ask that you investigate this matter and report back to the House as soon as possible.

• (1510)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I am familiar with the references made by the hon. House leader but I would simply point out to the House leader and to you, Mr. Speaker, that that is the party that brought forward a 200 page manual on how to obstruct the work of committees.

A former deputy speaker, Bill Blaikie, once said to the House that demonstration and filibustering are part of the democratic process. Section 2 of the Canadian Charter of Rights and Freedoms gives Canadians the right to express their freedom of expression. That is what happened here.

Mr. Speaker, I would just indicate that freedom of speech is not just for parliamentarians. It is for all Canadians.

[*Translation*]

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, we saw indeed the disturbance caused by people in the gallery yesterday during question period, as did many members of the House.

However, I deplore the fact that the Leader of the Government in the House of Commons is using this situation to play petty politics. Let me explain.

When we had, two or three weeks ago—

**Some hon. members:** Oh, oh!

**Mr. Michel Guimond:** Mr. Speaker, I would like to finish making my point and then it can be decided if what I said was relevant or not.

When we had the three protesters disguised as nuns two or three weeks ago, our security services acted quickly and effectively even though it was not necessarily easy. I am sorry, but the appropriate forum to discuss this situation is not here.

The Leader of the Government in the House of Commons is trying to play politics, and he knows it. He was elected at the same time I was, in 1993. It was 16 years ago last Sunday. Like me, the Leader of the Government in the House of Commons has been a member of the Board of Internal Economy of the House of Commons for several years, and he knows full well that discussing such issues is part of the mandate, the responsibilities and the duties of the Board of Internal Economy.

Having been sworn in, I do not have the right to disclose the substance of our discussions, but the Leader of the Government in the House of Commons knows full well that the case of the protesters disguised as nuns was discussed in the appropriate forum, namely the Board of Internal Economy of the House of Commons. Therefore, I do not think this issue has to be settled in the House. It must be discussed at the Board of Internal Economy.

[English]

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, first I would like to say that I know the government takes great exception to anyone who dares to protest. The question the government House leader has raised today is absolutely absurd. As others have pointed out, it is simply political grandstanding. It is that particular House leader who has told the House repeatedly that when such matters arise, the appropriate place to raise those issues is in the House leaders' meeting, which, by the way, will take place at 3:30 this afternoon. If he were concerned about security issues, that would be the appropriate place to raise that matter.

What I have to say to the House in response to these ludicrous allegations is that the member for Toronto—Danforth had nothing whatsoever to do with the protest that took place in the gallery yesterday. Let us be very clear. There were members from different parties who met with the young people on Parliament Hill. It is part of our responsibility and mandate to book rooms and meet with constituents and organizations on Parliament Hill.

The member for Toronto—Danforth was simply doing his job. As the leader of the New Democrats, I am glad that he met with that very enthusiastic group of young people who came to Parliament to raise their concerns about climate change. To charge the member with contempt, saying that somehow we organized the protest in the House is ludicrous. There is no conspiracy except in the mind of the government House leader. The fact is we knew nothing about the protest. If members will recall, the protest took place in the middle of the question by the leader of the NDP in question period.

This is an absurd allegation. It is simply being made for political grandstanding. The fact is, yes, our party's leader met with the group, as did other members of Parliament. We had no knowledge of the protest. However, in a broader spectrum, we uphold and respect the rights of people to protest and put forward their points of view.

The government House leader is simply trying to make political points in the House. It is not a question of privilege. The member for Toronto—Danforth has done nothing wrong in terms of his responsibilities as a member. To charge him with contempt of the House is absolutely absurd. I would ask the member to withdraw his question of privilege on the basis that it has no factual or evidentiary information whatsoever.

• (1515)

**Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC):** Mr. Speaker, yesterday the Conservative members on the Standing Committee on the Environment met at 1:30 p.m. At 1:45 p.m. there was a chant or yell, a war cry like I have never heard since I was elected in 2004. It was substantial enough that we stopped the meeting to find out what was happening. We proceeded from room 238-S and opened the door to room 237-C to find out what was happening. It was a meeting of the same young people that were in the gallery yesterday during question period. I recognized many of them in that room.

Because it was so out of the norm, I checked to find out who had reserved the room, who had hosted that meeting. It turned out it was the NDP. The House leader is absolutely right.

### *Privilege*

Then I was shocked to discover during question period that there was a well organized strategy. Guests of the NDP were sitting in the gallery for this well organized event, which was disgraceful in my opinion. It was well organized and put other citizens of Canada who were present and security officers at extreme risk.

After the event, I climbed up in the gallery. It was a very dangerous situation in which the protestors put our security staff. People could have been hurt. In fact, as the House leader said, two of the officers were injured and had to go to hospital.

We hear an endorsement of that type of action from the Liberals, endorsement and acceptance from the Bloc and justification from the NDP. It is absolutely disgraceful. It should never have happened. It should not have been hosted and supported by the NDP. The NDP owes the House an apology.

I came here to represent my wonderful community of Langley. It is an honour to be here. That type of disrespect for the House should never happen again. This House deserves an apology.

**The Speaker:** I am not sure we need to hear a whole lot more on this point. I think I have heard enough on the point that I can at least take the matter under advisement at this stage. I am not sure that there has been a breach of the privileges of members from what I have heard, but I will look into the matter further.

Of course, in the proceedings yesterday, I could not see what was happening behind me at all. In this seat, I cannot see what is happening in that gallery, but I appreciate the hon. member's intervention on the point and I will look into it.

• (1520)

[Translation]

I will come back to the House with a ruling. The other thing that can happen with a question of privilege, and it is not a matter of workload, is for it to be referred to a committee for review. I imagine that if there is a problem with privileges, the hon. Leader of the Government in the House of Commons will move a motion to refer the matter to a committee. I do not know. I believe it is usual for a question of privilege.

[English]

We will move on. I have notice of a point of order from the hon. Minister of Public Safety.

### INTRODUCTION OF BILLS

**Hon. Peter Van Loan (Minister of Public Safety, CPC):** Mr. Speaker, I want to address an issue that was raised by the House leader of the Bloc Québécois. This is with regard to whether Bill C-53 was improperly prematurely disclosed in advance by me. I want to speak to that.

The rule in the case that we are talking about is not one that one will find referenced in Marleau and Montpetit. One will not find any reference to it in Erskine May or in Beauchesne's. In fact, Mr. Speaker, the rule essentially comes entirely in one single finding of contempt that you yourself made in 2001 with regard to an action of my predecessor, the first public safety minister, who was the Minister of Justice at that time.

*Privilege*

What your ruling clearly indicated and what those circumstances produced is an indication that the rule about disclosing or discussing a bill in advance is a very circumscribed rule. The restrictions are fairly simple. First, the time period in question is limited only to the time between a bill being put on notice and its actual introduction. That is the period in question. Of course, the principle is that the first availability of the text of a bill should be to members of Parliament.

The approach that I adopted in the particular circumstance was not to disclose the contents of the bill. Rather, it was simply to discuss a policy problem that existed and discuss the intention of the government to fix it. It was not a specific explanation of what those fixes were nor an indication of what the text of the bill was going to be. None of those things occurred.

Second, in the case in 2001, the justice minister's actions must be looked at. What occurred specifically was that the justice minister held a briefing with the media. This was after a bill was put on notice and before it was introduced in the House. The justice minister circulated an actual copy of the text of that bill to the media and provided comment on it. Mr. Speaker, that was the basis on which you made a ruling. Your ruling was that was a prima facie contempt of the House.

The test that arises from that case is that one cannot disclose the text of a bill to a select group ahead of parliamentarians seeing it. In your words, Mr. Speaker, "with respect to material to be placed before Parliament", that is, the bill itself, "the House must take precedence".

In the arguments before you, the opposition is looking to significantly expand this rule, both in the case of the issues they raised with my colleague the Minister of Justice on Bill C-52 and me and the Minister of Public Works on Bill C-53. They would wish to ask you to expand that rule to effectively prohibit the government from ever discussing any policy that might in the future be the subject matter of a bill before the House.

Obviously, that is not the purpose of the rule. The purpose of the rule is not to stifle discussion or debate, or an exploration of policy issues. That would offend the privileges of members of the House. That would offend our freedom of expression. In fact, if that were to be the rule, it would effectively stifle any public debate of policy, including what we do in question period, what we do in debates on allotted days, what we do in committees all the time and what we do in election campaigns.

That is clearly not the intent of the rule. Clearly, the intent of the rule is restricted to the actual disclosure of the text of a bill. Mr. Speaker, as I said, it is a rule that has emanated entirely from a ruling made by you in 2001.

To address specifically the approach that I adopted with regard to any discussion of the introduction of Bill C-53 in advance of it, I took great care. As a former House leader, I was sensitive and cognizant of the issues that existed there. I was well encouraged by our current House leader to exercise due care.

The best way of examining whether any such contempt occurred is simply to look at the words of my availability to the media and what was discussed. I will read them.

●(1525)

[*Translation*]

Currently, many criminals get out of jail early through a process called accelerated parole review. First-time criminals who have committed non-violent offences can access day parole at one-sixth of their sentence and are granted almost automatically full parole at one-third of their sentence.

[*English*]

"Currently, many criminals get out of jail early through a process called accelerated parole review. It is the law now. First-time criminals who have committed non-violent offences can access day parole at one-sixth of their sentence and are granted almost automatically full parole at one-third of their sentence". That is simply a description of the law as it exists today. There is nothing inappropriate with that kind of discussion.

[*Translation*]

Unless the National Parole Board has reasonable grounds to believe that offenders will commit a violent offence once released, it must automatically grant their release into the community.

[*English*]

"Canadians are surprised to learn that unless the National Parole Board has reasonable grounds to believe these offenders will commit a violent offence, not another offence, but a violent offence once released, they must automatically release those prisoners into the community".

This means, believe it or not, that in some cases, a fraudster, a thief or a drug dealer, for example, could be back on the streets early. Such a criminal could be sentenced to 12 years but would actually be released into the community on day parole in just 2 years, and, notwithstanding having a 12 year sentence, could be fully paroled in 4 years, and the Parole Board would have no choice but to make that order.

Again, it is a description of the existing law. Nothing inappropriate there.

It goes on to state that "the status quo gives the Parole Board no discretion in dealing with these cases. The test is simple, whether or not the offenders is likely to commit a violent offence. Well as you can imagine, with someone who has never committed a violent offence in the past, the ability to pass that test to be held there longer is a pretty tough one. As a result, even if the Parole Board believes the offender is likely to go out and commit another fraud, another theft or another drug offence, the Parole Board has no choice. They must, under the present law, release that offender into the community. We think that is a problem".

Again, that is a statement of the law that, in my view as Minister of Public Safety, is a problem. There is nothing inappropriate about doing that. It is a wholly legitimate discussion of policy.

*Privilege*

[*Translation*]

In a number of cases, criminals who received a sentence that seemed appropriate can leave prison and be back on our streets shortly after their crime makes the headlines. This situation upsets Canadians' sense of justice and undermines their trust in the justice system and the correctional system.

[*English*]

It goes on to read, "This offends Canadians' sense of justice, it undermines their faith in our justice system and our correctional system. Canadians want change and that is what our government intends to deliver".

Again, that is a very simple, very broad statement of disapproval of the current law and a desire to change it. There is no disclosure of the contents of any bill.

I continue, "This morning, I'm pleased to announce our commitment to reforming the parole system in this country. Our government is committed to fixing the problem of early parole for criminals".

[*Translation*]

The commitment I am announcing today is another step toward a system of earned parole where early release is a privilege granted to offenders who have proven that they have truly made an effort in their rehabilitation, rather than a right available to all criminals.

[*English*]

I go on to say, "The commitment I'm announcing today will move us one step closer to a system of earned parole in which early release is a privilege granted only to those who have shown they are committed to rehabilitation rather than a right granted to every criminal. Earlier this year, I introduced legislation that would make the protection of society paramount in all decisions in the correction process. It includes reforms that would hold criminals more accountable for their actions and rehabilitation more effective. Today's commitment will build on these proposed reforms".

Again, I have not in any place tendered on the table a draft of the bill, as happened in the case of the justice minister in that situation in 2001 where the Speaker found contempt. I did not even discuss the contents of what a solution would be. I simply said, "Here we have a policy problem. We as a government intend to fix that problem. We are going to take action to fix it".

We could do that in any number of ways. We could do that by changing the one-sixth day parole eligibility to perhaps one-fifth or one-third or one-quarter. I did not in any way disclose at that point in time what that solution would be. We could have changed the full eligibility parole from one-third to one-half to one-quarter. I have not disclosed that.

We could simply change the test from an automatic one to one where we shift the burden to a prisoner to prove why he or she should be released or to one that would create a presumption that could be dissuaded perhaps by victims. We did not discuss what particular solution there would be. We also could simply do away with the whole system of accelerated parole, which is what we did ultimately, but nowhere in this announcement did I ever state which

of those many myriad of solutions could have been the ones approached.

Certainly it falls far short of the test that is established in the 2001 decision of yourself, Mr. Speaker, which relates to the actual disclosure of the text of a bill in advance, to a limited audience of not parliamentarians. That is the real test. It is over here. I am in fact far away from that, simply dealing in a policy discussion, indicating that we have a problem in our society that we need to fix.

For the opposition members, who have been complaining a lot about the fact that we go out and talk about what we are doing, what we think needs to be done and what we want to fix, and who do not like to have us communicating with Canadians, I can understand why they want that rule expanded to stifle any discussion of policy or of problems that we intend to fix in this country, including in the justice area.

However, that is not what the rule stands for in the decision that was taken in March 2001 that established this principle that it would be a contempt on Parliament to circulate and disclose in advance the text of a bill. In fact, in my case we do not even come anywhere close to that: none of the provisions, none of the potential mechanisms, none of the solutions, let alone the specific text, which is what the principle stands for.

Mr. Speaker, I submit to you that you should dispense with the request from the leader of the Bloc Québécois in the House of Commons, supported by the other parties in this matter, because it simply falls far short of the test that would constitute any contempt of Parliament.

I have been very careful in this matter, as was my colleague, the public works minister, in the exact same availability to the media, in addressing these issues in a cautious fashion that respected, to the utmost, the principles of respecting the supremacy of Parliament, that the content of a bill should be, once put on notice, submitted to this Parliament first before it is submitted to any other group, and that is exactly what was done in this case.

Therefore, to expand that rule significantly to stifle any discussion of policy would be a highly inappropriate approach.

● (1530)

[*Translation*]

**The Speaker:** The hon. Minister of Public Works and Government Services is rising on a point of order regarding the same issue, I believe.

**Hon. Christian Paradis (Minister of Public Works and Government Services, CPC):** Mr. Speaker, regarding the question of privilege raised by the member for Joliette concerning Bill C-52 and the press conference I held with my colleague, the Minister of Justice, I offer my sincerest apologies to the House.

*Privilege*

I fully support what the Minister of Justice has said about this issue in this House. The details about Bill C-52 were disclosed when it was placed on the order paper, before being read the first time. It was a mistake that should not happen again. That is what I wanted to say about Bill C-52.

With respect to Bill C-53, I heard the comments made by the Minister of Public Safety, and I also agree with his argument that the details of this bill were not disclosed at the press conference yesterday. I am also in agreement with his comments on Bill C-53.

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, first, I appreciate the apology by the Minister of Justice and the Minister of Public Works concerning Bill C-52. However, as I said this morning, I have the impression that the message has not been adequately understood on the government side. It seems to me, with respect to Bill C-53 which was made public at a press conference by the Minister of Public Safety, that we had the same problem as with Bill C-52. The Minister of Public Works also took part in that media event.

Essentially, the Minister of Public Safety is telling us two things: first, when he held the press conference, the bill was on notice. What I contended in my point of privilege on Thursday, if I recall correctly, is precisely that when a bill is on notice on the order paper it must not be disclosed publicly until it has been given first reading in this House. As a result, his argument completely fails to address the argument I made. I had referred to a number of decisions and quotations, some of which came from your decisions, Mr. Speaker. I am still wondering about that initial aspect, that is, that it seems to me that a press conference should not disclose the content of a bill before the bill has received first reading. That is his first argument.

His second argument is that the press conference did not give explicit details of the content of the bill. However, Mr. Speaker, I would still like to refer you to a document that I sent you this morning, entitled "Backgrounder—Government of Canada to Fix the Problem of Early Parole for Criminals". It contains some very short phrases that give the essence of the bill, "Changes to the Corrections and Conditional Release Act... towards the abolition of statutory release".

They are announcing that, essentially, the bill will deal with that. When we read Bill C-53 we can see that, in fact, the purpose of the proposed amendments is to eliminate accelerated parole review in the Corrections Act. The issue is not the quantity of details but the quality of the details provided in that backgrounder. In the news release, which I have not had a chance to read as carefully, the Minister may have stuck to the ins and outs of the environment in which the bill is being introduced. However, in the technical information sheet that accompanied the news release, it is very clear that the essence of Bill C-53 is being disclosed to the public and the media before being disclosed through first reading in this House. I believe that is contempt of the House.

I defer to your decision, Mr. Speaker.

• (1535)

[*English*]

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, I would like to respond very briefly to what the Minister

of Public Safety had to say and I am hoping you will not accept as a given two things that he said.

His remarks were quite lengthy, and I could not disagree with almost all of them, except two points that he made. First, he suggested, but did not say it outright, that there was not much of a foundation for the ruling made in 2001 because he could not find it in various text. I hope, Mr. Speaker, you will not accept that. I hope you will accept that there was plenty of foundation for your ruling at the time and there continues to be up to now.

Mr. Speaker, the second thing he said was that your ruling and the principle behind it was that a minister could not release the text of a bill when the bill was on notice in the House. I do not think that is the case at all and I hope you will be able to clarify this for him and for all of us.

It is quite possible for someone familiar with a bill that is on notice to talk about the contents of that bill publicly without releasing the actual text. The principle, as I understand it, is that when a bill is on notice the House is entitled to receive the bill and information about the bill and not anyone else. I think that is the principle that we must go on.

It is also noteworthy that bills on notice are routinely marked by the Privy Council as secret, so that if a person is talking about the bill, not just releasing the text, after the bill is on notice, there may also be a breach of the Security of Information Act in terms of releasing information about something that is secret. However, in this case, we are dealing with parliamentary law and not the markings on the bill by the Privy Council.

Therefore, Mr. Speaker, if you will be making a ruling on this, I hope you will clarify those two points.

**Hon. Peter Van Loan:** Mr. Speaker, with regard to my hon. friend from Scarborough—Rouge River, in no way was I suggesting there was no foundation for your ruling in 2001. I simply indicated it was not covered, for example, in Marleau and Montpetit, the most recent edition of which was published in 2000. Unless they were clairvoyant, they could not have foreseen your ruling, which constituted a valid ruling in 2001, one year later. That in no way diminishes the basis for that ruling.

In fact, I was looking to that ruling as the authority that should guide us in this particular case. Of course, it is common, as my colleague indicated, for bills to be discussed. What is at issue is the specific content or text of the bill. That is what was called into question. In that particular case it was the text of the bill that had been released to the media, rather than to the House, in advance. The release of that text created the contempt of Parliament.

*Points of Order*

In terms of simply indicating that we are going to fix the bill, as I said, to say that I could not pass judgment or have any views on the existing system of accelerated parole because a bill was coming forward would be quite unreasonable. It is quite appropriate for us to say that there was a problem. To discuss the existing law could hardly be considered a contempt of Parliament. To indicate that we were going to bring in legislation to fix it was self-evident in the fact that it was put on notice. That is simply a statement of fact that is available to everyone. It was publicly on notice that a bill was coming forward to do that. This was the sum total of the announcement that was made and it cannot in any way be considered contempt.

Some media reports speculated on what the bill might do. Certainly that would be the case. Some members of the Bloc Québécois have been asking questions in the House, asking us to take action in that particular direction as well. It is reasonable for the media to speculate that perhaps it might see something like that in a bill. But that constitutes merely their speculation, their best guesses. As we see, the media is sometimes right and very often wrong.

However, in no way does that constitute a member of this Parliament, this House, this government having expressed such views in public or having expressed such views in private to any individuals. Doing so would have represented contempt had it occurred, had members disclosed the content of the bill to the media through a copy of the bill, but that was not done in this case.

• (1540)

**The Speaker:** The Chair will continue to take the matter under advisement, as I indicated earlier when I dealt with the point of order when it was first raised, and will get back to the House in due course.

The hon. government House leader has another point of order.

\* \* \*

**POINTS OF ORDER**

## BUSINESS OF SUPPLY—OPPOSITION MOTION

**Hon. Jay Hill (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I rise on a different point of order.

I am rising in regard to a supply motion that is on notice in the name of the member for Thunder Bay—Superior North and it reads as follows:

That Bill C-311, An Act to ensure Canada assumes its responsibilities in preventing dangerous climate change, be deemed reported from committee without amendment, deemed concurred in at report stage and deemed read a third time and passed.

I point out that what this motion is proposing can only be done by unanimous consent. Page 625 of the *House of Commons Procedure and Practice* states that:

The practice of giving every bill three separate readings derives from an ancient parliamentary practice which originated in the United Kingdom.

This leads us to Standing Order 71 which states:

Every bill shall receive three...readings, on different days, previously to being passed.

It goes on and mentions the exception:

On urgent or extraordinary occasions, a bill may be read twice or thrice, or advanced two or more stages in one day.

That does not mean that a motion can cover several stages with limited debate.

As you are aware, Mr. Speaker, the common urgency when bills are advanced two or more stages in one day is when back-to-work legislation is required. You will also know that even under those circumstances the rules do not allow for the advancement proposed by this supply motion.

The best we can do to expedite legislation in an emergency situation and without the unanimous consent of the House is to offer a motion that considers each stage separately with a separate vote. The House can only move on to the next stage when it concludes the previous stage.

In the case of back-to-work legislation, the House sits beyond the ordinary hour of daily adjournment and does not adjourn until each stage is dealt with by adopting separate motions, one for each stage.

This supply motion is proposing that we deal with committee stage, report stage and then third reading stage all at once with one motion and only after a few hours of debate. While I recognize that this has been done many times before by way of unanimous consent, we cannot consider this to be a precedent.

On page 502 of the *House of Commons Procedure and Practice* and in citation 14 of Beauchesne's, the case is made that, "Nothing done by unanimous consent constitutes a precedent".

Therefore, Mr. Speaker, I submit that this motion is out of order.

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I am rising on this point of order because it does have to do with the NDP supply day tomorrow, on Bill C-311.

I would say, first, that I have listened to the government House leader's points about his belief that this would require unanimous consent, but I would point out that we are bringing this forward as a supply day motion, of course, and that within this motion there is still a vote to take place. So, on our supply day we are bringing forward the contents of this bill, because we do think it is an urgent matter, but that in no way negates the need to have a vote on our supply day motion, which of course will take place.

I would point out that we do believe this motion is in order because opposition parties have always been given quite a lot of latitude to propose whatever motion they want so long as it is written in a regular form and as a regular motion.

Page 724 of *House of Commons Procedure and Practice* by Marleau and Montpetit, first edition, because that is the one we are dealing with, states that:

The Standing Orders give Members a very wide scope in proposing opposition motions on Supply days and, unless the motion is clearly and undoubtedly irregular (e.g., where the procedural aspect is not open to a reasonable argument), the Chair does not intervene.

*Points of Order*

I would suggest that the motion is worded in a regular way and simply proposes to do things that have, in fact, been done in this place from time to time on previous occasions under closure or time allocation or by unanimous consent. I do believe that because this is part of our supply day, we do have greater latitude in terms of what we choose to bring forward. Certainly the basic tenet and principle of the House, taking a vote, will be very much a part of this process, and so, Mr. Speaker, I would urge you to see that this motion we propose to bring forward tomorrow is in order and that the House be allowed to debate the motion and to vote on the motion as we normally would do with any other supply day motion.

● (1545)

**Hon. Jay Hill:** Mr. Speaker, I would very briefly point out the obvious, that if this process were allowed to stand, we would have in the House a situation in which any opposition party could put forward a similar motion on any private member's bill or motion and have it expedited through the process. I think it would be very unwise for the House to accept that.

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, with respect to the same point of order, I would just bring your attention perhaps to the obvious, that this is a matter that will need your urgent attention. If the New Democrats in fact intend to call that motion for the opposition day tomorrow, the issue before you will need to be resolved before that time.

**The Speaker:** I thank the hon. member for Wascana for that very helpful advice. It is something that had occurred to me. Members can see why I am so interested in the point that is being raised.

In any event, I thank the hon. government House leader and the hon. member for Vancouver East for their submissions on this issue.

I certainly agree that it is one that has to be resolved immediately, as suggested by the hon. member for Wascana.

I will give a preliminary ruling now which is that, in my view, this motion is out of order, and I will not permit it to be moved tomorrow. Someone will have to choose something else for tomorrow's supply day and members can sort that out.

In any event, I will give reasons for my decision on this matter in due course. I will come back with something more reasoned. However, I point out that I think, as the government House leader has said, even if this kind of motion could be moved, as a preliminary observation on the matter, there is no provision whatsoever for debate on the bill; it would be deemed adopted at all stages now, which, as the hon. House leader has pointed out, could be done by unanimous consent. However, even on time allocation or on closure, there is provision for debate for a certain specified time; it may be short, but there is a debate. With this motion, there is none and so, the debate would be on the motion only, not on the bill. Accordingly, in my view, the bill goes beyond what is permitted for supply debates.

I will give a more elaborate reason outlining my views on this matter to the House in due course but, at least for tomorrow, we will not proceed with that.

The hon. parliamentary secretary to the government House leader has a point of order.

**TECHNICAL DIFFICULTIES IN THE CHAMBER**

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, this revolves around an incident which occurred this week, on Monday, October 26.

You will be aware, Mr. Speaker, as most members are, that the interpretation services of the House failed on that day, and consequently that evening during the adjournment proceedings, interpretation services were not available.

The Bloc Québécois quite appropriately pointed out that because of that, their members were impeded from actually getting clear interpretation of the questions and the dialogue and debate that would take place.

Because of that, there have been discussions among all parties and I think you would find unanimous consent for the following motion:

That, notwithstanding any Standing Order or usual practice of the House, on Wednesday, October 28, 2009, the proceedings pursuant to Standing Orders 38 be extended by no more than 20 minutes to allow the hon. Member for Hull—Aylmer and the hon. Member for Don Valley West to raise questions that were to have been raised on Monday, October 26, 2009.

● (1550)

**The Speaker:** Does the hon. Parliamentary Secretary to the government House leader have the unanimous consent of the House to propose this motion?

**Some hon. members:** Agreed.

**The Speaker:** The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

\* \* \*

**IRAN**

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** Mr. Speaker, I am relieved to see that we are feeling in the mood for unanimous consent again. There was a consultation among the parties and I believe you will find unanimous consent for the following motion:

[*Translation*]

That, in the opinion of the House,

- (a) Canada supports the democratic aspirations of the people of Iran;
- (b) Canada condemns the use of violence and force by Iranian authorities against their own people to suppress pro-democracy demonstrations following the Iranian presidential elections of June 12, 2009;
- (c) Canada condemns the use of torture by Iranian authorities;
- (d) Canada calls for the immediate release of all political prisoners held in Iran;

[*English*]

- (e) Canada calls on Iran to fully respect all of its human rights obligations, both in law and in practice.
- (f) Canada condemns Iran's complete disregard for legally binding UN Security Council Resolutions 1696, 1737, 1747, and 1803 and International Atomic Energy Agency requirements.
- (g) Canada affirms its opposition to nuclear proliferation and condemns any pursuit by Iran of nuclear weapons capability.

(h) Canada recommends to international organizations of which it is a member that a new set of targeted sanctions be implemented against Iran, in concert with allies, unless Iran comes into compliance with its human rights and nuclear obligations in law and in practice.

**The Speaker:** Does the hon. member for Lanark—Frontenac—Lennox and Addington have the unanimous consent of the House to propose this motion?

**Some hon. members:** Agreed.

**The Speaker:** The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

\* \* \*

### POINTS OF ORDER

#### ORAL QUESTIONS

**Hon. Lawrence MacAulay (Cardigan, Lib.):** Mr. Speaker, I have an unofficial copy of the blues here, and I would ask you just to review the blues and the tapes, and I think you will find that the minister, in responding to my second question, used unparliamentary language.

All I would ask you to do is ask her to apologize and withdraw the statement.

**The Speaker:** I thank the hon. member for Cardigan and I will, as he requests, review the document.

Have we now completed all procedural matters?

The hon. member for Montmorency—Charlevoix—Haute-Côte-Nord has another point of order.

\* \* \*

[*Translation*]

### TECHNICAL DIFFICULTIES IN THE CHAMBER

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, I do not want to drag the points of order out, but I had to leave the chamber to look something up while the Parliamentary Secretary to the Leader of the Government in the House of Commons raised his point of order.

It was not the members of the Bloc Québécois who asked that the sitting be suspended due to the failure of the interpretation system. I shall point out to the House and my hon. colleagues that the members of the Bloc Québécois are not the only unilingual ones in this place. There is interpretation from English to French and from French to English. I think there are more bilingual members from the Bloc Québécois than on the Conservative Party's side.

[*English*]

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I thank my hon. colleague for his intervention and I recognize the fact that I spoke incorrectly. I apologize for that.

Obviously the purpose of my point of order was to make sure we correct the inequity in not allowing members of the opposition party their adjournment proceedings.

### Government Orders

I thank all members for the unanimous support to allow that to occur this Wednesday.

## GOVERNMENT ORDERS

• (1555)

[*English*]

### TECHNICAL ASSISTANCE FOR LAW ENFORCEMENT IN THE 21ST CENTURY ACT

The House resumed consideration of the motion that Bill C-47, An Act regulating telecommunications facilities to support investigations, be read the second time and referred to a committee.

**The Speaker:** When this matter was last before the House, the hon. member Ajax—Pickering had the floor. He has 18 minutes in the time remaining that is allocated for him in the debate. Accordingly, I am pleased to call upon the hon. member for Ajax—Pickering.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Mr. Speaker, I am pleased to speak again on this matter.

Before I came to this House, I was a member of the Durham Regional Police Services Board. When I was there, I had the opportunity obviously on a regular basis to talk with officers around the changing technologies and the fact that our laws simply had not kept pace. People were committing fraud online or hiding behind anonymity on Internet service providers and performing serious crimes, and the police simply could not follow them.

I was first elected in 2004 and when I came to Parliament, I was pleased to support the work of the then Liberal government to create what was the modernization of investigative techniques act. That bill which was introduced in 2005 is ostensibly what is before the House today in both bills, Bill C-46 and Bill C-47, which is now being debated. Unfortunately, in 2005 the Conservatives precipitated an election and that killed the bill.

The member for Notre-Dame-de-Grâce—Lachine then reintroduced that as a private member's bill in the next session and again that bill was killed when the Prime Minister walked to the Governor General's office and then killed that legislation.

In this session of Parliament that same Liberal member of Parliament introduced that Liberal legislation yet again. We had to wait until the end of the last session before the Conservatives finally introduced it.

As I said, just before we began question period, it is a little rich to me that the Conservatives would be going on about the imperative need to pass the bill and how much it is needed for police and how critical it is when they in fact have had four years to introduce it and are the ones responsible for killing it in various stages at various moments in time.

When they finally did introduce it, they introduced it in the last week the House was sitting before summer when there was no opportunity to debate it, there was no opportunity to move it forward. Now, it has been left until the end of October before we are finally dealing with the bill.

### *Government Orders*

It shows that the Conservatives' commitment to the bill is fragile at best. In fact, we have seen what they do on criminal justice matters. They introduce bills and let them languish on the order paper. Then they wait for a scandal or a problem to hit and then they seek refuge in those same crime bills, suddenly bringing them back with great urgency saying they need to be dealt with immediately and any opposition party that dares to ask a question on them is somehow soft on crime.

The facts do not measure up. The facts are that they have allowed these things to languish for years and something that should have been dealt with, the Liberal legislation that was introduced so long ago, has meant that those people are committing online fraud and the police officers who need those additional investigative techniques and tools have been left without them as the government has completely failed them.

I think it is important to note as well that this is not the only area where we have seen this problem with the government. I spoke a great deal yesterday about the importance of these new investigative techniques for police. My intention is not today to repeat all of those comments but to make a comment more generally on the direction the Conservatives are heading on crime.

Today, in the public safety and national security committee we had a couple of different witnesses. One of the witnesses was Dr. Craig Jones who is the executive director of the John Howard Society of Canada. His insights into the direction in which the government is heading on crime I think is very telling. I will quote from his comments today. He said at the beginning of his statement:

My second audience is the future. I suffer no illusions that I will be able to alter the course of this government's crime agenda—which legislative components contradict evidence, logic, effectiveness, justice and humanity. The government has repeatedly signalled that its crime agenda will not be influenced by evidence of what does and does not actually reduce crime and create safer communities.

What we heard as well from Mr. Stewart along with Michael Jackson, who wrote a report about the government's broken direction on corrections and crime, is that we are walking down the same road that the Americans embarked on in the early 1980s, when Republicans came forward and presented the same type of one-type solution for crime, which is incarceration, more incarceration and only incarceration.

• (1600)

If we did not have that example and the example that was in the United Kingdom, perhaps the Conservatives would be forgiven for thinking that would work. The reality of the United States is that this is a catastrophic disaster. In fact, the governor of California is now saying the state is being crushed under the weight of the mistake of these decisions, that the prisons are literally overflowing. The supreme court of California had to release thousands of offenders into the streets because the prisons simply had no room for them.

We also see that these prisons become crime factories. Minor criminals go in often for drug-related crimes, break and enters or smaller but still serious crimes, but instead of getting help for the addiction or mental health issues they face, they get sent into prison environments where they learn to be much worse criminals. We could make the analogy of putting in a butter knife and getting out a machine gun.

In fact, in committee today the director of the John Howard Society quoted an individual who deals with aboriginal inmates and said that our prison systems are turning into "gladiator schools". He stated:

So our federal prisons have become "gladiator schools" where we train young men in the art of extreme violence or where we warehouse mentally ill people. All of this was foreseeable by anyone who cared to examine the historical experience of alcohol prohibition, but since we refuse to learn from history we are condemned to repeat it.

Everyone can imagine that as we continually overpopulate these prisons and do not provide the services to rehabilitate people, it has to come out somewhere. Where it comes out is in a system that continually degenerates.

In California the rate of recidivism, the rate at which people reoffend, is now 70%. Imagine that, 7 out of every 10 criminals who go into that system come out and reoffend, and those offences are often more serious than the ones they went in for first. In other words, people are going into the system and then coming out much worse.

We have to remember that even when we increase sentences, over 90% of offenders will get out. We can extend the length of time they are staying in there, but at a certain time they are going to get out, and it is the concern of anybody who wants a safe country or community that when people come out of these facilities, they come out ready to be reintegrated, to contribute to society and not reoffend.

The other fundamental problem with the Conservative approach to crime is that it waits for victims. Conservatives think the only way to deal with crime is to wait until somebody has been victimized and a crime has occurred, and then to punish the person.

Of course, we believe in serious sentences. We have to have serious sentences for serious crimes, but that is not nearly enough. If it were enough, if simply having tough sentences were enough to stop crime, then places like Detroit, Houston and Los Angeles would be the safest cities in North America. We know that is certainly not the case.

What the Conservatives are doing is slashing crime prevention budgets. Actual spending in crime prevention has been slashed by more than 50% since the Conservatives came into power. They have cut programs.

I have gone to communities like Summerside and talked to the Boys and Girls Clubs or the Salvation Army in different communities. They said they have either lost funding for community projects to help youth at risk or, instead of being given the power to decide how to stop crime in their own communities, they are prescribed solutions from on high in Ottawa, which is disconnected and often does not work in those local communities.

The net result is that the community, which has the greatest capacity to stop crime, has its ability removed of stopping that crime from happening in the first place, which means even more people go to these prisons, continually feeding this factory of crime the Conservatives are marching forward with.

*Government Orders*

When we look at the costs of all of this, not only does it not provide a benefit, not only does it make our communities less safe, as has been proven in the United States, but there is a staggering cost to these policies. Pursuing a failed Republican agenda on crime that not even the Republicans would subscribe to any more in most states and most quarters in the United States comes with a staggering cost.

The Conservatives are refusing to release those figures. The minister has been refusing to tell us what exactly the price tag is for all of these measures they are putting on the table. That is why I have asked the Parliamentary Budget Officer to take a look at all of these measures and their approach on crime, and tell us just what the cost is.

● (1605)

That bears some important questions to be asked. Where are the Conservatives going to get the money to build these new super prisons that they are talking about? Where are they going to get the money to house all of these additional inmates? Presumably, they would provide programs and services to make these inmates better. Where is that money going to come from?

If the example in the United States is any evidence, or if the example of the Conservatives' own action in slashing crime prevention budgets is any example, then we know that they will cut from the very things that stop crime from happening in the first place. Imagine the irony of that. To pay for prisons, they are going to cut the very things that stop people from going to prison. It is a backward philosophy under any logic. Upon examination of more than a minute or two, one would recognize that it is a recipe for disaster.

If that were not bad enough, and I think that it speaks directly to this bill, the Conservatives have also betrayed police. I have talked with the Canadian Police Association about the government's commitment to put 2,500 new officers on the street. That association has called that broken promise a betrayal. However, we also know that, with respect to the RCMP, the Prime Minister went out to Vancouver where he made a solemn commitment to RCMP officers that they would get the same wage as other police officers and that they would receive parity with other police officers.

Right after making that promise and signing a contract, he ripped that contract up and broke the promise. Worse, as if that was not enough of an insult to the men and women who are our national police force, the government then challenged in court the right of RCMP officers to have the choice of whether or not they wanted to have collective bargaining. The government decided to challenge a right that is enjoyed by every other police force in the country.

At the same time, the government has ignored call after call by public inquiry after public inquiry for proper and adequate oversight. The reports and conclusions of Justice Iacobucci and Justice O'Connor made it clear that new oversight mechanisms were critical to ensure that public confidence remained in our national security institutions and our national police force, yet the government ignored it. In this example, it ignored for four years Liberal legislation that had been put forward to give officers the tools that they needed to do the job of keeping our communities safe.

In all of this, the government's response is to skew the Liberal record and be dishonest about what exactly Liberals have done on crime. Here is an inconvenient fact that it does not like to talk about. For every year the Liberal government was in power, crime rates went down. Every single year that we were in power, Canada became a safer place. The communities were safer and that is because we took a balanced approach to crime.

However, the government also says that we have blocked its crime bills. That is incredibly disingenuous. Here is the reality. Maybe I will go over a couple of bills just from this session. These are bills that the Liberal Party not only supported but moved to accelerate and tried to find a way to get passed as expediently as possible in the House.

The government caused an election, so it killed all of its own bill. When it brought back Bill C-2, it included Bill C-10, Bill C-32, Bill C-35, Bill C-27 and Bill C-22, all of which we supported. We supported and looked to accelerate Bill C-14, Bill C-15, Bill C-25 and C-26.

That is the record of Liberals in this session of Parliament on crime, not to mention the Liberal record of reducing crime every year that we were in office previously.

Today I was doing an Atlantic radio talk show with a Conservative member of Parliament who ascribed the motive to the Liberal Party that we did not care about crime, that we are soft on criminals, and that we like to let people get away with things. I will say one thing about the Conservatives. I think that they believe what they say. I think that they honestly believe that these policies will work, even though they have failed. Even though Republicans have tried them and they have been utter disasters, I do believe that the Conservatives think they will work.

However, to ascribe motive to this side of the House and to say that we somehow care less about the safety of our communities is disingenuous. To say that I care less about the safety of my children, family or community is unacceptable. This debate needs to be about who has the best approach to crime.

● (1610)

I would suggest that we have the best approach to stop crime before it happens, to build safe communities, to ensure we strike the right balance between being tough on those who commit serious crimes, but, most important, working with every ounce of our bodies to ensure those who begin to turn down dark paths have people who step in and intervene to ensure they do not commit those crimes in the first place. That is the type of approach we advocate on crime and it is one that I am proud of.

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Mr. Speaker, I thank the hon. member for Ajax—Pickering for his comments but, quite frankly, I do not know what they had to do with Bill C-47, the technical assistance for law enforcement in the 21st century bill.

*Government Orders*

Nonetheless, I listened carefully as he criticized the Conservative law and order agenda and all the bills that we have put forward to promote safe streets and safe communities. If he is so opposed to what he called a “republican method of crime reduction”, why does he consistently vote in favour of our crime bills, including twice yesterday?

**Mr. Mark Holland:** Mr. Speaker, I have listed the bills we have supported. I have no problem, for example, eliminating the two for one credit for remand. In some cases, there was actually a three for one credit for remand.

However, my problem is that the government refuses to acknowledge the fact that underneath the surface of that is a massive problem with remand itself. The conditions in remand are such that people are being put in there with no programs, no services and often being released directly from those conditions back into the community where they become hardened criminals. We are creating a system where people go in for minor crimes and come out for much more serious crimes.

As I said in my comments, how this all relates to the bill that is before us, Bill C-47, is that it is a wrong approach overall that the government is taking on crime. Every opportunity I have to talk about the direction in which the government is going on crime I will make these statements because I think we need to be honest about the total picture here.

I also made the comment quite clearly that both Bill C-46 and Bill C-47 have been in this House since 2005 and that it is the government and the Conservatives who have stalled its passage and, in that regard, have impeded the passage of legislation that is critical to keeping our communities safe.

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Mr. Speaker, my party is also concerned about the potential abuse of the Internet and telecommunications for criminal activities. I would like to ask the hon. member some questions about whether his bill included similar kinds of provisions, or if he has objections to some of the provisions in this bill.

As a lawyer who has been involved in enforcement, particularly environmental enforcement, I am very concerned when I see the slippage of respect for things such as a requirement for reasonable grounds or the requirement to obtain a warrant.

I wonder if the member has some concerns with clause 16, for example, which is a broad brush power to get all kinds of information about a subscriber, where there is no need whatsoever to even suggest there is reasonable cause that an offence is or may be committed. As well, the designation of the persons who may obtain this information is not time dated. It could be that there is this running list into the next century of people who are qualified, even if they are not in the position any more.

I am particularly concerned about the issue that they may request but not through a warrant. Is that necessary?

**Mr. Mark Holland:** Mr. Speaker, a number of stakeholders have raised the concern of accessing Internet service provider records without the use of a warrant. They have acknowledged that there is a significant oversight mechanism after the fact but the problem is with what we do beforehand. One of the things we will need to look

at in committee is how we provide timely access to police to ensure they are able to go after the individuals who are committing serious crimes and have the ability to chase after those who have a huge technological advance on them.

At the same time, the member's very legitimate concern is something we will need to work on in committee to ensure privacy concerns are respected. As well, Canadians have clearly said that we need to ensure privacy is respected and that this power is not abused. This is a very technical bill and I think we have a lot of work to do in committee to ensure those concerns are taken care of.

• (1615)

**Mr. Andrew Kania (Brampton West, Lib.):** Mr. Speaker, I asked a question earlier of the Conservative member for Saint Boniface and, although I appreciated her compliments directed toward me, I did not get a straight answer. I will now ask my friend the same question.

I have no problem supporting Bill C-47 going to committee but this is essentially the same bill that was introduced by the Liberal government in 2005. It taken four years to get here, why now?

We have 500,000 full time jobs lost under the Conservatives, an EI crisis, an isotopes crisis, a pension crisis and an H1N1 pandemic crisis with late vaccines in comparison to other countries. Pregnant women in Canada right now cannot get it. We had a death in Mississauga just recently. I cannot believe that we are dealing with this legislation four years after we introduced it, rather than dealing with all these other serious issues.

I would like my friend to comment on why we are dealing with this now rather than on what truly matters to Canadians right now.

**Mr. Mark Holland:** Mr. Speaker, the hon. member is right. This should have been dealt with years ago. It should have been allowed to pass in 2005, instead of the Conservatives causing an election then. It should have been allowed to pass when the member for Notre-Dame-de-Grâce—Lachine had introduced it in the previous session of Parliament before the Prime Minister killed it by going to the Governor General. It should have been introduced at the first opportunity in this session of Parliament.

Instead, as I mentioned, it was introduced right before the summer and then sat languishing on the order paper. However, that is not unusual. The reality is that many of the government's justice and crime bills languished on the order paper for years. We all remember Bill C-19, which dealt with investigative hearings. We were told that we were unpatriotic because we asked questions about it and that it had to be passed instantly. Suddenly, however, it sat on the order paper for two years and the Conservatives forgot all about it.

Why do they bring back these bills? I think the answer to that question rests with their recent troubles. When they get hit with a scandal and are dealing with a problem with cheque scandals and ministers embattled with various questions of impropriety, their first reaction is to drag back whatever justice bills have been languishing on the order paper as a channel changer.

*Government Orders*

That is the truth of the government's agenda on crime. It uses crime as a political weapon and as safe harbour. If other things are not going well, it retrenches to crime and talks about crime to try to change the channel.

[*Translation*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Mr. Speaker, we have here a bill that complements the one we debated this week, namely Bill C-46. In fact, together, bills C-46 and C-47 seem to make up former Bill C-74, introduced by the Liberals in 2004.

This bill is in fact designed to provide police with capabilities to intercept electronic communications, using modern means of communication. As long as there is agreement on the fact that telephone interception greatly contributed to the dismantling of criminal networks and the gathering of evidence with respect to numerous conspiracies, and that it made it possible to apprehend offenders and sentence them for the right amount of time, short of making the argument that all telephone interception ought to be abolished, I do not think that anyone can seriously object to modernizing police capabilities for intercepting communications using modern technologies such as the Internet and electronic means.

People started talking about the Convention on Cybercrime in 1995. Canada met with European nations, Japan and South Africa, among others. These meetings led to an agreement in 2001, which is a significant date. The agreement was signed soon after the 9/11 terrorist attacks on the twin towers of the World Trade Centre in New York. Long before that, we had seen plenty of evidence here at home that exceptional investigative powers were critical to fighting organized crime.

Just last week, the Standing Committee on Justice and Human Rights met with witnesses in Montreal and Halifax as part of its study of major criminal organizations. In both cities, police officers said much the same thing about how difficult it is for them to conduct electronic surveillance of organized crime groups. Among other things, they said that cell phones are so cheap, people can buy one, make a few calls, and then throw it away, sometimes on the same day it was purchased, then switch to a new one. It takes a long time for police officers to get the legal warrants they need, and in the meantime, they cannot monitor transactions between the gangs and cartels they are trying to catch.

Bloc members support effective measures to fight crime, but they completely disagree with the current government's policies on incarceration because excessive incarceration and mandatory minimum sentences have already been tried in places like the United States. These measures have produced terrible results in the United States, which has the highest incarceration rate in the world. Some 25% of all prisoners in the world are in American prisons, yet this approach has not put a dent in the crime rate. Naturally, we oppose such measures.

•(1620)

We would not want Canada and Quebec to take the same route, which leads to increasingly violent crime and results in a portion of the population whose lives have been broken by excessive sentences and who are discouraged from getting an education or taking training to get a job. We do not want that in Canada. We know that that is

what will happen. That is not what the government is announcing. That is not what it talked about.

We understand from the government's arguments that the only reason it is pursuing its policies is because they are popular with voters. Last week, it was appalling to hear them explain what had been the benefits of conditional sentences, which allowed judges to avoid sending an offender to crime school for a first offence, but instead to let the offender continue holding a job and therefore have stability in order to live an honest life, get an education for that purpose and, in the case of drug problems, go through addiction treatment under threat of serving time in prison if the offender did not attend treatment. Now, the government wants to eliminate this tool that judges had.

I may be getting a little off track. I have already talked quite a bit about Bill C-46. We support this bill. Why is it being introduced now? Certainly not because the opposition obstructed the government. When measures are introduced that help fight crime or will reduce the crime rate, the Bloc supports them. But we oppose measures that will have no effect on the crime rate. In this case, these are necessary measures.

However, these bills still have to be looked at carefully. Some things are needed to combat major criminal organizations. But most of the population, which is made up of honest people, is worried and would not want Canada to become a society where the government can easily look into all aspects of their personal lives. Honest people expect some parts of their private lives to remain confidential.

We need solid guidelines for accessing the information that can be obtained by intercepting all communications that involve modern information technology, such as computers and the Internet.

I believe that most citizens are honest and law abiding, as the Conservatives have said so often. However, I wonder if the Prime Minister falls into that category of law abiding citizens. I know of one law—we are all familiar with it—that he broke, the one concerning fixed election dates. He called the last election.

In my opinion, we must be very careful and realize that the majority of Canadians believe that they have the right to a private life and that the state should not have access to all their communications for frivolous reasons. I believe that the bill was designed with this in mind. However, that does not mean that it is perfect.

*Government Orders*

We are surprised, and we will certainly want to discuss this, by the complexity of this bill, which must be studied in detail. What is striking is the amount of information that can be obtained without a legal warrant and solely on the basis of suspicions or with a warrant obtained solely on the basis of suspicions. When electronic surveillance was permitted, legal warrants were required and there had to be reasonable grounds for believing that information could be obtained to prove an offence had taken place or even to prevent certain criminal activities from occurring. Furthermore, other means of investigation had to have been attempted without providing results.

● (1625)

We seem to have readily accepted it now that electronic surveillance has proved its worth in police investigations and given many results that have pleased citizens. I can personally say that had we not had the means to conduct electronic surveillance, we would never have broken up the Hells Angels in Quebec, as we did in 2001 after three years of hard work. I think that citizens appreciate what we accomplished.

There no longer seems to be a reluctance to use electronic surveillance. In this regard, I think that police forces that come before the committee should be prepared. I am not saying from the outset, in the four categories of measures to obtain certain warrants, that it is always necessary to prove that other means of investigation would be impossible to undertake or not very useful. However, I am saying that at least once they must shoulder the burden of proof.

It should be noted that can be obtained without a court order is more or less what I would call the telephone book of IP addresses. Furthermore, it took me a while to understand the purpose of these IP addresses, despite the fact that I consider myself rather computer savvy. I was also glad to learn what they do. My understanding is that they help safeguard access to my computer in a way. Of course, I would be very worried to hear that other people can find out these IP numbers without my authorization. Yes, it is more complicated, but really, it is nearly the same as the phone book. However, in the case of the phone book, we can ask for an unlisted number.

I also noted another important point that must definitely stay in the bill. Access to this information is limited to certain people, either police officers or national security officials, and those individuals must answer to someone in their organization. They must keep records regarding requests and the information they are seeking, and they must be able to justify them.

When an individual police officer needs to quickly access this kind of information, he or she must bring it to a superior officer. All of these records are kept in police organizations and security organizations. In addition—something that is very important for us—a copy must be sent to the Privacy Commissioner, which gives me greater confidence. At least there will be one public official whose primary desire is not to unduly increase police powers. Furthermore, based on the positions that these organizations generally take, there is no doubt that they really are dedicated to their duty to protect privacy. I find that reassuring. I also think an in-depth study is needed, which should include the views of two people in particular, Chantal Bernier and Jennifer Stoddart. The name of Ms. Stoddart's organization escapes me at the moment.

● (1630)

Ms. Bernier's agency handles privacy protection. I believe that we should certainly listen to them. We should also certainly listen to volunteer agencies such as the Commission des droits et libertés de la personne du Québec that have done so much to help achieve a balance between investigation methods and the protection of individual rights.

That is the role the Bloc Québécois has taken on in these circumstances. We want to modernize measures that can truly have an impact on crime. We are prepared to support them. However, we believe there needs to be a balance.

The Conservatives keep proposing minimum sentences and are always pushing their tough on crime policy, which, in their case, has become a stupid on crime policy. We agree that something has to be done, but we believe that there has to be a balance in protecting individual freedoms. Protecting individual freedoms is the foundation of the societies we are proud of and want to uphold. It is the foundation of democratic societies.

I believe that Kofi Annan was thinking along the same lines when he said that the terrorists will have won if they force democratic societies to unduly increase the powers of the state. That is what I noticed when we studied the Anti-terrorism Act in detail. I am not saying the Act was not justified, on the contrary, but there was no way to show the government, not even with concrete examples, that some of the provisions of that legislation were unjustified.

Fortunately, we managed to convince the person who was Liberal leader for a short period of time, the hon. member for Saint-Laurent—Cartierville. When he refused to renew the sunset clauses, I heard him repeating the same arguments we used to show that these measures were not necessary.

The purpose of Bill C-47 is to allow police forces to adapt their investigative techniques to contemporary technological realities such as the widespread use of cellphones or the Internet. Making police work easier without unduly infringing on fundamental rights is one of the routes the Bloc Québécois has always preferred for fighting crime.

The government can count on us not to obstruct this bill. We hope it will pass, but that it will be improved by the criticism we will make and that it will strike a better balance between the tools police need to fight modern criminal organizations and the privacy Quebecers and Canadians are entitled to and want to enjoy for a long time to come.

*Government Orders*

•(1635)

[English]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I would note that with respect to Bill C-46 the Privacy Commissioner did ask for effective oversight. I would like to ask the member whether he agrees with that idea and what sort of oversight he would recommend. Would a minister be in charge of it or would Parliament be in charge of it?

She also called for a five year parliamentary review of Bill C-46. I wonder whether he supports that idea with regard to Bill C-47 either by way of a sunset clause where we would start over after five years given that technology changes so rapidly anyway. What form of mechanism would he suggest that we develop for a review after a five year period?

[Translation]

**Mr. Serge Ménard:** Mr. Speaker, I think it is a great idea that a clause would force us to review this provision in five years. I think it is a good thing, both from the point of view of police officers who do not want to fall behind criminal organizations and their use of technology, and from the point of view of people who defend individual rights and who want to ensure that no undue restrictions are being made on those individual rights. It is a good idea. I have not thought a lot about the form it will take, but I think that there have been previous models we could look to, like the Anti-Terrorism Act.

[English]

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, I rise with pride to speak on behalf of the New Democrats in Parliament in the debate on Bill C-47, the technical assistance for law enforcement in the 21st century act.

A number of people in the House have commented, as I did this morning when I spoke to Bill C-46, that Bill C-46 and Bill C-47 represent a combined legislative measure that purports to deal with the modernization of our laws with respect to Internet and digital activity of crimes in those areas, as well as to deal with telecommunication companies and the challenges that those new providers present in enforcing the laws of our country. It is critically important to understand that these bills do different things.

People in the House and all Canadians may know that the New Democrats spoke strongly in support of Bill C-46 this morning and in the days previous for the simple reason that New Democrats believe it is important to modernize our laws to deal with the digital age. We also think it is important to send a strong message that crimes committed over the Internet, whether they be commercial or fraud related or whether they be sexual in nature or the most heinous of all, targeted at children, are dealt with adequately by Parliament.

Having said that, there are also very important privacy interests at stake in these areas. New Democrats are scrutinizing these pieces of legislation to ensure that Canadians' privacy rights are respected.

Bill C-46 which we spoke about earlier, in the New Democrats' view, maintains that balance, by and large. We had some serious reservations about some of the tests that are being proposed by that legislation with respect to the getting of warrants, but every piece of private information that is to be turned over to police forces of

whatever type in Bill C-46 is subject to judicial oversight and requires that police get a search warrant prior to that information being turned over.

Bill C-47 is different. The purpose of the bill in colloquial terms is lawful access. This bill deals with very specific aspects of the rules governing lawful access. Lawful access is an investigative technique used by law enforcement agencies and national security agencies that involves intercepting communications and seizing information where authorized by law. Rules related to lawful access are set out in a number of federal statutes, including the Criminal Code, the Canadian Security Intelligence Service Act and the National Defence Act.

The bill complements the current lawful access regime and it addresses the same two issues as former Bill C-74, technical interception capabilities of telecommunications service providers and request for subscriber information. I will put that in terms that are easy to understand.

The bill does two things. It essentially requires telecommunications companies to install equipment that would allow it to preserve digital data in all of its forms so that the data may be obtainable by the police in a criminal investigation. It also does a second thing. It provides law enforcement agencies with access, under an administrative process without a warrant or court order, to basic information about telecommunications service subscribers. As will be seen a little later, that basic information about Canadian subscribers is quite a long list and one that is causing great concern among a lot of Canadians.

Bill C-47 is a key step in the harmonization of legislation at the international level, according to the government, particularly concerning requirements regarding interception capabilities of telecommunications service providers. This type of requirement in general form is already found in other countries, including the United States, Britain and Australia. Canada signed on to the Council of Europe's Convention on Cybercrime in November 2001 as well as additional protocols. This makes it an offence to commit certain crimes using computer systems, and it creates legal tools adapted to new technologies, such as orders to produce subscriber information to which I just referred. However, there is one key difference. There is no international consensus on whether or not that basic subscriber information has to be obtained through judicial order, in other words, a warrant. As I will describe further in my remarks later on, that is a key deficiency in this bill.

*Government Orders*

● (1640)

I want to state clearly what New Democrats support when we talk about combatting crimes committed over the digital media and the need to modernize our systems. The NDP supports efforts to combat cybercrime completely. We support efforts to combat child pornographers, others who use the Internet to exploit children or anybody in any manner. New Democrats support efforts to crack down on gangs and organized criminals, including white collar criminals who use technology to organize their activities. New Democrats support modernizing laws to ensure that police can keep up with criminals who use technology.

Those are the reasons we supported Bill C-46 earlier today, because that is what Bill C-46 did. However, New Democrats do not support violating the privacy rights of law-abiding Canadians.

When this bill was introduced in the House in June of this year by the Minister of Public Safety, there was a groundswell of concern raised by ordinary Canadians across the country about the idea of Internet service providers having to deliver to police basic information about them without any kind of warrant or judicial oversight.

A very great thinker who was steeped in western democracy some decades ago said that those who would sacrifice liberty in the name of security deserve neither. That is a particularly appropriate comment in the context of this bill because this bill does not strike that balance and it does sacrifice liberty in the name of security. New Democrats cannot support a bill that provides for warrantless access to Canadians' private information.

We have consulted broadly with a number of experts. I will talk about their input later. They told us that no compelling evidence has been provided by any police force in this country when directly asked on numerous occasions for a single instance where a police investigation somehow had been interfered with or truncated because they could not get information from an Internet service provider. No compelling evidence has been presented that the current provisions in the Criminal Code and other pieces of legislation are insufficient for police to do their jobs. I will pause here.

This is not a hole in the Criminal Code. There are currently provisions in the Criminal Code that allow police, the RCMP, CSIS, any policing agencies, municipal or otherwise, in this country to obtain warrants when they want to either wiretap or seize information or material that is in the custody of anyone. I will speak more about this later.

There is the concept of telewarrants. If there is an urgency to a matter, police can get a judge on the phone 24 hours a day and usually obtain a warrant within 30 minutes. We heard nothing from any police forces as to any problem in that regard. There is the concept of hot pursuit. If any police officer believes that a crime is being committed currently, in real time, they do not have to obtain a warrant from anybody. They are able to interfere and investigate that matter immediately.

Since the government introduced this bill, experts in the field of digital law, privacy advocates, media commentators and ordinary law-abiding Canadians have spoken out against the provisions contained in the bill.

Bill C-47, as I have said, would provide police with access to a substantial array of private information. This information goes well beyond an individual's name and address. Police would be given access to Canadians' phone numbers, email addresses and a vast array of unique digital serial numbers.

This legislation, if passed, would compel telecommunications companies to provide the following information to the police upon request with no judicial oversight: IP addresses, mobile identification numbers, electronic serial numbers, local service provider identifiers, international mobile equipment identity numbers, international mobile subscriber identity numbers, and subscriber identity module card numbers, commonly known as SIM card numbers which are in cellphones.

● (1645)

These digital identifiers are considered to be private information for good reason. When someone's Internet protocol address falls into the wrong hands, great damage can be done to his or her online identity and personal privacy. In fact, someone with the right skills and the right combination of the above information could perpetrate serious identity crimes and even take remote control of a person's computer.

The government, it is fair to say, has demonstrated what can fairly be described as a consistent disregard and disrespect for both the rule of law and for our judicial system.

We have Omar Khadr, a person who has been the subject of torture down in Cuba, whom the government does not deem fit to bring back here. It does not care about his international rights.

We have the Prime Minister's comments about left-wing judges and how they interfere, in his view, with the administration of justice.

We have CSIS misleading the courts in the Harkat case on multiple occasions, failing to disclose information after being ordered by the court to do so with no reaction from the Minister of Public Safety. And as my colleague from the Bloc said, we had the spectre of our government breaking its very own fixed election law, that the Minister of Justice crowed about when it was brought in. It violated its own law with absolute impunity and had the audacity to not even be embarrassed about it.

It is unsurprising then that the government would seek to cast aside a fundamental tenet of our justice system, which is this. Canadians have the right to privacy, except to be deprived of that through due process of law. We do not have to justify to the government why we have the right to be private, why we have the right to be safe and secure in our information, why we do not have to let the government read our mail or read our emails or seize our property or kick down our door. We do not have to justify that to anybody. Those are the rights of Canadians.

What the government has to do, what the state has to do, is justify when it seeks to abrogate those rights, not the other way around.

*Government Orders*

It is 2009 and I am absolutely aghast that I have to stand in this chamber, hundreds of years after these rights had been fought for, where people died for these rights, and actually explain, as the only person in this chamber whom I have heard speak so far, that the state has to justify and go before a judge, and at least put forward some reasonable evidence, some compelling reason, before any private information is turned over to the state. This bill does not do that and that is a shame.

The government would have us believe that judicial oversight is some sort of outdated luxury or some sort of impediment that it cannot move quickly enough. Let me tell members something. Rights do not depend upon speed. Rights do not depend upon exigencies. Rights do not depend upon convenience. Rights are rights, and as I said earlier, it has not even been demonstrated by a single person in this country that the present telewarrant system or hot pursuit concept has proved insufficient in any manner.

Let me stop and say that the New Democrats agree, as we did in Bill C-46, that there should be preservation orders of data and production orders of telecommunications companies so that the data is preserved and can be the subject of warrants and seizure. That is very important and we support the modernization of our laws to make that possible.

What we do not and will not agree with, however, is that that is a decision only of a police officer. That is a decision that must always be subject to judicial oversight.

Last week I was in this chamber when I saw the spectre of the Liberals and the Conservatives joining together to gut climate change action. Now I see the Liberals and the Conservatives joining together this week to gut privacy rights and civil liberties, and that is not a pretty thing to see.

The government, in this legislation, would have us believe that requiring police officers to get warrants before accessing deeply private digital data is hindering their ability to investigate crimes. The fact is that our current system provides a number of tools to give police officers swift access to help them combat crime.

It is extremely important that the police forces of this country demonstrate the requirement to get a warrant before accessing this data. That judicial oversight of police actions is an important, critical aspect of our cherished western democratic legal system, and only in that regard will Canadians be willing to surrender their valued rights to privacy.

• (1650)

I want to mention, as well, that just today we received a letter from the Privacy Commissioner of Canada, Jennifer Stoddart. I just want to quote a bit from this letter. She states:

—we recognize the concerns of law enforcement and national security authorities with the speed of developments in information technology and the anonymity they afford. Bills C-46 and C-47 seek to address the consequent public safety challenges and that objective is valid. [New Democrats agree] That said, whenever new surveillance powers or programs are proposed, it is my view that there must be demonstrated necessity, proportionality and effectiveness...It is a matter of protecting human rights and assuring public trust.

Ms. Stoddart goes on, over a five-page letter, to say that, in her view, these bills are seriously flawed; at least Bill C-47 is.

Now, the minister was asked a little while ago about examples in the real world as to why this bill is necessary.

I have spoken with a number of experts in the field of digital law and privacy, for instance, Professor Michael Geist, professor of law at University of Ottawa and Vince Gogolek, from the British Columbia Freedom of Information and Privacy Association. I spoke this morning with David Fewer and other academics. They documented a very disturbing fact with regard to the government's attempt to convince Canadians that police need these powers; that is, the government comes up with examples that are not actually true.

The Minister of Public Safety, on numerous occasions, in the media and elsewhere, has used the example of a high-profile Vancouver kidnapping case as an instance where police were hindered by the existing laws. In a number of interviews, the minister has claimed that he witnessed this emergency situation and that Vancouver police officers had to wait 36 hours to get the information they needed in order to obtain a warrant for a customer name and address information.

What is troubling about this is that it is not true. Professor Geist filed access to information requests with the Department of Public Safety, the RCMP and the Vancouver Police Department. A legal adviser to the Vancouver Police Department disclosed to Professor Geist that no Internet service provider records were ever sought, at all, during the investigation of this terrible crime.

If the only example that our own minister can put forward to this House as to why he thinks it is necessary to trample Canadians' privacy rights in the name of security is one which due diligence shows never even occurred, that is somewhat troubling.

Now, one other thing. The previous minister of public safety, the current Minister of International Trade, has made comments in this area before. This idea of floating a warrantless search has come up before. I think the Liberals keep boasting that they brought forward this legislation before. I wonder if they also thought that it was necessary for Canadians to give up their rights to digital privacy without a warrant. If that is the case, then I think they have been wrong for years.

The response from the digital community, from privacy experts and from ordinary law-abiding Canadians, was overwhelming. The government, the previous minister, was forced to back off when it tried to introduce this legislation. What the previous minister said was that the government would never bring in any kind of disclosure requirements without a warrant. He made that comment publicly.

*Government Orders*

I do not know what has changed in the government. We heard some interesting comments from my colleagues in the Bloc, and even in the Liberal Party, about the way the government uses crime as a weapon to prey on people's fears and to dodge weighty important political issues that are going on when it throws out hastily conceived, poorly thought out and rights-violating legislation, and then it pretends that anybody who is not in favour of it is not against crime.

What a simplistic argument. What an argument that offends any Canadian's sense of right thinkingness and sense of justice and respect for civil rights; particularly when we are on the eve of November 11, when all Canadians are going to be taking a moment of silence to think of all those veterans who fought in wars. For what? For democracy and for civil rights, for the right to not have the state seize our information without judicial oversight. And here, these people in this chamber, the ones who care about public safety and security, they are going to attend those celebrations and they are going to pretend that they value the sacrifices of our veterans.

If they do, and I will give them the benefit of the doubt, they can show that by going back to their minister and saying, "Minister, we will not support this legislation if it requires Canadians to deliver public information without a warrant".

New Democrats will work with this bill, but we cannot and we will not sacrifice Canadians' rights to privacy in the name of security. Canadians deserve both. We can have both. We can have security. We can have civil rights. That is what Canada is about.

• (1655)

**The Acting Speaker (Mr. Barry Devolin):** It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Notre-Dame-de-Grâce—Lachine, Employment Insurance; the hon. member for Mount Royal, Foreign Affairs.

Questions and comments, the hon. member for Edmonton—St. Albert.

• (1700)

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Mr. Speaker, I certainly enjoyed my learned friend's passionate plea and speech in favour of the protection of individual liberties. It was a lock-in in its spirit.

I took notes when my colleague was speaking and he said that he would never support any measure that compromised the privacy of individuals in the name of security nor one that would interfere with the private dealings of law-abiding citizens.

I am wondering if he agrees with his party's justice critic, the member for Windsor—Tecumseh, when he advocates in favour of random breathalyzer tests where the police would be able to demand a breathalyzer test without reasonable grounds. It appears to me that those positions are inconsistent.

**Mr. Don Davies:** Mr. Speaker, I would like to thank the hon. member for giving me an opportunity to once again comment on the wonderful work that our member for Windsor—Tecumseh, our justice critic, has done not only in this chamber but in the community of Windsor and in fact our entire country, and for the intelligence, compassion and incisiveness that he brings to the debate.

The member asked a good question, but I think they are very different issues. The concept of random alcohol testing, particularly in the context of driving, has gone to the Supreme Court of Canada and it was ruled constitutionally valid. I do not think it has ever been ruled constitutionally valid that anybody be forced to give over private information to a police officer in the absence of a search warrant or some compelling condition being demonstrated like the concept of hot pursuit or to prevent imminent harm to someone. I do not see any contradiction there at all.

What I do see is a real commitment by the hon. member for Windsor—Tecumseh to ensure that our roads are safe and that people are not killed by impaired drivers, which is something New Democrats will work to support.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I too would like to thank our member for making an excellent presentation today.

The member knows that the Privacy Commissioner did request a five year parliamentary review for Bill C-46, so I wonder whether he would agree with that as far as having a parliamentary review for Bill C-47. What form would he suggest the parliamentary review take?

Perhaps he would examine also the possibility of a sunset clause so that after five years the bill would simply expire and would have to be reintroduced given that technology does change radically even over a one year period. Perhaps in five years things will look totally different to us at that point in time.

I would ask him whether he would consider either one of those options?

**Mr. Don Davies:** Mr. Speaker, the short answer with respect to this bill is, no. Why? Because this bill is fundamentally flawed.

On the face of this bill it asks parliamentarians to vote in favour of a serious and direct incursion into people's privacy rights. There is no room to go forward with a bill like this, to see how many thousands of Canadians' rights are violated in five years and then come back. We know the bill is flawed now. That is different than Bill C-46 where that is a very intelligent suggestion.

My colleague mentioned the Privacy Commissioner. She asked some really trenchant questions for all parliamentarians to ask as we consider this bill. What law enforcement or national security duty justifies access without a warrant by authorities to personal information? Why are some of these powers unrestricted when the spirit of Canadian law clearly reflects the view that access or seizure without court authorization should be exceptional? Are the mechanisms for accountability commensurate to the unprecedented powers envisioned?

To ask those questions is to answer them. This bill fails in those three questions at this point. That is why no review is necessary. Parliamentarians should send this bill back for further study by the minister right now.

*Government Orders*

**Mr. Brent Rathgeber:** Mr. Speaker, I am a little puzzled and confused by my friend's answer to my question. I am glad he thinks that protecting Canadians on roads is important, but why does he think that is more important than protecting children from being lured over the Internet?

• (1705)

**Mr. Don Davies:** Mr. Speaker, I am surprised that my colleague would act that way. I respect his work in the public safety committee and have seen him act with courage and independence on many occasions, as I did today. I am surprised that such a facile and unfair question would be put.

How does he get out of anything I have said that by any preponderance of imagination we would be soft on luring children on the Internet? That has nothing to do with this bill.

Bill C-46, which we supported earlier today, makes it a crime in the Criminal Code for anyone to lure people over the digital media. We do not have to talk about that in terms of this bill because this bill does not have anything to do with luring children. This bill has to do with making telecommunications companies have equipment to preserve data, which we support. It has to do with getting basic subscriber information to the police. The only question is whether or not we should do that with judicial oversight.

I am surprised that my hon. colleague, who I know is a lawyer, would not understand and support that very important concept of privacy and civil rights in this country.

**Ms. Megan Leslie (Halifax, NDP):** Mr. Speaker, the member for Vancouver Kingsway read a quote a couple of minutes ago that resonated with me. It really struck me.

My problem with the bill is that it is being painted as though there were some sort of gap, some sort of void. In reality, any time police and investigators want to get information they can apply to the courts, and the courts will decide whether or not it is appropriate in the circumstances by weighing the checks and balances, by weighing it against a person's privacy rights and civil liberties.

I think there needs to be court oversight. The quote that he read perfectly summed it up. Where in the world do we let this happen? Where in the world is it appropriate to let law enforcement have access to this information?

What does the member think about the quote that he read?

**Mr. Don Davies:** Mr. Speaker, I thank the member for the usual intelligent and astute question. The member for Halifax does a wonderful job, and brings a nuance and wisdom to the debate in the House which is all too uncommon.

The best way to answer is to raise the very first question that is raised by our national Privacy Commissioner, a civil servant whose job is to aid Parliament in making sure that we take into account Canadians' privacy interests in every piece of legislation we consider. Her first question is this: How is the current regime of judicial authorization not meeting the needs of law enforcement and national security authorities in relation to the Internet? She urges Parliament to ask and answer that question and have a full understanding of that question before we take a leap and pass

legislation that would seek to violate Canadians' right to Internet privacy.

On the Internet now, email is like mail that people received at their door 40 or 50 years ago. Canadians would not tolerate the police grabbing that mail, taking it to the police station, ripping it open and reading it without any kind of judicial oversight. Why does the government think it is any more acceptable to do that simply when that mail is in an electronic form? It just does not make sense.

Canadians are rightly concerned about this. We want to get good control and have police investigative mechanisms to control Internet crime. There is no doubt about that. All members of the House agree with that, but we do not have to sacrifice civil liberties to do that. I urge all parliamentarians to work together in a spirit of co-operation so that we can meet Canadians' expectations. No one wants to live in a country where our rights are violated as a condition of having safety. As I said before, we deserve neither if that is the case.

**Mr. Phil McColeman (Brant, CPC):** Mr. Speaker, I welcome this opportunity to add my voice of support for this worthy legislation, which gives law enforcement officials the tools they need to stop modern day criminals and terrorists in their tracks.

Canada's current intercept laws are decades out of date, often meaning that criminals can go about their business undetected and unprosecuted and pose a threat to the safety of Canadians. As the Minister of Public Safety made clear, this government is determined to put an end to this.

Bill C-47 will swing the advantage in favour of law enforcement. Criminals and others who pose a threat to Canadians' safety and security will no longer be able to exploit the communications technologies to remain undetected. Armed with new authorities to intercept unlawful activity, police and national security officials will be able to shut down so-called safe havens and bring criminals to account for their acts.

This legislation is not driven by ideology, but by an undeniable need to equip those who protect our society with 21st century crime-fighting tools. As a former police services board member, I can say that criminals get away with everything up to and including murder all too frequently because our lawful access legislation was developed in a much less technologically sophisticated age.

Over the past decade in particular, we have seen countless new technologies roll out, from text messaging on smart phones to 3G data communications, which no one could have imagined when our current intercept laws were written.

I know from experience the challenges law enforcement faces in intercepting cellphone calls or doing Internet-based investigations. These advanced technologies let the bad guys do their business under the radar and we have been almost powerless to stop them because we have not been able to intercept information as it travels through the Internet or a wireless communication infrastructure.

*Government Orders*

There has been no legal requirement for industry to ensure that, when these technologies are brought online, police with a warrant can intercept these illegal transactions, nor has there been any obligation to provide subscriber information to track them down. As a result, far too many investigations have been delayed or have reached a dead end. This situation has provided safe havens where gang members, child predators, identity thieves and terrorists can cooperate without fear of apprehension.

Members do not have to take my word for it; local, provincial and national police associations have all called for updated legislation and strongly endorse this bill because the challenges that I have just described are their daily reality.

Take the example of a case recently described on national radio by Murray Stooke, Calgary's deputy chief of police. He talked about a murder investigation in the city in 2008. The police force obtained a judge's authorization, which was valid for 60 days, to intercept private communications during the course of that investigation. However, 45 of the days that the authorization existed were lost due to the technical inability to intercept crucial information. That left just 15 days to try to close a homicide case, which sadly still remains unresolved.

As Deputy Chief Stooke said, "We understand in policing that there needs to be a balance and that the privacy rights of Canadians have to be respected, but at the same time, we have to be able to effectively solve crime and protect the community, and that is what this is all about".

The point he raises about Canadians' privacy rights is an important one and one that is fully considered and covered in this legislation under a rigorous regime. Basic subscriber information will now have to be made available on request by designated members of the law enforcement community and CSIS. However, there are no new interception powers and the warrant process remains unchanged.

The technical assistance for law enforcement in the 21st century act requires police officers or national security agents to justify to a judge why a warrant to intercept communication is needed. They also have to advise a service provider about the kind of investigation they are conducting, the reason the information is required, as well as the name of the investigating agency and investigating officer. A limited list of officials would be able to access this information.

● (1710)

Records of all these transactions will be preserved so that they can be audited regularly. Canada's Privacy Commissioner will have access to these records as part of the comprehensive oversight regime to protect Canadians' privacy and human rights.

Equally important, Bill C-47 looks out for the interests of business. The flexible and gradual approach proposed under the bill will avoid an undue burden on industry. I remind the House that there will be an 18-month transition period for service providers to get up to speed with new intercept requirements.

There is a three-year exemption for small service providers from certain requirements of the legislation to give them time to adjust. Exemptions of up to two years will be available for all affected firms to respond to the new technologies in order to protect innovation and private sector competitiveness.

Service providers will also be free to select the most cost-effective solutions and while they will pay to make new equipment and software intercept capable, the Government of Canada will cover the cost of necessary retrofits.

Not only are police services calling for this necessary legislation, but victims of crime are equally supportive of this bill. Paul Gillespie, president and CEO of the Kids' Internet Safety Alliance, for one, is a strong advocate of Bill C-47. Mr. Gillespie points out there are several hundred thousand people in Canada trading and sharing images of child sexual exploitation. He has worked on countless cases where a John Doe at a hotmail Internet address is sharing child pornography or actually transmitting abusive images. However, it sometimes takes weeks to get search warrants to pursue these criminals and too often, by the time police track down the IP address, the service provider no longer has the individual's records. In the meantime, innocent and vulnerable children continue to be abused.

That is why this legislation is so vital. We need to make sure that the law enforcement community and CSIS have this essential tool to investigate and prosecute serious crime and combat terrorism. It is their only hope of staying a step ahead of criminals and terrorists in the face of rapidly changing technology. Bill C-47 will enable them to track, trace and ultimately stop these crimes.

Canadians expect government to protect our children and keep our country safe. That is what the bill before us today will do, while also safeguarding individual privacy rights. It is balanced, it is fair and it is vital for law enforcement to combat high tech criminals. That is why I urge all hon. members to stand up for all Canadians and support the legislation before us today.

● (1715)

**Mr. Sukh Dhaliwal (Newton—North Delta, Lib.):** Mr. Speaker, I am pleased to stand in the House today to offer my thoughts on Bill C-47.

This morning I had the opportunity to speak to Bill C-46, which specifically compels the release of electronic data and documents from telecommunications and Internet service providers when there are reasonable grounds to suspect that this data relates to a crime.

Before I begin to tackle the specific issues that Bill C-47 deals with, it is important to note that the Canadian Association of Chiefs of Police has been calling for this kind of legislation since 1995. Namely, the police have wanted telecommunications service providers to have the technical capability to allow police services to carry out lawful interceptions on their networks.

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While I understand that due diligence, consultation and the drafting of any legislation requires proper care and consideration, this should be a wake-up call to all members of the House. In other words, the broader lesson to be learned is that we as parliamentarians have a responsibility to work together in the best interests of the country to ensure that laws are designed to respond to modern realities in a timely fashion.

Bill C-47 is simple in its intent. It has been constructed to prevent criminals from using telecommunication service providers to commit their crimes anonymously. Shockingly, there is nothing that currently compels these companies to make communication details available to law enforcement, including email and IP addresses, dates, times and content related data. What I find even more surprising is that many of these companies do not even have the appropriate tools to allow these kinds of interceptions. This is an indication of how unregulated and open for abuse the Internet still remains in this country.

If Bill C-47 passes, telecommunication service providers will have six months to update their technology to allow for compliance with law enforcement investigations. These kinds of upgrades are at the heart of this legislation and, quite frankly, with the speed and international scope of Canadian criminals, they are absolutely essential to being able to work with other countries like the U.S., the U.K. and Australia where similar pieces of legislation have been in place for several years now. Furthermore, Canada has agreed to join several international protocols dealing with cyber and hate crimes that make this legislation an obligation as a signatory.

I have listened carefully to several of my colleagues speak today about privacy concerns relating to Bill C-47. They are very important to consider and I would like to share my thoughts. It is true that under this bill the police will no longer need to go before a judge and demonstrate reasonable grounds to suspect wrongdoing. They will merely have to ask companies for basic subscriber data.

This must be considered with the provision that the police are not given total freedom to infiltrate and tap the Internet and wireless networks, as accessing the content of emails, cell phone calls and all other digital data would continue to require court approval. I am being honest when I say that I do not have a problem with providing police with the ability to access this kind of subscriber data quickly.

● (1720)

A number of high profile crimes in my own community of Newton—North Delta were aided or covered up directly as a result of wireless technologies and electronic communications. The speed by which these criminals operate is lightning quick and law enforcement needs to match this speed with investigative practices that are not weighed down by process and bureaucracy. The name, address or telephone number accessed through an IP address could make the difference between capturing a dangerous offender in the context of the act or allowing that individual to slip through the cracks and avoid justice.

However, complaints have filtered in that these kinds of powers have no oversight, no real accountability and have the possibility to avoid logical determinations because of an errant hunch. Furthermore, people have complained that there are no filters nor criteria

that would classify these powers as overstepping reasonable investigative techniques.

Those are all valid concerns. There most definitely could be situations where the reasonable expectations for the personal privacy of subscribers are compromised. At the end of the day, however, I firmly believe that this comes down to appropriate governance of such intrusions so that the principles of our free and democratic society are preserved.

This is where I believe that the committee stage will be a vital source of input in how to strengthen Bill C-47. I know that we cannot allow abuse to occur and I and my colleagues on the justice committee will be vocal and strong in our proposed amendments to ensure that does not happen.

However, with such important legislation in the fight against a criminal element that is technically sophisticated and global in its expertise and resources, I do not believe we should throw the baby out with the bathwater.

Once again, I want to point out that we must target the tools of modern crime, and that arsenal has dramatically been expanded beyond weapons or vehicles. We should make no mistake about it, but a gangster's BlackBerry, cellphone and Internet access have all become vital to facilitating crimes to be committed.

Those are the realities of what our brave law enforcement professionals are encountering and we must update our entire approach to ensure the safety of all our communities.

I offer my support for Bill C-47 with the exception that the contributions made at the committee stage will allow the legislation to address many of the fears that have been raised today and over the past few months.

● (1725)

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, Canada's Privacy Commissioner sent a letter dated today to the chairman of the Standing Committee on Public Safety and National Security in which she suggests that we should require annual public reporting. She suggests that yearly statistics on the use, the results and effectiveness of new powers, subscriber data requests, preservation demands, tracking warrants, et cetera, should be required by statute. Besides bolstering accountability, these reports would be useful to support Parliament's five year review of the powers.

Would the member support that idea of the Privacy Commissioner and would he agree that this should be part of the final bill?

**Mr. Sukh Dhaliwal:** Mr. Speaker, I listened to my other colleagues this morning and have listened to many other people in the last two months who have legitimate concerns, which is why, at the committee stage, all members of Parliament on all sides will come up with reasonable solutions and amendments to this bill to ensure we have a balance.

On one hand, we want to catch those criminals who put our society at risk but on the other hand, we need to preserve our Canadian values that we carry when it comes to privacy and the Charter of Rights and Freedoms.

*Private Members' Business*

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** Mr. Speaker, I am glad to hear the member opposite supports Bill C-47, or at least in principle.

I sit on the justice committee and on the public safety committee and I, too, look forward to a thorough examination of this bill in committee.

The member indicated some deficiencies that he wants the committee to examine in detail. I would like to know specifically what he is concerned about so that I can take some notes and ensure the committee does examine those alleged deficiencies carefully.

• (1730)

**Mr. Sukh Dhaliwal:** Mr. Speaker, a basic concern is that when we give these tools to our law enforcement and front-line officers, we need to ensure they are given only enough power to deal with the law and justice and that they do not use those powers inappropriately to sacrifice the rights of Canadians.

[Translation]

**The Acting Speaker (Mr. Barry Devolin):** It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

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## PRIVATE MEMBERS' BUSINESS

[English]

### INCOME SUPPORT PROGRAM FOR OLDER WORKERS

The House resumed from September 16 consideration of the motion.

**Mr. Dean Allison (Niagara West—Glanbrook, CPC):** Mr. Speaker, before I get started, I want to recognize a friend of mine, Kevin Shular, who happens to be in Ottawa today. He has been a valuable member of our community in Lincoln and the town of Beamsville. He is in the gallery today with his son. He is moving to the Edmonton area. I have a number of colleagues in the Edmonton area who are going to have the benefit of the great work that he has done. I wanted to recognize him and say that he is going to be greatly missed in our part of the world in Ontario.

I am pleased to speak to this motion. Our government's great concern is that all Canadian workers make it through this economic downturn and be prepared for the coming recovery.

The hon. member's motion calls on the government to implement a passive income support program for older workers who lose their job in order to ease their transition from active employment to pension benefits. In other words, the hon. member is giving up on workers aged 55 to 64.

A passive income support program is not even a band-aid solution. It does not really help anyone, workers, employers, communities or the country at large. In the face of challenges, I do not think taking a passive uninspired approach to experienced hard-working members of our workforce is becoming of Canadians. I do not think that is the kind of economy, society or country we want to build, nor is it the world that we want to build.

Witness the March 2009 meeting of the G8 employment and labour ministers at which the Organisation for Economic Co-operation and Development, or OECD, called publicly subsidized early retirement schemes "a policy mistake". Why was that? It was because such a passive approach reduces the long-term supply of experienced workers and increases dependency on pension and retirement benefits. Also, it is unquestionably not in the interests of workers themselves.

The fact is we are seeing encouraging signs of an economic recovery on the horizon, resulting in a greater demand for skilled workers. Employment has recently, albeit in small numbers, started to increase.

I know the fundamental point raised by that side of the House is that many affected older workers come from isolated or single-industry communities, and once unemployment hits, there is no alternative work available. I understand that point, but again I do not think being passive helps Canada or Canadians.

Communities are not static and the economy is not static. People are always coming up with ways to diversify, improve and build. When our government is there, we should be there to encourage and support. We should be proactive, not passive.

This government believes in an active approach, and we have a strong record of action. For example, Canada's economic action plan is helping communities restructure through investment in the community adjustment fund, which supports activities that foster economic development; science and technology initiatives; and other measures that promote economic diversification.

Through the Canada skills and transition strategy introduced in the economic action plan, our government is taking more concrete action. For example, we have set aside funds for older workers. Specifically, we are investing an additional \$60 million over three years in the targeted initiative for older workers to continue to help older workers gain skills, upgrading and work experience so that they can transition to new jobs.

We have expanded the program's reach, allowing access to older workers in larger communities, as well as in smaller cities affected by significant downsizing or closures. The targeted initiative for older workers created by our government in 2006 is building on success. It is helping older workers get back into the workforce. It is an active, constructive program to help older workers. It is not passive.

We know that certain sectors of the economy have been hit harder than others. For example, the manufacturing sector, wood products and motor vehicle industries have experienced the most dramatic deterioration in their labour market conditions.

In the current global recession, we are all well aware that a significant number of Canadian workers, many who have spent their working lives in one industry, have lost their jobs.

•(1735)

To ensure that these workers have support to retrain for new jobs, possibly in another industry, their EI benefits will be extended up to a maximum of two years while they participate in long-term training. Over 40,000 Canadians could benefit from this career transition assistance over two years.

In addition, eligible workers will have earlier access to EI if they invest in their training using all or part of their severance package. Of course, the House and the human resources committee, of which I am the chairman, have been examining Bill C-50. We just passed that at the committee this afternoon, so that is great news. It will provide comparable measures for long-tenured workers, the same people who fit the criteria for career transition assistance.

These measures will help ensure that the long-tenured workers who have paid into the EI system for years are provided with the help they will need while they search for new employment. Our government will provide five to 20 weeks of additional benefits depending on how long an eligible individual has been working and paying into EI. It is fair and it is the right thing to do for these hard-working Canadians. We expect this measure to help approximately 190,000 long-term workers.

There is yet another program under EI that has received additional support under our economic action plan, namely, work-sharing. It helps to protect jobs that would otherwise be lost. The work-sharing program helps companies facing a temporary shutdown in business to avoid laying off their workers by offering EI to workers willing to work a reduced work week while the business recovers.

We have extended work-sharing agreements by 14 weeks to a maximum of 52 weeks over the next two years. We will allow more flexibility for the employers' recovery plan. As of this week, there are over 5,900 work-sharing agreements nationally, benefiting almost 167,000 Canadians.

Even when we talked to the people who came in to our committee to talk about Bill C-50, they told us about what a great program work-sharing is. Companies have the opportunity to share the work and some of the EI so that they do not need to shut down. It gives them additional time to get stronger and to get back on their feet. It was pretty much unanimous among all the people who came in to see us that it has been a great program.

Through our economic action plan, we are giving thousands of Canadians opportunities to upgrade their skills or train for a different career. We are investing under the action plan and training programs delivered by the provinces and territories, as they are closer to the labour market challenges in their respective areas.

Close to 150,000 workers across the country will benefit from these initiatives. They will help Canadians retrain to keep their jobs or transition to new work and they apply whether these workers are eligible for EI or not. It is clear that our government is aware that older workers face special difficulties re-entering the workforce once they have been laid off.

That is why we commissioned the work of the expert panel on older workers in 2007 to study the labour market conditions affecting older workers. Its report talked about two fundamental

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themes: enhancing labour market prospects for older workers and supporting older worker adjustment. It confirmed that our government is moving in the right direction with our active approach to older workers.

What the panel did not do is advocate a passive income program like the one members opposite are proposing. Older workers need to be valued. Their experience and skills should not be taken for granted and they should not be overlooked. Passive income support for older workers is an easy way out. It does not speak to the human potential to do better. It does not inspire us.

As I said in the beginning, such programs do not favour the workers, the employers, the community or the country at large. That is why I call on members of the House to defeat this motion.

•(1740)

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** Mr. Speaker, I rise today to join the debate and speak in support of Motion No. 285 brought forward to the House by the member for Bas-Richelieu—Nicolet—Bécancour.

The motion calls for the implementation of a genuine income support program for older workers who lose their jobs. Such a program could assist them in making the transition from active employment to collecting benefits through the Canada pension plan.

The Liberal Party has always been supportive of quality initiatives that respond to the needs of Canada's older workers. I am sure all of us are aware of people, hard-working Canadians, who are unable to secure employment in today's difficult job market.

Any and all governments have a responsibility and an obligation to ensure that Canada's system of support for older workers addresses all of their needs.

We need to look at a system of support that includes retraining, job search assistance, possibly even relocation assistance and certainly income support. The reality is that there are older workers who will not want to be retrained for any number of reasons; they may not want to relocate for any number of reasons, one of which, for many, would be age. To exclude income support will create a situation where those individuals who are most vulnerable are excluded from federal support measures.

No unemployed older worker should have to contemplate a future in which there are no opportunities and no support. As I said earlier, I am sure we are all aware of older workers who have had a very difficult time when they have lost their jobs.

*Private Members' Business*

I know of an individual whose name is Gabriel who in fact found himself on hard times, out of work, with a wife who was sick, without any kind of drug support program and with two children. He could not find employment. For that particular individual it was embarrassing to have to come to a representative and ask for help.

It should not be embarrassing. These people are not losing jobs of their own accord. It is not by choice that they are out of work. I think it is incumbent on all of us, particularly this government, to make sure that there are measures put in place to help him through these difficult times.

Unemployment is a traumatic experience at any age. The current economic crisis has caused particular hardship for older workers right across our country and certainly in Newfoundland and Labrador, the province that I am from.

With the dramatic loss of jobs in the manufacturing sector, individuals who have worked the same job for 20, 30 or 40 years and who expected to be in that job until they retired are now out of work through no fault of their own. These are people who want to work but who are now unemployed because of closures and downsizing as a result of the global economic crisis. Although many older workers are highly experienced, they are finding it challenging to obtain employment.

Programs that offer training, employment assistance and skill upgrades will be beneficial to many of the unemployed, both older and younger workers. However, we know that older workers demand special consideration. We cannot ignore those individuals who have contributed to their communities, the economy and their own financial well-being for many years only to now find themselves unemployed when they are on the verge of retirement.

People in the riding of Random—Burin—St. George's know the importance and the necessity of employment support programs. It is a riding that is home to many older workers. I represent a riding with a population that is older than the national average, that is largely rural and as a result, again through no choice of their own, for most of whom employment is seasonal in nature.

There is no doubt that older workers in rural areas will have more difficulty finding jobs when they are displaced. When a plant closes in a single-industry community, we often see young families relocate for employment, but older residents who have spent their entire lives in that community find it much more difficult to move. They own their own home. They own their vehicle if they have one. They own what they have. All of their earthly possessions they own. They have worked very hard to acquire these particular assets.

● (1745)

Asking them to uproot and move to another province at a time when they may not even find employment in that other province, to take on a mortgage, to take on the responsibility of a car, to have to find a means of earning a living, is very difficult for someone who is at an age where retraining may be difficult for them and relocating even much more difficult.

In the riding of Random—Burin—St. George's many residents have to leave home in search of employment. It is not uncommon for people throughout Newfoundland and Labrador to have to leave home to find employment. We have witnessed many people leaving

home, leaving their families behind in order to provide for that family. To bring the family and to have to buy a home or rent a home would not be worth their while in terms of being able to actually provide for their family.

These people, many of them in their mid-50s, early 60s, move away and leave their families behind. They come home after three or four weeks of employment, spend a week depending on the arrangement that has been made, and then go back to their work, whether it is in Alberta, Ontario, up north, or some other part of the country.

This economic crisis will leave a string of ghost towns right across the country, if these people decide to take their families with them, unless the government takes more forward looking action that looks at the needs of the entire community, and particularly the needs of older workers who have been laid off and have not been able to secure new employment. It is a serious issue for rural communities in particular. We are indeed going to see many of our communities fall by the wayside.

There are residents in the riding I represent who would benefit greatly from implementation of a support program for older workers. I find it puzzling and somewhat upsetting that the Conservative government has such little regard for these people and the employment challenges they face on a daily basis. It is the responsibility of government to bring forward initiatives that would be inclusive and responsive to the reality of the situation at hand.

The Liberal opposition supports quality programs that meet the needs of all of Canada's older workers. In fact, during the 2006 election campaign the Liberal Party called for the development of a pan-Canadian national older worker strategy that incorporated skills upgrading, flexible work environments, community level partnerships, and combined training with job placement services.

Previous Liberal governments have brought forward initiatives to help older workers in their efforts to find and retain employment. The older workers pilot projects initiative and Canada's workplace skills strategy in 2004 were designed to help workers enhance their skills and keep pace with the evolving workplace requirements. It is upsetting that the Conservative government showed such little foresight when it cut \$17 million from the workplace skills strategy program.

We know that older workers face added challenges in obtaining work. They tend to remain out of work for a longer period of time. Rightly or wrongly, employers have demonstrated a tendency to look to younger employees who are assumed to be more competent in new technologies. More often than not, regrettably, experience is not looked upon as a tremendous asset when employees are hired.

The minority Conservative government has cut several programs aimed at assisting workers. We can find little value in the Conservative government's performance on pension reform and retirement income security.

Beyond the loss of regular employment, today's jobless have also suffered extensive losses through company pension plans. Years of pension contributions have been lost.

*Private Members' Business*

Further, swings in the financial market have had a tremendous impact on the value of retirement assets. Those individuals who believed they were near retirement have seen their savings diminish and are now forced to remain in the labour market.

The Prime Minister demonstrated his complete disregard for the savings of seniors and near retirees when he decided to tax income trusts after promising Canadians that he would not. The Conservative government's record on quality pension reform and retirement income security lacks vision and commitment.

We live in a country where almost one-third of older Canadians receive assistance through the old age security system. We also know that Canada's population is aging. We need a vision for our country that ensures older workers are not excluded nor left behind.

• (1750)

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, I am pleased to rise and speak to the motion presented by the member for Bas-Richelieu—Nicolet—Bécancour. In the motion the member put forward the notion that the government should, as quickly as possible, implement a genuine income support program for older workers who lost their jobs in order to ease their transition from active employment to pension benefits. Of course, nowhere in that motion does the member indicate that there should not be other measures as well as income support to bridge people into pensions when they involuntarily lose their employment.

The New Democrats will be supporting this motion. We recognize that older workers in our communities from coast to coast to coast are suffering in the current economic downturn.

Sadly, this is not new information. I want to refer to an article from 1995. This article is called "Older Workers in Transition". I think the words in this article capture exactly what older workers are facing right now in our communities. It said:

Many older workers today are perplexed and dismayed by the swift and dramatic changes occurring in the work place. For most of their adult lives, they have functioned successfully in stable work environments where they anticipated holding their jobs until retirement. These older workers are discovering that they may not achieve their dreams of spending the last years of their work lives productively and they may not achieve financially independent retirement.

It went on to talk about 15 years prior to 1995:

However, in the last 15 years, they have often found themselves outside of the plant gates wondering what happened, or still inside, but anticipating dramatic workplace changes that threaten their job security. Plant closures, downsizings, restructuring, new technologies, international trade agreements, ecological concerns, changing demographics, have affected the Canadian workforce.

That could have been written in this day and age because the older workers in our communities are facing exactly the same kinds of circumstances.

As other members have rightly pointed out, older workers have many skills. They have much work experience to bring to a new work opportunity. However, what we have to acknowledge is that older workers also come from a range of skill sets, a range of work experiences, a range of socio-economic backgrounds, and a range of communities. We need to have programs that are broad in spectrum in order to address this very diverse group of workers.

We know, of course, that in many of our communities, and some of the more rural communities, or some of the communities outside

of large urban centres, that older workers simply do not have access to other kinds of employment once the single industry in their town has shut down. In this day and age I cannot understand why we would be saying to older workers that they have to disrupt their entire family. If they are 64 or 59, close to retirement, we are going to ask them to move away from their children and grandchildren, and their family connections. Instead, a much more humane approach, exactly as the Bloc has proposed, would be this bridging program that allows people to move and bridge from their work career into retirement.

For workers who choose this option there absolutely needs to be retraining programs, mobility assistance programs, counselling programs, and all of those other things for workers who are able and want to stay within the workforce. We absolutely need to support those workers, but we also need to recognize that for some workers this is just not an option.

I want to speak specifically for one moment about the forestry sector in my own riding of Nanaimo—Cowichan, and this is throughout B.C. This is from an article from February 2009, but, again, we know that the forestry sector has not significantly turned around. This is from the Canadian Centre for Policy Alternatives, CCPA. It said:

B.C. has lost 65 sawmills, four pulp mills and about 20,000 jobs in the forest industry. With a spin off effect of about 1 to 3, this means a loss of about 60,000 jobs. And let's not forget about the tens of millions of dollars of revenue that is no longer being sent to government coffers to help pay for health care and education.

Out of those 20,000 workers, we know that there is an aging workforce in the forestry sector. We know that many of these workers have spent their entire lives in forestry, some of them in logging, sawmills, and some in the value-added. Literally, we are talking about workers who have often spent 35 or 40 years in the forestry sector, and some of them are living in the more rural and remote communities.

• (1755)

Now we are going to say, "I'm sorry, forestry worker, despite all of the years that you've put into your company, your community, we're not going to recognize those years and we're not going to provide you with that bridging so that you can have a dignified retirement. Instead, we are going to force you to move out of province," in my case, off Vancouver Island, "to somewhere else, and we're going to ask you to disrupt your family in the years where you should actually be looking at enjoying some of your retirement or looking forward to your retirement".

Many times, of course, what is happening with these workers is that, as they leave our communities, they are forced into other seasonal, part-time, contract work, which still does not provide them with any income security.

*Private Members' Business*

In terms of the forestry sector, we know that we recently had the black liquor subsidy where there was some money provided to try to offset the impact in the forestry sector, but we are now looking at further threats from the U.S. around an additional kind of subsidy that is going to continue to harm our forestry sector from coast to coast to coast. I would argue that these workers simply do not deserve to be treated in this fashion.

We do have a program right now that is a targeted initiative for older workers. It provides some support for workers who do wish to continue with employment. However, when we look at it, it talks about employment assistance activities, such as assessment counselling, resumé writing, interview techniques, job-finding clubs and so on. But nowhere in that targeted initiative for older workers is there mention of any kind of income support or pension bridging.

We know that there was formerly a program for older workers that was in effect until sometime in the 1990s. We also know that program was cancelled in all the program cuts that were happening in the 1990s and those workers were hung out to dry, essentially, by previous governments.

What we also understand is that the program, this income support, this pension bridging for older workers, needs to be only one aspect of a program for workers. New Democrats have put forward some suggestions around what needs to happen with pensions. We have seen the Nortel demonstration that happened last week on Parliament Hill, where Nortel workers were raising issues around the fact that because of the insolvency of Nortel many of these workers were looking at the fact that they were going to have their pension income substantially reduced.

What we know, as well, is that many Canadians are simply relying on CPP, Canada pension or old age security, OAS, for their retirement income because they simply have not been in the kinds of employment that provided them with the opportunity to have a company pension plan. Many low wage seasonal workers and many women have never had the wherewithal to save for retirement.

We know that as the baby boomers are moving toward retirement, this country is going to face significant challenges with pension retirement income. We know that in the past, women were adversely affected. There were some efforts made about 20 years ago to reverse the situation for women because women are often in seasonal, contract, low-wage jobs. That is not always the case, but a significant number of women are in that kind of employment. We know that as the baby boomers retire, we are going to see more women falling deeper into poverty.

New Democrats have put together a proposal for some of the things that we think need to be included in pension reform. These include: an increasingly guaranteed income supplement to end seniors' poverty; strengthening the Canada pension plan and Quebec pension plan, in consultation with the provinces, with the goal of doubling benefits; developing a national pension insurance scheme funded by employer pension plans; and creating a national facility to adopt workplace pension plans of companies in bankruptcy.

New Democrats will be supporting this motion, but we are also urging the government to take very seriously the looming crisis in pension income that is facing this country.

• (1800)

[*Translation*]

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Mr. Speaker, I am pleased to rise today in this House to defend the motion of my colleague from Bas-Richelieu—Nicolet—Bécancour, which states:

That, in the opinion of the House, the government should as quickly as possible implement a genuine income support program for older workers who lost their job in order to ease their transition from active employment to pension benefits.

Must I remind members that for 12 years, the Bloc Québécois has been calling on this House to put a stop to the injustice facing workers at the end of their careers who lose their jobs because of the ups and downs of the global economy?

Must I also remind members that during the last economic recession in the 1990s, the government renewed the program for older worker adjustment, commonly known as POWA? This program, in collaboration with the provinces, supported workers 55 and older who lost their jobs in massive layoffs by providing monthly benefits once their EI benefits had run out. This measure supported workers during a particularly difficult time so that they could find a new job or retrain, and was not meant to discourage them from returning to the labour force as some claimed.

Paul Martin's Liberal government abolished the program in 2005. Despite requests for assistance from all of the manufacturing sectors in Quebec and Canada that have been negatively affected over the years by economic globalization, the Conservative government has done no better since coming to power.

On one of its opposition days, the Bloc proposed measures to get workers out of the black hole they were facing. Our proposal was unsuccessful despite a majority vote in the House because the Conservatives have stubbornly refused to listen to workers who have fallen prey to this large-scale industrial transformation.

In 2006, the human resources minister proposed the targeted initiative for older workers, but all it set out to do was re-evaluate and recognize knowledge, skills and experience with a view to potential new fields of employment. The initiative supported workers with the potential to retrain, not those whose field of employment was at risk of disappearing entirely from Quebec and Canada.

In 2005, Canada's Employment Insurance Commission itself acknowledged that training programs for people aged 55 to 64, those too young to retire but too old to retrain successfully, were inadequate.

In too many cases, retraining does not result in employment. These workers find themselves back at square one and have to spend all of their savings just to make it to retirement age. Many of them have to resign themselves to living below the poverty line. I am sure everyone agrees that this is a rotten way to thank people who have spent their lives contributing to our society.

*Private Members' Business*

Since then, for nearly a year, the Conservatives have put off their 2006 commitment to assess the relevance of implementing a new program. Last year, when it was time to act, the government once again ducked out with neo-Liberal rhetoric about the regulatory power of the free market and re-skilling workers despite the fact that thousands of them have received no support while waiting for the market to make room for them and enable them to reach retirement with their dignity intact.

The Bloc Québécois has consulted workers and is now proposing a complete overhaul of programs for older workers to help people avoid this black hole.

In that sense, the new program will have to be designed for those workers 55 and over affected by mass layoffs or business shutdown, who can show a labour market attachment period of at least 10 years over the past 30 years and for whom the gap between the skills acquired and those required on the labour market is too large to allow them to find truly gainful employment in their own region.

To be eligible to the program, the workers will have to meet the various criteria I just outlined. Once their eligibility determined, older workers, men and women, would receive benefits that would allow them to maintain their real property assets.

It is important that older workers not suffer economic decline to the point of being forced to sell assets accumulated over many years of hard work, as they sometimes have to do when applying for employment insurance benefits. These workers are already grieving the loss of their jobs, on top of facing systematic rejection when trying to get hired during the months after they were laid off or the business they worked for shut down.

• (1805)

We believe it would be inhumane to add further to their hardship.

Therefore, the support provided through the program should match the income replacement rate under the EI program, and a minimum threshold should be established, as provided in the POWA since 1987.

As for the cap under this program, it would be the same as for EI, which is currently \$447 per week. This would only add up to a few thousands of dollars each year, but it would still be enough to live on.

We have calculated that, if implemented tomorrow, the program would provide between \$1,300 and \$1,900 in support every month. Within these limits, the benefit level would be set the same way as for EI, that is, an income replacement rate of 55%, based on earnings before the mass layoff or business shutdown.

Regarding how this new program would be funded, the option selected was cost sharing between the federal government and the provinces, based on a 70/30 ratio, as it was for the POWA.

Finally, we are proposing that the mechanism included in the latest POWA with respect to amounts that can be deducted from support amounts under the new proposed program be retained, so as to take advantage of the consensus achieved by the two levels of government in that regard.

The need for this program rests, for the most part, on observations made by older workers who are dealing with a number of obstacles: their life-long skills are no longer in demand, they lack the relevant skills for positions in growth industries, they have lower levels of literacy and education, they lack experience in job searching and they are less willing to move because of all that. To them, moving might represent a heavy financial and social burden.

It should be noted that since the purpose of this program is to allow older workers to end their working lives in dignity, we think it is imperative to allow people to live where they see fit and not unduly force them to go where there might be jobs.

Contrary to POWA and the OWA program, admission to the recommended program, as proposed by the major unions, would be done on an individual basis and not collectively. That way, if an older worker loses his job after a business closes or after a mass lay-off and he meets the other conditions, he would be entitled to the program if the gap between the skills acquired and those required is too big for him to find truly gainful employment in the region, or employment at the average rate of pay for the region.

Furthermore, such a program is also needed because it is clear that job re-entry measures have not been producing any significant results nor can any be expected in certain cases. However, this situation could be different and could eventually change as more educated generations enter the age bracket of 55 and older. That is why we would like to see the new program reviewed every five years, either to adjust it or eliminate it altogether, if an analysis shows that the program is no longer fulfilling its mission.

The program that we are calling for is not only feasible, but for us, it is essential to taking into account the real situation facing older workers affected by mass layoffs or company closures, some of whom, despite their best efforts and good intentions, are unable to re-enter the work force.

I would remind the House that the Conservatives' bill, which provides an additional 5 to 20 weeks of benefits to long-tenured workers, does not address the same clientele.

Today's motion targets workers aged 55 to 64. In spite of the government's bill, the need persists for a bridge between EI benefits and the old age pension, which would be provided by an income support program for older workers.

We are talking about the implementation of a real income support program for older workers aged 55 to 64, and not long-tenured workers as defined by the government.

The measure we are proposing should be brought in immediately, out of respect for all older citizens who have worked their entire lives to build our society and who deserve much more than what the Conservative government is trying to give them.

*Adjournment Proceedings*

• (1810)

**The Deputy Speaker:** There being no further members rising, the hon. member for Bas-Richelieu—Nicolet—Bécancour now has five minutes for his right to reply.

**Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ):** Mr. Speaker, in conclusion, I would like to talk briefly about this motion and its objective in the hope that by tomorrow's vote the Conservatives will have taken notice and will respect the wishes of workers and also of all communities, especially the regions, throughout Canada.

You will recall that the Program for Older Worker Adjustment was established in 1988. It provided eligible workers between 55 and 64 years of age, who had lost their jobs as a result of major, permanent layoffs, with benefits in order to bridge the gap between their employment insurance and old age pension. Unfortunately, the program ended in 1997.

POWA was a shared-cost program, 70% funded by the federal government and 30% by the participating provinces. Quebec has expressed an interest in participating in a new program if established. In 1996, 11,700 people were registered in the program after 900 layoffs.

Since the disappearance of the Program for Older Worker Adjustment, in March 1997, there have not been any more income support programs targeted specifically at older workers affected by mass layoffs or company closures. Recent government legislation simply added weeks of benefits for the unemployed.

It is a well-known fact, though, that age is a particular problem after job losses because employers are very reluctant to hire older people. This means that even though workers 55 years of age or more are generally less likely to be unemployed than young people, when they do find themselves unemployed, it is usually for a much longer time than the average. In its 2004 monitoring and assessment report, released in March 2005, the Employment Insurance Commission said this:

Although older workers enjoyed considerable employment growth in 2003-04 (5.8% unemployment rate), it is widely acknowledged that once unemployed, older workers may face challenges becoming re-employed. Older workers are over-represented among the long-term unemployed, representing 21.3% of this group and only 12.5% of the labour force.

The pilot projects created in response to the mass layoffs are aimed mainly at providing training for older workers who have been laid off. However, older workers do not participate very much in this kind of training, and measures like this are clearly inappropriate for them.

Here is what the four big central labour bodies have to say:

Studies have also shown that the older they are, the harder it is for workers to get training. Losing a job is much harder on older workers than on younger workers because the skills of older workers, who have not had access to training, are increasingly out of sync with the skills required by the current labour market.

The numbers speak volumes: workers over 55 years of age account for only 3.5% of participants in the regular skills development component, that is, training programs. Moreover, the Employment Insurance Commission has already recommended such a program. I would also remind the House that workers have been

calling for this program to be reinstated since it was abolished in 1997.

I also want to point out that when POWA was around, it made a tremendous contribution to improving the lives of its participants. On February 15, 2005, the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities released a report containing recommendation 13, which dealt with this issue. In addition, the Bloc passed a unanimous motion calling for a special program for older workers in the wake of multiple plant closures due to globalization. Furthermore, the House unanimously passed a subamendment to the 2006 Speech from the Throne recommending a similar measure.

I will close by saying that the Minister of Human Resources and Skills Development talked about a feasibility study in the spring of 2006. We have not yet seen this study.

• (1815)

The Bloc also dedicated another opposition day to this issue, obtaining a 155 to 124 vote in favour of its motion.

I therefore urge all members of the House to vote in favour of this motion.

[*English*]

**The Deputy Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Deputy Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And five or more members having risen:*

**The Deputy Speaker:** Pursuant to Standing Order 93 a recorded division stands deferred until Wednesday, October 28, immediately before the time provided for private members' business.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

### EMPLOYMENT INSURANCE

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, last May 26, I asked a question in the House concerning employment insurance and the regional disparities and discrimination based on eligibility rules that picked out winners and losers.

*Adjournment Proceedings*

The Minister of Human Resources and Skills Development went on about some of the changes that had been made to EI benefits but refused to address the issue of regional disparity and in fact regional fairness. I would again like to hear what the government has to say.

A lot of water has gone under the bridge. The Prime Minister and my leader, the Leader of the Opposition, put together a bipartisan working group composed of three Conservatives and three Liberals, and I was one of them, to work over the summer. The only party that put forward any kind of proposal at that particular working group was the Liberal Party.

In their usual manner, the Conservatives came out with figures that inflated the actual cost of the Liberal proposal. Members do not need to take my word for it, but the Parliamentary Budget Officer did an independent assessment of the government's estimate of the Liberal proposal and said that the government had overestimated and that the Liberal proposal for one eligibility rate standard of 360 hours would cost approximately \$1.2 billion and not the \$4 billion that the government claimed and continues to repeat, notwithstanding that the independent assessment proved it wrong.

The government has now come out with Bill C-50, which would extend benefits anywhere from 5 to 20 weeks but, again, has not addressed the issue of regional fairness.

The government has claimed that Bill C-50 would help approximately 190,000 Canadians. However, the veracity of that particular number has been questioned in the media, by third parties and in committee itself. The bill is now before committee at second reading.

Experts are saying that the figure is not 190,000. In fact, they believe the number of beneficiaries would be as low as 60,000. The government has refused to provide clarity on how it comes up with its figure of 190,000 Canadians who will be assisted by the changes it is proposing in Bill C-50.

How can the government justify throwing numbers out for which there is no basis? It refuses to explain its methodology. It refuses to provide the actual figures. It is doing the same thing with the issue of Bill C-50 and backing up the exact number of Canadians who will actually be assisted by it that it has been doing with the infrastructure and stimulus plan.

The Parliamentary Budget Officer has said that the government is providing information in such an obscure manner that it is impossible to independently verify the government's claims.

• (1820)

**Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC):** Mr. Speaker, I listened to what the member had to say about the regional variable entrance requirements but I should remind her and her party that that was introduced during their term of office when the unemployment rate was at 8.7%. I might also remind the member that the Liberals tried to balance the budget and the books on the backs of the unemployed by taking approximately \$50 billion from the EI fund and using it for general revenue. At the same time, they tried to balance the budget by taking \$25 billion and cutting it from the transfer payments to the provinces and

municipalities. The member needs to remember where this came from and she needs to look at the larger picture.

We have taken steps under the economic action plan and under the employment insurance program to help those who are unemployed. We have given five extra weeks of benefits across the country to those who require it. We have spent billions of dollars to help people upgrade their skills and their training. We froze the EI premiums for 2010-11 to the same level as they were in 2009 and 2008, the lowest level in a quarter century.

We have assisted employers and employees with work-sharing agreements, allowing people to claim EI and continue to work share. We have helped about 5,000 employers across the country and 167,000 Canadians.

We put the career transition assistance program together, helping about 40,000 long term workers to benefit from training for two years or more. We have put together the bill that the hon. member refers to, Bill C-50, which would bridge that particular program by adding 5 to 20 weeks of benefits to help ensure these long tenured workers who have paid into EI for years, who have not benefited from the system and who now find themselves unemployed through no fault of their own, are able to qualify for extra benefits.

I have a hard time understanding how that member, her leader and all members of that party stood in the House and voted against helping approximately 190,000 long tenured workers, a figure that I know she disagrees with. If she had been in committee today, she would know how the 190,000 was justified, but it is a lot of workers who are being helped with 5 to 20 weeks.

How does she sit in the House and face those workers and say that she voted against that bill in the House and voted against every clause? We went through the bill clause by clause today in committee and every member from her party voted against that. On top of all of the other benefits that we are doing for the unemployed, why would they stand in the House and vote against them, except for the purpose of wanting an election. The basis and the premise of their voting against the bill in the first place was self-interest as opposed to the interest of the unemployed who find themselves without work and who need extra benefits.

We are putting a bill before the House that, fortunately, is being supported and will eventually pass through the House. How does the hon. member justify not supporting that? Is that finding solutions? No, it is not. Is it finding solutions for long tenured workers? No, it is not.

*Adjournment Proceedings*

We are working to extend benefits to self-employed workers. We are getting Canadians back to work, not only through historic investments, through infrastructure and through the steps we have taken on the economic action plan, but, for those who are not able to do that, we have taken steps to bridge the gap, to be there for them when they need us and we have not done it on their backs. We have not balanced the books, as the Liberal Party did back in the nineties, on the backs of the unemployed, on RNs, on municipalities and on the lack of infrastructure. We are not doing that and we will not do that. We will take steps to stand behind those who need us at this difficult economic time, and that is exactly what we have done.

The member and her party should get behind us and support Bill C-50 that would help approximately 190,000 Canadians who are out of work and would have the benefit of approximately \$1 billion over three years. That is something that is significant and substantive and she should support it.

• (1825)

**Hon. Marlene Jennings:** Mr. Speaker, I and my party will not support Bill C-50 because we believe that it does not treat Canadian workers equally and fairly, and it does not address the issue of regional fairness.

If we want to talk about a government's record, let us look at the record of the government that took office in 2006 with a \$13 billion surplus and has frittered that surplus. One of the first actions the government did was to break a promise that it made during the 2006 election that it would not tax income trusts. It turned around and did that less than a week after it was elected to government.

Let us look at the government that claims it is reducing taxes and yet, when one reads the budget very carefully, it has a \$15 billion payroll tax that will start at the end of 2010, but it claims that it is lowering taxes. That is not lowering taxes.

Under the Liberals, the EI taxes went down every year. That is not happening under the Conservatives. They froze them and now they are going to raise them.

**Mr. Ed Komarnicki:** Mr. Speaker, the hon. member cannot have it both ways. She wants to lower premiums and at the same time spend more.

What we will not do is balance the budget on the backs of the unemployed, as the Liberals did. We will not take \$50 billion from the EI program and we will not cut transfers to provinces and municipalities by \$25 billion. Anyone can balance the budget doing that kind of thing. We will not do that.

Liberals have two ideas, a 360-hour work year or a two-month work year, in which people would work for two months of the year and then collect EI. We will not support that.

Liberals also like to say no. They said no to Bill C-50. They said no to Canadians, they said no to long-tenured workers. What good is saying no to any Canadian, even one Canadian? What does that do for hard-working Canadians who have worked for many years in the automotive industry and find themselves out of work? It does nothing. No will not help them.

What will it do for forestry workers? It will do nothing. It will not help one forestry worker if Liberals vote no on Bill C-50 or any of its

clauses. What will it do for manufacturing workers? It will do absolutely nothing. The stand the Liberals are taking will do nothing and that is wrong.

FOREIGN AFFAIRS

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, the Federal Court in its decision on the Abdelrazik case that the government had breached the Charter of Rights and Freedoms in its treatment of Mr. Abdelrazik and that the Canadian government should take immediate action so that Mr. Abdelrazik would be returned to Canada was clear in its findings of fact and conclusions of law. In addition, however, its factual findings and legal conclusions actually bring shame to the government. I will give some examples.

The government promised Mr. Abdelrazik a passport and then it renegued. Our security agencies cleared him of terrorist ties and then our government called him a security threat. Our government heard a UN official say Canada can bring Mr. Abdelrazik home but then it argued in court that it could not because the United Nations stood in the way.

The government instructed Mr. Abdelrazik that he needed to get his name off the UN watch list though it knew that this was effectively impossible. The government continued to argue in Parliament that it could not comment on the case for weeks and months in debates before the House because the matter was before the courts, and yet the matter was before the courts because the government itself had breached the rights of a Canadian citizen.

It is not surprising that the court called it disingenuous for the government to argue that Mr. Abdelrazik should apply to the United Nations committee for de-listing. It also held, on the basis of the evidence before it, that "CSIS was complicit" in the detention of a Canadian by a foreign government.

Had it been necessary, the decision stated, the court would have no hesitation finding that the government had acted in bad faith. It also stated, "There is no reason to challenge the applicant's assertion in his affidavit that he was tortured while in detention".

From the beginning, as the court stated, the process that got Mr. Abdelrazik listed recalls the situation "of Josef K. in Kafka's *The Trial*, who awakens one morning and, for reasons never revealed to him or the reader, is arrested and prosecuted for an unspecified crime". In the end, the court had so little faith in our government that it ordered Mr. Abdelrazik to be physically brought before it to prove that he was finally on Canadian soil.

While at this point there is a security review of the actions of CSIS and while Mr. Abdelrazik has sued the Canadian government and officials for damages for the reasons to which I have referred, some disturbing questions remain, questions that can only be addressed and resolved by a complete judicial inquiry.

*Adjournment Proceedings*

I will list only some questions for reasons of time. They are as follows. Why was the Canadian government so committed to refusing passage home to a Canadian citizen, a position that appeared to have no basis in law and, indeed, violated the Charter of Rights and Freedoms, as the court said?

Why did the government risk a third straight adverse decision in which the courts admonished it for failing to come to the protection of its citizens? Why did the government invoke dubious security considerations in its defence, ignoring the fact that its own security services, both CSIS and the RCMP, openly stated that they had no information connecting Mr. Abdelrazik to terrorism?

Why did the government appear to acquiesce to both the detention and the torture of a Canadian citizen? Why did it seek to bring about Mr. Abdelrazik's detention to begin with? If Canada turned a blind eye to torture, who knew, who approved it, how high up did it go?

There is a whole series of questions, but I want to close by saying the following. When Canadians travel abroad, they should leave their country confident that their government will stand behind them, that whatever accusations other countries make against them, their government will work to ensure their rights are protected and that, as a bare minimum principle, their government will not be an obstacle to their safe return home.

Only a judicial inquiry will be able to address these questions and satisfy the necessary accountability at this point of what the government knew, when it knew it and why it acted in such a way so as to systematically violate the rights of a Canadian citizen.

• (1830)

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, I appreciate the opportunity to respond to the former justice minister in the former Liberal government.

This Conservative government came to power in 2006. Many of the questions that the hon. colleague is asking today are questions he himself and his colleagues should answer because they were the ones in government.

As a matter of fact, the hon. member stated that Abdelrazik has sued the Government of Canada. Mr. Abdelrazik has chosen to go through the court. If the hon. member sees who Mr. Abdelrazik has sued, he will find to his astonishment that it is members of his own government when the Liberals were in power. Therefore, many of the member's questions need to be addressed over there.

However, let us be very clear on this matter. Mr. Abdelrazik has taken the government to court. What is even more surprising is that as a former justice minister, the member should know that we cannot comment when a matter is in front of the court. In this new instance

which he is talking about, let us say one thing quite clearly. Mr. Abdelrazik is in this country and all these things he is talking about are past. Mr. Abdelrazik has already launched a suit, and I am sure the member would agree it would be very prudent not to comment further on this case.

• (1835)

**Hon. Irwin Cotler:** Mr. Speaker, as I said in my remarks, the government is continuing its practice of arguing in Parliament that it cannot respond because a matter is before the court.

All these matters went before the court because the government breached Mr. Abdelrazik's rights to begin with. Had the Conservative government not breached Mr. Abdelrazik's rights, the matter never would have been before the court. The matter could have been resolved without a court procedure simply by the Conservative government, on its watch, when these things were taking place, undertaking its responsibilities and bringing Mr. Abdelrazik home, and not continuing to sustain a Kafkaesque process which the court itself identified in terms of the government's breach of its obligations.

If there are any questions that an inquiry would raise that have to do with the former government, so be it. We need an inquiry to get at the truth. We will not get to the truth simply by court actions which deal with damages but not in how the government acted, in what way was it complicit, as the court stated, how far the approvals went, et cetera.

We need to do this in order to protect Canadian citizens wherever detained abroad.

**Mr. Deepak Obhrai:** Mr. Speaker, this government takes the issues of Canadians abroad very seriously. In all occasions we intervene when it is necessary and where it is required. However, in this particular instance, as I have stated before, it was under his government's watch that all these things happened. At the same time, I have asked him a simple question, does he know how many members of his own government have been sued by Mr. Abdelrazik in the court case.

As I have stated before, as a former justice minister, he should know that whatever he wants to say on this matter, it is not fair to comment when the matter is in front of the court. We will leave it at that.

**The Deputy Speaker:** The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:37 p.m.)





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