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Tuesday, January 29, 2008

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, January 29, 2008

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1005)
[English]

PETITIONS

CANADA POST

Mr. Mervin Tweed (Brandon—Souris, CPC): Mr. Speaker, I am pleased to present a petition from people across Canada. This particular petition comes from people from Alberta and it is calling on Parliament to support Bill C-458, An Act to amend the Canada Post Corporation Act (library materials), which will protect and support the library book rate and extend it to include audio-visual materials.

INCOME TRUSTS

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, it is my pleasure to present this income trust broken promise petition on behalf of a number of people across the country, a large number in western Canada, who remember the Prime Minister boasting about his apparent commitment to accountability when he said the greatest fraud is a promise not kept.

The petitioners would like to remind the Prime Minister that he promised never to tax income trusts, but he broke that promise by imposing a 31.5% punitive tax, which permanently wiped out \$25 billion of the hard-earned retirement savings of Canadians, many of them seniors.

They therefore call upon the Conservative government to admit that the decision to tax income trusts was based on flawed methodology and incorrect assumptions, to apologize to those who were unfairly harmed and, finally, to repeal that punitive 31.5% tax on income trusts.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

PRIVILEGE

ALLEGED IMPEDIMENT IN THE DISCHARGE OF A MEMBER'S DUTIES

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, on October 18, 2007, the member for Skeena—Bulkley Valley rose on a matter of privilege relating to the designation of certain persons in his riding to serve the role of a quasi-member of Parliament instead of the elected member.

It raised an interesting issue because on January 11, 2008, during our break period, a constituent came to my office. I was there. The constituent asked about the serious issue of the policy of the government related to the importation of goods from countries such as China where there has been some problem in terms of health and safety.

We immediately contacted Service Canada to find out if it had the documentation on this issue that is very prevalent. It told us that we had to talk to Health Canada product safety.

My staff did contact Health Canada product safety and they were advised by Health Canada product safety that it would have to get back to them on that matter because there was some process to go through.

A phone call was received back from a different number totally. I have the name and phone number of the individual and I have personally talked to the person subsequently.

The question that was posed to my staff and subsequently to me was: "Is your member of Parliament a member of the opposition?" The Health Canada product safety representative was asking, with regard to my query, whether or not the member was a member of the opposition.

When I learned of this communication from my staff, I immediately contacted this person. I had an extensive conversation with the individual. I was told that there was a requirement for Health Canada product safety to fill out an MP response form which it receives from Ottawa. It must fill it out including quotations and extracts from the conversation with the member of Parliament or the member of Parliament's staff.

Privilege

This matter goes to Ottawa so that Ottawa, wherever this little black hole may be in this government, it appears decides what can be told to a member of Parliament. It also wants to know specific details, I was told, to monitor our activities, so that it could be prepared should the matter ever come up in question period.

I want to refer you, Mr. Speaker, to page 87, *House of Commons Procedure and Practice* by Marleau and Montpetit, which quotes Speaker Bosley from May 6, 1985, in which he states:

It should go without saying that a Member of Parliament needs to perform his functions effectively and that anything tending to cause confusion as to a Member's identity creates the possibility of an impediment to the fulfilment of that Member's functions. Any action which impedes or tends to impede a Member in the discharge of his duties is a breach of privilege. There are ample citations and precedents that bear this out.

I further refer you, Mr. Speaker, to page 69 of the 21st edition of Erskine May, *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, where it says:

Each House also claims the right to punish as contempts actions which, while not breaches of any specific privilege, obstruct or impede it in the performance of its functions, or are offences against its authority or dignity, such as disobedience to its legitimate commands or libels upon itself, its members or its officers—

We have a duty, Mr. Speaker, to uphold the privileges and the rights of members of Parliament and to ensure that they have all of the tools available to them to serve the people who elected them.

In this particular regard, I do not consider this to be a partisan matter when we asked about matters such as product safety and we were making a legitimate inquiry. However, I was also told specifically by this person that if a constituent had called directly he or she would have been given the answer immediately, but if members of Parliament who are in opposition ask the question, we have to be sanitized in terms of what can be said to us.

This is outrageous. This is a breach of my privileges as a member to serve my constituents.

• (1010)

I do not believe this is a matter simply to suggest that a member such as myself or any member who has these kinds of experiences with the government, which wants to somehow impede our ability to do our job, should raise it with procedure and House affairs.

This issue relates to each and every member of Parliament who is not a member of the government. Far too many people are impacted, and far too many members of this honourable place are impeded from doing their job in a responsible and a prompt fashion as is our duty.

Mr. Speaker, I therefore ask you to consider this clear breach of my privileges and the privileges of all members who are not members of the government. Should you find a prima facie case of a breach of my privileges and the privileges of other opposition members, I would be prepared to move the necessary motion.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I rise to support the question of privilege raised by the member for Mississauga South.

The Bloc Québécois has no reason to disbelieve what he has told us; the facts he shared seem to show that the machinery of

government now distinguishes between elected members who are Conservatives and in power, and opposition members.

He described his experience, and I completely agree that this is a breach of his privileges as a member. He supported his question of privilege with quotes from *House of Commons Procedure and Practice*. For the benefit of Quebeckers and Canadians, I would like to read an excerpt from page 67, which states:

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—

That is on page 67. In this case, it is quite clear that Health Canada's procedure discriminates against the member. In my opinion, for the past several months, if not the past several years, the government has been taking steps to impede the work of opposition members, and this can be seen in all sorts of situations.

Yesterday, a point of privilege was raised about the fact that the Minister of Foreign Affairs had not informed the House that Canada had stopped transferring Afghan prisoners to the Afghan authorities on November 5, I believe, even though this House had been told the opposite.

I also know that in many of our ridings, Conservative candidates are being presented as though they were already sitting members of Parliament. I would like to draw my colleagues' attention to the aerospace announcement made by the senator and Minister of Public Works and Government Services. He was present along with all the candidates for the island of Laval, even though there is no Conservative member in that area. The message was that if people voted for the right party next time, these ridings and the people in them would reap the benefits. I find this very damaging to democracy.

I would like to tell another anecdote that shows how this government behaves. Recently, a Conservative member was in Rivière-du-Loup along with our friend from Repentigny. Some seniors were protesting the Conservative government's failure to keep its promise to make retroactive guaranteed income supplement payments. The Conservative member implied that if the seniors voted for the right party next time, they could expect to receive the retroactive payments they are entitled to, which the Conservatives had promised.

In my opinion, this sort of behaviour is widespread. That is why the Bloc Québécois members take the events reported by the member for Mississauga South extremely seriously. We would like you to rule on this point of privilege, Mr. Speaker. With this attitude—in this case, we are talking about Health Canada, but there are other cases as well—the government and the whole government bureaucracy are truly impeding the work of opposition members, who form an essential part of democracy, even Canadian democracy.

Government Orders

●(1015)

[English]

Ms. Libby Davies (Vancouver East, NDP): First, Mr. Speaker, I would like to rise in support of the member for Mississauga South on his question of privilege. He is a very experienced and longstanding member of Parliament and I do not think that he raises this matter lightly today. He raises it with a very deep concern about the implications of that particular case and what it means not only for him and his constituents but for all opposition members in this House.

I am glad he referenced the situation that took place in Skeena—Bulkley Valley, which was held by the NDP and where there was a conscious and deliberate attempt and effort by the Conservative government to undermine the elected member in that riding and to sort of superimpose an unelected person who would become the spokesperson for the government on whatever the issues were. It was very offensive. I can tell members that the local community reacted immediately and very strongly.

Here we have another incident where clearly the principle that all members of the House are equal, which is a founding principle of our democracy in the House of Commons, is being undermined by what has taken place.

I do want to say that I believe very strongly that public servants in the civil service act in a very honourable way. When our office deals with various departments, whether it is Service Canada or whatever it might be, we find a level of professionalism and we find that individual public servants want to do their jobs in the best way possible and to carry out their role and recognize our role.

I want to be very clear that this is not any sort of negativity in terms of the public service. This is a political direction that has come through from the government and it is trying to make a differentiation between those who are government members and those who are opposition members.

Members of the NDP, who are very hard-working in serving the needs of our constituents, actually take that part of our job very seriously. A lot of people think that politics is just what they see in question period, but in actual fact most of us work in our ridings and deal with these individual issues, so our relationships with departments and individual staff members in those departments are very important to the work we do in providing service.

Therefore, it is most disturbing to hear that this took place and that there is a level of discrimination where there are two tiers of members, those who are government members and those who are not government members, and that we will get a different kind of service or a different level of information.

I do think that the member for Mississauga South has a serious complaint in terms of his privilege and the privilege of all of us as opposition members being violated, so I would support him in his submission today.

Mr. Speaker, I hope you would recognize that all members are equal and that this principle needs to be maintained, sustained and in no way undermined. We look to you, Mr. Speaker, to uphold that principle for all of us.

●(1020)

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I should initially point out, since there were several references to an earlier question of privilege regarding the member for Skeena—Bulkley Valley, that you ruled on that question of privilege, and I think quite correctly, that it was not a question of privilege and there was no undue harm done to the abilities of the member to do his job as a member of Parliament.

With respect to this current question of privilege raised by my hon. colleague, Mr. Speaker, I would ask, since this is the first time I have heard of this, if you could reserve your judgment and in fact hold this matter over until the minister responsible has an opportunity to respond. If you would do that, Mr. Speaker, I believe we would all be better served.

The Speaker: I thank the hon. members who have raised this matter, starting first with the hon. member for Mississauga South, then the hon. members for Joliette and Vancouver East, and then the parliamentary secretary to the government House leader.

I am quite happy to take the matter under advisement. I was going to anyway. I must say I was hoping that there would be some submission on this matter perhaps from the Minister of Health, or whoever is the responsible minister in this case, before a decision is rendered by the Chair. I am more than happy to acquiesce in the suggestion made by the parliamentary secretary. I will take the matter under advisement. I look forward to hearing further submissions on this at a later time and will then render a decision.

GOVERNMENT ORDERS

[Translation]

SETTLEMENT OF INTERNATIONAL INVESTMENT DISPUTES ACT

The House resumed from January 28 consideration of the motion that Bill C-9, An Act to implement the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention), be read the third time and passed.

Mrs. Vivian Barbot (Papineau, BQ): Mr. Speaker, on May 15, 2007, I had the opportunity here in the House to talk about why the Bloc Québécois supports Bill C-53, which is identical to Bill C-9, An Act to implement the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention). Today, therefore, I will talk about how international treaties are now typically drafted with no regard whatsoever for democracy.

I would like to begin by saying that the Bloc Québécois wants all treaties to go through the House of Commons. The current way of doing things completely disregards democracy. Bill S-5, which provides for the coming into force of tax conventions, shows how important international treaties are to our daily lives. These days, treaties are brought before Parliament only when they require enabling legislation.

Government Orders

In Canada, Parliament and parliamentarians play a minimal role in negotiating and ratifying international treaties. The federal executive controls all phases of the process. The executive is also responsible for what takes place in negotiations, which are, for the most part, secret. This secrecy is an important part of the federal government's negotiation strategy. Next to nothing, and sometimes nothing at all is disclosed before the parties sign an agreement in principle on the content and even the wording of the treaty. Even though the provinces are usually kept abreast of negotiations for trade agreements, they participate very little in the process and, with few exceptions, are totally excluded from the decision-making process.

Where international treaties are concerned, democracy is totally absent. There is no complete compilation of such treaties. Governments release them when and if they see fit, and people cannot be sure they are all being disclosed. The treaty section at the Department of Foreign Affairs does not even have a list of signed treaties to consult. The government is not required to table treaties in the House of Commons. It does not even have to inform the House or the public that it has signed or ratified treaties. The House does not get to approve treaties. The government can sign and ratify any treaty it wants without consulting the representatives of the people. At the very most, treaties requiring legislative changes are brought before Parliament before ratification.

In Quebec, since 2002, a vote in the National Assembly is required. Being in no way involved in the negotiation of treaties, the House of Commons cannot consult the public. It is therefore not surprising to see people increasingly expressing their opposition in the streets. In fact, there is no other place for them to be heard. The government is not required to consult the provinces either, even though it cannot implement treaties that concern areas of provincial jurisdiction and the provinces are not bound by the federal government's signature. It is totally absurd that no formal consultation mechanism is in place.

The government is preventing the provinces from being able to act internationally by controlling their international relations and by not allowing them to reach treaty-like agreements. This is unacceptable.

It used to be that international treaties governed relations between states and had little or no impact on how society functioned or on the lives and rights of citizens. At the time, it was acceptable for the government to unilaterally sign or ratify treaties.

Now, however, international treaties, especially trade agreements, affect the power of the state, the workings of society and the role of citizens. Furthermore, they often have an even greater impact than many bills. The Canadian treaty ratification process is not in line with this new reality. The people's representatives must be involved in decisions that affect the people they represent.

During the election campaign, the Conservatives promised to bring treaties before the House prior to ratifying them, but they still have not kept that promise. Recently, the government signed an investment protection agreement with Peru. This agreement is based on chapter 11 of NAFTA, which has been criticized by many. Yet the government concluded it without putting it to the House. When the House presses the government to honour its international commit-

ments, as it has done in the case of the Kyoto protocol, the government does what it pleases, with no regard for the will of the people or the promise it made when it signed the treaty.

• (1025)

As was the case when Bill S-5 was passed, the fact that Bill C-9 will be passed quickly is an opportunity to show the government that democracy is not something to be feared when concluding fair treaties. The government must honour its promise to submit to the elected representatives any treaties that it intends to ratify, as it is forced to do here today with the three tax treaties. Once it has ratified them, it must honour them, as we hope it will honour the tax treaties we are discussing here today, and the Kyoto protocol, which the House is pressing it to honour.

This failure to involve the representatives of the people is an anachronism. It is impossible to tell from the division of legislative powers provided in the Constitution Act, 1867 which level of government, federal or provincial, has authority to sign a treaty with a foreign government. No provision is made in the Canadian Constitution for a jurisdiction anything like external relations or international relations. This is understandable, however, because when the Constitution Act, 1867 was passed by the British Parliament in London, Canada was still a colony of the British Empire. In 1867, the British Parliament reserved for the British Crown the power to represent the Dominion of Canada internationally and to enter into treaties with foreign countries on its behalf.

Under section 132 of the Constitution Act, 1867, however, the federal government was given responsibility for implementing, in Canada, treaties entered into by the British Crown, where these were applicable to this country.

In 1931, pursuant to the Statute of Westminster, Canada, as well as several other dominions of the British Empire, acquired full independence and, along with it, the authority to act with all the attributes of a sovereign state on the international scene. It was then that the federal government acquired jurisdiction over external affairs. Considered a royal prerogative when the Constitution was written, this authority was transferred to the government which, as the sovereign's representative, exercises it alone and without involving Parliament.

Once the governor in council approves an agreement reached between Canada and a foreign country, no matter who negotiated the treaty, that agreement becomes an international treaty. The representatives of the people do not have a say in it because the federal government has simply inherited a royal prerogative dating back to the British Empire.

Parliament only becomes involved when the ratification of a treaty requires an enabling statute. Canadian legislation may have to be amended because of the treaty. The legislative implementation of these treaties is the only occasion when Parliament has a say in the entry into force of a treaty in Canada.

Government Orders

It should be pointed out that many treaties requiring the Canadian state to adopt specific standards are not presented to Parliament for the adoption of enabling legislation. In such cases, the government believes that the Canadian legislation already conforms to the international obligations adopted or that the subject of the treaty does not require the adoption of new legislative provisions.

Consequently, no amendments are made to existing laws nor is a new law adopted by Parliament. For example, Parliament did not adopt legislation to implement or approve the ratification of the International Convention on the Rights of the Child. In such cases, the treaty never goes before Parliament.

In short, Canada is less democratic today than it was in the 20's. In June 1926, Prime Minister King introduced a resolution that was unanimously adopted by the House of Commons. It read as follows:

Before Her Majesty's Canadian ministers recommend ratification of a treaty or convention involving Canada, Parliament's approval must be obtained.

In 1941, Mackenzie King reiterated his commitment to this formula:

With the exception of treaties of lesser importance or in cases of extreme urgency, the Senate and the House of Commons are invited to approve treaties, conventions and formal agreements before ratification by or on behalf of Canada.

● (1030)

Over the years, approval by resolution has been sought less and less. During the cold war, the government dropped the convention of seeking Parliament's approval before signing treaties or engaging in military intervention on foreign soil.

The government even stopped tabling treaties in Parliament. Except for the Kyoto protocol, not one treaty has been approved by resolution since 1966—over 40 years ago—and that was the Auto Pact. As for Kyoto, the government has refused to honour it. So much for democracy.

Furthermore, Canada is less democratic than the rest of the industrialized world. Most other major industrialized democracies support greater involvement of their parliaments in ratifying treaties. For example, the constitutions of France, Germany, Denmark, Italy and the United States require legislative approval of some types of international agreements prior to ratification.

Some countries that share constitutional traditions with Canada have tried to enshrine their parliament's role in examining treaties.

In the United Kingdom, a convention established in the 1920s, the Ponsonby Rule, requires the tabling of international agreements in both Houses of Parliament at least 21 days before they are to be ratified. This gives parliamentarians the opportunity to debate them before the government ratifies them, even though these debates are not binding. This kind of thing does not exist in Canada.

More recently, in 1996, Australia changed its procedure for concluding treaties. Under this procedure, treaties must be tabled in parliament at least 15 sitting days before any binding decision is made by the executive branch; a national interest analysis of the expected impact of the treaty obligations must be done, for each treaty, and tabled in parliament; a standing joint committee on treaties must be established to examine potential treaties and report on them. There is nothing of the sort in Canada.

As usual, Canada trails Quebec.

In Canada, the provinces pass laws in their constitutional fields of jurisdiction. As the British Privy Council ruled in 1937 in the labour conventions case, the provinces' legislative authority also extends to the implementation of international treaties.

As soon as a treaty or part of a treaty involves a provincial jurisdiction, the provisions in question can be implemented only by the provinces. Since 1964, Quebec has concluded some 550 international agreements involving many fields of jurisdiction for which it has full or partial responsibility, such as culture, economic development, drivers' licences, international adoption, the environment, science and technology, and communication.

For a major agreement to be binding, the Government of Quebec must first submit it to the Quebec National Assembly for approval. Only then will Quebec be bound by an international agreement entered into by Canada and agree to pass legislation to implement the agreement. Furthermore, under the legislation, Quebec's Department of International Relations must list and publish all of Quebec's international agreements. There is nothing of the sort in Canada.

The Bloc Québécois has introduced three bills on treaties to modernize the entire process for concluding international treaties.

The Bloc Québécois bill on treaties was designed to build transparency and democracy into the process of negotiating and concluding international treaties. Since such treaties have an increasingly large impact on our lives, it was more important than ever to make such a change. Moreover, the bill required that the federal government respect the provinces' jurisdictions.

The bill provided for five changes: all treaties were to be put before the House of Commons, the House was to approve important treaties, a parliamentary committee was to consult civil society before Parliament voted on important treaties, treaties were to be published in the *Canada Gazette* and on the Department of Foreign Affairs website and the government was to consult with the provinces before negotiating a treaty in an area of provincial jurisdiction.

● (1035)

The treaty bill came to a vote only once, on September 28, 2005. All the federalist parties voted against it.

No strangers to contradiction, the Conservatives made two promises about international treaties during the last election campaign. They promised to put international treaties before the House prior to ratification and to give the provinces a role in concluding treaties pertaining to their jurisdictions. Both these promises were broken.

Government Orders

Since they were elected, the Conservatives have amended NAFTA. They have signed two investment protection agreements based on NAFTA chapter 11, one of which has been ratified. They have concluded a military cooperation agreement to authorize British soldiers to train in Canada. They have signed cooperation agreements on higher education, even though education does not come under Ottawa's jurisdiction. They have concluded an agreement to facilitate technology transfers from Canada to China. And they have amended the free trade agreement with Chile.

Aside from the amended NATO treaty, which was brought before the House at the last minute for a mini-debate and vote, none of these international treaties has come before the House.

And where is the nation of Quebec in all this? The federalist parties say they rejected the Bloc Québécois bill because of two clauses, 4 and 6.

First, clause 4 provided for a mechanism for consulting with the provinces:

Canada shall not, without consulting the government of each province in accordance with the agreements entered into under section 5, negotiate or conclude a treaty

- (a) in an area under the legislative authority of the legislatures of the provinces; or
- (b) in a field affecting an area under the legislative authority of the legislatures of the provinces.

As for clause 6, it recognized the validity of the Gérin-Lajoie doctrine:

Nothing in this Act in any manner limits or affects the royal prerogative of Her Majesty in right of a province with respect to the negotiation and conclusion of treaties in an area under the legislative authority of the legislatures of the provinces.

The clause on consulting Quebec and the provinces is nothing revolutionary. When the federal government discusses, in an international forum, the text of a treaty having an impact on the provinces, then it consults the provinces beforehand.

Under an agreement concluded in 1975—and still in effect—between the Trudeau government and the provinces, Ottawa consults the provinces at every stage of the negotiation of treaties involving human rights.

Every federalist party in Ottawa is more centralist than Pierre Elliott Trudeau on the issue of international relations.

It is not just a Bloc Québécois bill that the federalist parties have rejected, it is a Quebec law. Section 22.1 of the Act respecting the Ministère des Relations internationales requires the consent of the Government of Quebec with respect to the signing, ratification or adherence by the Government of Canada, before the latter acts internationally on any agreement concerning matters under Quebec's constitutional jurisdiction.

As far as the section recognizing the provinces' right to negotiate and conclude international treaties in their jurisdictions is concerned, it was simply a recognition of the Gérin-Lajoie doctrine which every Government of Quebec has been following since 1965.

The Gérin-Lajoie doctrine is closely linked to Quebec's independence: the provinces are completely sovereign within their jurisdictions and they must exercise their authority over the entirety of their jurisdictions, which includes signing and ratifying international treaties.

In closing, these are some of the arguments in favour of more involvement by parliamentarians in the negotiation and ratification of international treaties for the good of democracy.

• (1040)

[English]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, as the member is probably aware, members of the NDP oppose the bill because of our concerns about it. The bill in and of itself, in terms of the process that it outlines for the settlement of investment disputes, is not so bad as far as it goes. However, we are very concerned about the larger context of the bill, its relationship to the World Bank and the involvement of multinational corporations.

One of the things we have raised in the debate on Bill C-9 is that the ICSID process does not allow for third party testimony except where there is consent from both parties in the arbitration, which is not necessarily easy to get. This has been held up as one of the serious concerns about this process. It makes the whole dispute mechanism, which is meant to be transparent, accountable and open, very inaccessible to local communities and third party stakeholders that may have a lot to say about representing a public interest in this process.

Could the member comment on that? Does she and members of her party also have concerns about that?

From our point of view, we think it will affect southern developing states most of all and will further marginalize developing countries in these transborder processes. It really eliminates the genuine and meaningful input of third party testimony of stakeholders and local communities, so the whole process becomes meaningless because they are in effect cut out.

Would the member comment on that?

[Translation]

Mrs. Vivian Barbot: Mr. Speaker, I thank my colleague for her question. In fact, there are certain limitations in this type of treaty.

What I was trying to highlight in speaking about the context in which these matters are dealt with—and I did point this out—is that, on the one hand, civil society has no input and, on the other hand, even we as parliamentarians who represent civil society, do not have the opportunity to debate these treaties. This occurs in a context where it is the government that decides. Obviously, when the mechanism itself is included in these treaties, there may be some elements that are problematic. However, we believe that these treaties are much better than the current situation. It still represents a step forward in the resolution of conflicts that may arise from international treaties.

• (1045)

[English]

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I congratulate the member for her excellent address to the haggis last night.

Government Orders

At the beginning of the member's speech, she mentioned consultation with the provinces and territories in advance of such treaties. My understanding is that she was suggesting there was no consultation with the provinces and territories. If she asked federal employees in the Department of Foreign Affairs, they would tell her that they do consult with the provinces and territories about treaties affecting them.

Does the member believe no consultations are held with the provinces and territories when treaties are being negotiated?

[*Translation*]

Mrs. Vivian Barbot: Mr. Speaker, my understanding is that these consultations are just informal. The government has no official, legal obligation to consult the provinces and take their opinions into account. The provinces are not bound at all by these treaties when their areas of jurisdiction are involved. The government can make any decisions it wants because it has no obligations.

The provinces, in turn, are not bound unless they decide to ratify the treaties. In Quebec, if the government is asked for its opinion, it is obliged to check things out and bring all the necessary documents before the Assembly chamber. The chamber makes a decision and, at that point, Quebec is bound. It is the province that ratifies. This is what I meant when I said that there were no consultations.

Public officials talk to each other, of course, to learn what the effects will be, but regardless of what the provinces say, the central or federal government can sign the treaties it wants. However, it is the provinces that implement them, and the provinces can decide not to do so. This does not limit in any way the federal government's power to sign these treaties.

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, first I would like to congratulate my colleague on her speech. I wanted quickly to remind her that in question period yesterday in the House, a Conservative asked a question of the foreign affairs minister about international treaties, claiming that the Conservative Party was more open and transparent. He said: "—we committed to bringing international treaties before the House of Commons to give Parliament a role in reviewing them". Note the use of the word "review".

The foreign affairs minister, boasting about fulfilling another election promise, said: "Effective immediately, any international treaty we sign will be tabled in the House of Commons".

I want to ask my colleague, therefore, where she sees any transparency in this and any ability of the House to really discuss treaties that have been signed by the government but are not brought before the House to be ratified but just to be presented and reviewed. We are still very far from parliamentary democracy.

Mrs. Vivian Barbot: Mr. Speaker, I thank my hon. colleague for this question. Naturally, what the member said yesterday caught my attention. This is another example of the current Conservative government's clever ways of saying one thing and then the very opposite. The government says it will honour its promise and that it will allow "reviewing". Yet, given this choice of vocabulary, one can clearly see that this leaves no room for real discussion before the treaty is signed or ratified.

We are facing exactly the same situation as their promise concerning UNESCO. These are half-measures that do not resolve anything. Yet, the government uses them to say that it is delivering on something it had promised. Each time, we are disappointed, since the reality is at odds with the terms used. This is a perfect example of what I would call a lack of democracy.

To some extent, actually, it makes no difference if we are told that, from now on, Parliament will have its say, because, if we take a closer look at the situation, the government is facing a *fait accompli*. It is just more of the same.

• (1050)

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, this is also the second time I have spoken on this bill. As we already know, from what my colleague from Papineau has said, the Bloc Québécois supports Bill C-9 in principle.

Passing this bill will mean that Canada can ratify the Convention on the Settlement of Investment Disputes between States and Nationals of Other States and join the International Centre for Settlement of Investment Disputes.

Because I will be making frequent reference to the International Centre for Settlement of Investment Disputes and the name is a little long, I will call it simply the centre in my speech.

Bill C-9 incorporates the requirements of the convention into domestic law, two reasons being to ensure compliance with arbitral awards and grant the immunities that the centre and its staff need. The centre was created by the World Bank in 1965 under the Treaty of Washington. At present there are 156 member countries. The centre is responsible for arbitrating disputes between a state and a foreign investor.

There are two potential kinds of conflicts: first, there are disputes relating to compliance with bilateral foreign investment protection agreements, and second, there are disputes relating to agreements between governments and foreign investors. These are agreements of the kind that the Government of Quebec and other governments regularly enter into to encourage foreign investment, with the promise, for example, to supply electricity at an agreed price.

Canada's membership will have no impact on the provinces and Quebec, other than that they will also be able to allow for recourse to the centre when they enter into agreements with investors. The bilateral treaties signed by the federal government already provide for recourse to arbitration by the centre, but by way of the supplementary arbitration mechanism rather than a regular mechanism, which is available only to countries that have ratified the convention.

In fact, the only thing that Canada's joining the centre will change is that it will be able to participate in negotiations to amend the centre's convention or by-laws and will have the assurance that it may participate in appointing arbitration tribunals. There will therefore be direct participation in the centre. Ultimately, the centre is merely a tribunal, and the problem is not the tribunal, but the bad investment protection treaties that Canada signs.

Government Orders

The Bloc Québécois supports signing investment protection agreements as long as they are good agreements, obviously. It is entirely reasonable for an investor to try to ensure, before making an investment, that he or she will not end up losing his or her property, and will not be discriminated against. That is the situation that foreign investment protection agreements are intended to govern. This is not a new phenomenon. The first known agreement containing provisions relating to the protection of foreign investments was the agreement between France and the United States signed in 1788, over two centuries ago.

In May 2007 there were over 2,400 bilateral investment protection agreements in the world. If we add the tax conventions dealing with the tax treatment of foreign investments and income, there are about 5,000 bilateral treaties relating to foreign investments. The Bloc is in favour of signing agreements like this and recognizes that they promote investment and growth. These agreements are all based on more or less the same principles.

The first principle that could be mentioned is respect for property rights regardless of the owner's nationality. Second, there can be no nationalization without fair and prompt financial compensation. Third, there is a prohibition against treating property located within a country's territory differently depending on the owner's origin. Finally, there is free movement of capital resulting from the operation and the disposal of investment.

• (1055)

In every case, when these rights are violated, states may submit disputes over compliance with an agreement to an international arbitration tribunal. In the majority of cases, investors themselves may submit the dispute to an international tribunal, but only with the consent of the state. In many cases, the international arbitration provided in the agreement takes place before the ICSID. By belonging to it, as Bill C-9 provides, we are also agreeing to an international order in the field of investment.

In the investment protection agreements that they sign, only two countries, Canada and the United States, systematically grant investors the right to appeal directly to international tribunals. This is a deviation from the norm. By allowing a company to operate outside government control, it is being given the status of a subject of international law, a status that ordinarily belongs only to governments.

The agreements that Canada signs contain a number of similar deviations, giving multinationals rights they should not have and limiting the power of the state to legislate and take action for the common good. Take, for instance, the now infamous chapter 11 of NAFTA, which provides that a dispute can go to ICSID. There are, however, three things wrong in that chapter: the definition of expropriation, the definition of investor, and the definition of investment.

The definition of expropriation is so vague that any government measure, except for a general tax measure, can be challenged by foreign investors if it diminishes the profits generated by their investments. Indeed, a Kyoto implementation plan which would have large polluters such as oil companies pay dearly could be challenged under chapter 11 and result in government compensation.

American companies have majority interests in Alberta oil companies. Chapter 11 opens the door to the worst kind of abuse of process. The definition of investor is so broad that it includes any shareholder. Anyone could therefore take the state to court and seek compensation for a government measure that allegedly cut into a company's profits.

As for the definition of investment, it is so broad that it even includes the profits that investors hope to derive from their assets in the future. In the case of expropriation, not only does the state find itself forced to pay fair market value, but it also has to include future revenues that investors expected to draw. This would make nationalizing electricity, as Quebec did in the 1960s, impossible.

Take the example of SunBelt, a corporation with one Canadian shareholder and one Californian shareholder. This corporation closed its doors when the Government of British Columbia removed the right to export water in bulk that it had been granted. Under Canadian law, the Canadian shareholder received compensation equivalent to the value of his investment: \$300,000. Under chapter 11 of NAFTA, the American shareholder included in his claim all potential future revenue from the sale of water, for a total of \$100 million. For better or for worse, the case was settled out of court for an undisclosed amount that is not likely to ever be disclosed.

Given the amounts of money at issue, chapter 11 acts as a deterrent to any government action, particularly with respect to the environment, whose effect would be to reduce the profits of a foreign-owned corporation. The dispute settlement mechanism allows corporations to apply directly to the international tribunals to seek compensation, without even having to obtain the consent of the state.

• (1100)

Is it conceivable that a multinational corporation would be able, on its own initiative, to instigate a trade dispute between two countries? And yet that is the absurd situation that the chapter of NAFTA on investments allows. Given these flaws, chapter 11 of NAFTA reduces a state's ability to take action for the common good and to enact environmental legislation, and amounts to a sword of Damocles that can come down at any moment on any legislation or regulations that might have the effect of cutting into corporate profits.

In 2005, the United States changed some of the provisions of their standard investment protection agreement. In 2006, Canada did the same. Because the two countries have now recognized the harmful and extreme nature of chapter 11 of NAFTA, the time is right for the government to act quickly to initiate talks with its American and Mexican partners to amend chapter 11 of NAFTA. We have to say no to bad investment protection agreements.

In addition to chapter 11 of NAFTA, and despite universal criticism of how extreme it is, the government has signed 16 other bilateral foreign investment protection agreements that are carbon copies of it. All of those foreign investment protection agreements are bad and should be renegotiated.

In 2006, the government gave some indication that it recognized that these agreements were bad. The Conservative government copied the changes made by the Bush administration the previous year, and in fact made changes to Canada's FIPA program to fix some of the most glaring problems. It clarified the concept of expropriation by specifying that a non-discriminatory government measure designed to protect health and the environment and to promote a legitimate government objective should not be considered to be expropriation and should not automatically result in compensation.

It is too soon to assess the actual impact of that clarification, but at first blush it seems to be an improvement. It has narrowed the concept of investment by specifying that the value of property is equal to its fair market value. This puts an end to the madness of adding in all of the potential profits the investor hoped to earn from his or her investment. For the rest, the standard investment protection agreement continues to be modelled on chapter 11 of NAFTA.

The government must continue to improve this standard agreement, particularly as it relates to the dispute resolution mechanism. Multinational corporations must be brought back under public authority, as any individual is.

As well, the government should submit international treaties and agreements to the House before ratifying them. That is what we are being promised and it is what I referred to earlier, but is the purpose really to have a substantive discussion? Is it really a discussion to learn the benefits, the opportunities, perhaps, or the harm that might be caused to certain industries in Canada and Quebec?

Yesterday, the government seemed to be saying that the question of ratification was up for discussion and study, but is it going to ratify without the House having really come down for or against a specific agreement?

Early last year, the government issued a press release announcing that it had just ratified a new foreign investment protection agreement with Peru. Parliamentarians and the public learned about the agreement when they read the release. Parliament was never informed about it. It never approved it. That is completely anti-democratic.

In the last election, however, the Conservative election platform was clear: the Conservatives committed to submitting all international treaties and agreements for approval before ratifying them. That is not what we heard yesterday in this House: what was said was that they would be presented to the House and the House would be made aware of them, but the Conservative members, including the minister, never said that the House was to ratify them.

Since the Conservatives came to power, Canada has ratified about 26 or 27 international treaties. Except for the amendment to the NORAD treaty, which was the subject of a brief last-minute mini-debate and a vote, none of these international treaties were brought before the House.

•(1105)

These days, international agreements can have as great an impact on our lives as laws. Nothing can possibly justify the secretive, unilateral ratification of these agreements by this government without the participation of the representatives of the people.

Government Orders

In the past, the Bloc Québécois introduced bills to restore democracy and ensure respect for the jurisdiction of Quebec and the provinces in the ratification of international treaties. Given that this is something the government promised to do, we did not bring it up again. However, today we see that a Conservative promise is not worth much.

So the Bloc Québécois will once again take this matter up and will make proposals to bring democracy back into the ratification of international treaties. The government must have an obligation to submit to the House all international treaties and agreements it has signed before ratifying them. The government must be required to publish all international agreements in which it is involved. The government must also allow the House to vote on and approve all major treaties, following study by a special committee responsible for reviewing international agreements, before ratifying them. The government must also respect the jurisdiction of Quebec and the provinces throughout the treaty-making process at the negotiation, signature and ratification stages.

In conclusion, the International Centre for the Settlement of Investment Disputes is needed to ensure that States are treated fairly in their dealings with multinational corporations. We must also ensure that the agreements Canada signs are good ones that respect all stakeholders.

[*English*]

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, this particular law would protect employees in Canada and in many countries from arbitrary actions by governments that are not as predictable and do not have the formal procedures that Canada has. I think the member's party agrees with that.

In relation to his question about chapter 11 not allowing environmental regulation, does he have any specific examples of that occurring that he could give to the House?

[*Translation*]

Mr. Serge Cardin: Mr. Speaker, regarding environmental regulations, indeed, all countries, all responsible governments, whether Liberal or Conservative, should enforce them. Governments must establish environmental regulations that produce results.

In the current context where environmental legislation and regulations will have serious consequences for businesses that do not or did not comply with them, chapter 11 will do just that; it will ensure that certain businesses comply with the regulations, forcing them to implement various procedures or measures to protect our environment. However, this comes at a price.

Chapter 11, which we are discussing here today, would allow foreign companies—including American companies, of course—to sue any government that enforces these regulations. This is why chapter 11 of NAFTA really must be modified. Generally speaking, with regard to the ICSID, it ultimately comes down to relationships between the governments and the multinationals.

Government Orders

Canada must sign agreements and accords to ensure the development and maintenance of economic relationships with other countries, of course, and also must protect them. Basically, that is the goal of bilateral agreements reached by the government. They must be good agreements. Based on current regulations, for example, concerning the environment, the government must not allow multinationals the possibility of suing it on a daily basis. Thus, our treaties ultimately need to be good treaties that not only protect our investments and our investors but also the environment and our working conditions.

The reverse must also be true. For instance, some countries—even Canada—invest money in other countries without respecting the rights of individuals or the environment. Yet if those countries suddenly were to implement policies to protect the working conditions of these people or the environment, would our own Canadian and Quebec businesses operating internationally demand compensation?

To sum up, agreements between countries must aim for fairness and justice, for us as well as for other people.

● (1110)

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to speak in the House today at third reading on Bill C-9, An Act to implement the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention). The NDP is opposed to the bill and I will outline some of the reasons that we are opposed to it.

This is a bill that, on the face of it, looks fairly innocuous. It deals with a dispute mechanism. It involves the World Bank. It involves the status of multinational corporations when they are dealing with investment in foreign countries and ensuring there is a dispute resolution process.

On the face of it, it looks fairly reasonable, but when we dig a little bit deeper we find that this just skims the top in terms of what the bill represents in terms of a global regime that has seen over the last 20 years a massive transfer of power from governments to multinational corporations under the World Trade Organization under these trade agreements.

I would note that the Deputy Speaker, the member for Elmwood—Transcona himself, as a member of the House, has played a very active role. Mr. Speaker, I know you have been very involved with the NDP over the years when we fought the multilateral agreement on investment and the Free Trade Agreement of the Americas in Quebec City. Now we are dealing with the so-called security and prosperity partnership agreement that involves Canada, the United States and Mexico.

Mr. Speaker, I know you are very familiar and have a lot of credibility and a long record on dealing with these massive trade agreements that impact and undermine the democratic rights of Parliament and other states, and creates an enormous gulf in terms of the ability of citizens to organize themselves to have an impact on how these agreements come about and how they are dealt with in terms of disputes and the decisions that flow from them.

When we looked at Bill C-9 and had discussions in our caucus, we came to the conclusion that we could not support the bill.

The ICSID, as it is called, is part of an international trade and investment regime that has come under very harsh criticism from civil society because it does confer unprecedented powers to multinational corporations through bilateral investment treaties.

One of the concerns that I raised earlier today is that through this agreement there is no place for third party testimony. There is no accountability, no transparency and no openness or disclosure that would allow local organizations in an affected community or a labour union to come to the table and be part of the dispute resolution mechanism that is contemplated in this agreement unless there is consent by both parties involved in the arbitration, which is probably very unlikely. It makes it very inaccessible to local communities and third party stakeholders who would be impacted by the decisions being made. We believe that is a problem with the bill but that is just the tip of the iceberg.

A question was asked in the House yesterday by a Conservative backbencher who was congratulating the Minister of International Trade on his announcement that Canada has now concluded a free trade agreement with Peru. The Conservative member for Kelowna—Lake Country was asking the Minister of Labour whether the agreement with Peru would now provide labour rights protection in Peru. Not surprisingly, the Minister of Labour stood in the House and crowed that the trade agreement with Peru would deal with an improvement in labour rights, that everything would fine and that we should not worry about it. The Conservatives were patting themselves on the back.

I raise that issue because it is a very current example of the nature of these agreements and how they completely violate and undermine labour rights. They do nothing to be proactive in protecting very serious labour situations.

● (1115)

Yesterday the Minister of Labour claimed in the House that this international trade agreement with Peru will give protection to labour rights. On January 18 information came from the Peruvian workers' union denouncing the fact that over 3,000 workers have been dismissed in that country for organizing trade unions. Labour rights are virtually non-existent. Something is not right with this picture.

Ministers are trying to assure the public that people's basic human rights around labour, child labour, the environment and social standards are being protected and yet we have very concrete examples to tell us that in places such as Peru, which is just one example, there are very serious situations. Workers in that country are being undermined and their rights are being violated all the time.

Government Orders

In October 2007 the International Trade Union Confederation prepared a report for its general council and reviewed trade policies in Peru. This is a very current report. It is quite clear about the fact that there are very serious problems in that country. The recommendations in the report made it very clear that the government of Peru should amend its legislation to conform with the International Labour Organization's conventions 87 and 98. Convention 87 has to do with the freedom of association. Convention 98 has to do with the right to organize and the right to collective bargaining.

I find it contradictory that on the one hand a minister of the Conservative government is trying to assure us that everything is okay and that he has negotiated something that is going to protect those workers and yet the representatives of workers in that country are portraying a completely different reality. That is something of concern to the NDP.

We in the NDP believe that as parliamentarians we have a responsibility to not only uphold these international conventions that protect labour, human rights and the environment in our own country, but we also have a responsibility to speak out in the international community to make sure that those rights are upheld. We expect the Government of Canada to do the same. We expect the Government of Canada to show leadership on those questions.

To come back to the bill that is before us today, that is the very reason we find it to be very contentious. It is the very reason we find this bill to be completely missing the point about what is taking place on a global scale.

The members in our caucus have participated in many forums, discussions and educational workshops. It is quite incredible, given this global situation of opening up the floodgates to the transfer of capital with virtually no rules, that citizens have taken it upon themselves to become informed and educated as to what it is that is going on. These are not easy matters to get a handle on. These are very complicated agreements set up under the WTO. We learned that from the MAI. We are learning that now from the security and prosperity partnership.

We know that agreements are put together in secret. They are done at places like Montebello where leaders meet behind closed doors. The connection to the public, the ability of civil society to have any input or to be able to say anything is limited. In fact, security forces go to great lengths to ensure that kind of dialogue does not take place.

Our caucus has a lot of experience in dealing with these agreements. We understand the implications they have for a democratic society. Fundamentally, we express our concern in the House as well as in the community that we see it as a shift from making decisions in a democratic process in Parliament to a secretive process where we have no access. We do not even have access to that as members of Parliament.

• (1120)

If Canadians were asked what is the purpose of government, what are we here for, our constituents and members in our community would say that the purpose of government is to protect them. The

purpose of government is to ensure that they have health care, education, income security and that the country is safe.

Over the years under these neo-liberal and neo-conservative policies, we have seen a massive shift in the role of government. That power has been transferred from government into the hands of undemocratic, unelected, unaccountable, non-transparent multinational corporations. These trade agreements have facilitated that process.

We should be standing up very strongly against these kinds of agreements. What we are most concerned about right now is the security and prosperity partnership that is taking place between the countries on the American continent: Canada, United States and Mexico.

We have been very outspoken. The member for Burnaby—New Westminister, our trade critic, has done an amazing job. He has travelled across this country. He has already gone to 12 communities. He is travelling to another 12 communities where we are holding public hearings on the SPP.

There is so much deep concern in the community about what that agreement will do and the fact that the government, as the previous government did, is signing on to this agreement with virtually no public disclosure. It will impact every aspect of domestic life in Canada. It will impact on the ability of Parliament to do its job. It will impact on the delivery of services. It will exacerbate the privatization of services. It will exacerbate the deregulation that is taking place in our society. At the end of the day these are things that begin to affect the quality of life. It becomes a race to the bottom.

We recognize the connection that this bill has in dealing with the dispute mechanism and its attachment to the World Bank, how it is completely complicit and tied into this move to globalization that is shutting down the democratic process. We strongly object to that. We intend to do everything we can not only in Parliament but in the broader civil society to see that these agreements are opened up, changed, that they are refuted.

We understand that trade is obviously going to happen. Trade is an important part of our economic activity in life, but we want to see fair trade. We want to see trade that is based on agreed to and implemented around core standards that set out labour rights, that set out environmental rights, that set out a social contract and social conditions so that the workers in the south are not being exploited and that Canadian workers are not losing their jobs as a result of these trade agreements.

We have seen a loss of over 300,000 manufacturing jobs. The Canada-South Korea trade agreement is under development. All of these things are taking place with virtually no debate or understanding. All this takes place behind closed doors.

The bill before us today is at third reading, but we believe it is not a good bill. It does not deal with realities that are before us in terms of what is happening with these trade agreements. We have to be incredibly skeptical about what the Conservative government is doing and what its agenda is.

Government Orders

I will use another example. Yesterday in the House we heard a minister of the government say that international treaties will be brought before the House which will be tabled, discussed and debated. On the face of it, it sounds reasonable, but if we go back a couple of years to September 2004, the then leader of the official opposition, who is now the Prime Minister, actually made a commitment with the other opposition leaders, including the leader of the Bloc and the leader of the NDP, that international treaties should be voted on in this House.

• (1125)

That was an actual commitment. It was part of a package that was brought forward in that first minority Parliament. We agreed that there should be a vote in the House of Commons on international treaties. Already we have seen the Conservative government break its promise just by its announcement yesterday that there will not be a vote, that there may be some debate or notice. That is a clear violation of the commitment made in September 2004.

I will close by saying that members of our caucus have reviewed the bill very thoroughly. We have debated and discussed it with our partners in the labour movement, in the Canadian Labour Congress and other places with members of civil society. There is no question that the approval of the bill would reinforce a regime of trade and international practice that gives massive powers to multinational corporations at the expense of the democratic process in places like the House of Commons.

On that basis we cannot support the bill. We urge other members of the House to also show the strength of representing the public interest, because that is what we are here to do, to represent the public interest, and to vote down the bill.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, I listened very intently to my colleague's comments. She gave a fine dissertation on socialism. I would like to compare two countries, India and Zimbabwe.

India is a country that had very high levels of poverty. That country liberalized its markets, reduced restrictions, enabled the private sector to expand and improved trade among and between its neighbours. The outcome has been a dramatic decline in the poor in that country, with a burgeoning middle class.

While blanket free trade is not the answer and checks and balances have to occur and it must be fair trade, I would like to ask my hon. colleague for her comments. Hernando de Soto and Mohammed Unis and other people have spent their lives reducing poverty and they have spoken about the merits of free and fair trade. Does she not think that free trade agreements with countries enables those countries to raise their standards to the standards that our workers enjoy? In that way we are able to improve the lot in those countries, instead of erecting barriers to development, barriers to trade. Such barriers actually enable countries to maintain the restrictive covenants within their countries and hamstringing the private sector and ultimately lead to a greater number of people living in poverty.

• (1130)

Ms. Libby Davies: Mr. Speaker, for us the question is not whether there is trade but what the rules are that govern trade. I gave the example today of Peru and what is happening in that country. We

could look at other countries, such as Colombia, or any situation and see decades of terribly exploitative practices.

It is unprincipled for us in the north to advance these trade agreements on the basis that somehow we are lifting people out of poverty, when in actual fact we have created a regime that reinforces the divide between the north and the south and reinforces the exploitation that takes place. In fact, it makes it even more systemic. We need to acknowledge that and develop trade practices that have at their foundation labour codes, rules and the right to organize. Implementing the International Labour Organization conventions would be a start. Even Canada is not a signatory to all of those conventions.

If we cannot begin at that place and recognize that we must protect people's rights in terms of their labour, then I would say these trade rules are not worth the paper they are written on. They are simply a regime for greater and greater profit margins for multinational corporations. That is why they want them. They want to go into those developing countries. They want to see minimal rules because they want to find greater markets. They want to find more cheap labour. We should recognize the impact that has in our own country.

Yesterday in question period there were questions on the manufacturing sector and the loss of jobs in the forestry sector, the auto sector, the resource sector. Everybody was talking about it. It is related to these trade agreements. There is an impact here at home. The member needs to understand that for us it is not about trade. It is about the regime and the rules that we create. We believe that this particular bill will reinforce a regime that is fundamentally anti-democratic.

Hon. Keith Martin: Intriguingly enough, Mr. Speaker, in many ways the goals of the member and the goals of most of us are the same: the improvement of working conditions and the alleviation of poverty for workers. I have a question for the member. Does she not think that engaging other countries, by removing the barriers and creating norms and standards so that workers in our country and in other countries can actually enjoy the same standards, is a fair, equitable and reasonable goal? Does she not think that the way to do that is through these free trade agreements?

In fact, the biggest culprits, the two biggest problems, and the reasons why in many ways poverty remains in developing countries, are corruption and the lack of capacity. These are the two biggest cancers. The lack of capacity in developing countries and the corruption within those countries are the two greatest obstacles to sustainable development within those countries.

International organizations such as the World Bank and the IMF continually give large tomes to developing countries, with all manner of plans and objectives, but unfortunately those countries have no hope whatsoever of operationalizing them, because they do not have the people to take on those ideas and implement them. It is a fool's game and we continue to play that game.

Government Orders

Does the member not think we can achieve the objective of better working standards for workers, higher pay for workers and better environmental standards in the countries in which we are working by engaging those countries and establishing those rules through free trade agreements for the mutual benefit of both countries?

Ms. Libby Davies: Mr. Speaker, the member says there are two main barriers to the progress of prosperity for developing countries and he names capacity and corruption. I would add a third: exploitation under this regime of multinational corporations marching in, using natural resources, using cheap labour with no standards whatsoever, and exploiting the environment and local workers.

I would agree with him that of course we have to work for agreements that protect those social standards, but the reality is that over the last two or three decades of this incredible advancement of a globalized agenda through organizations such as the World Bank and the WTO, the primary focus has been on trade and lifting those barriers based on the needs and capacity of the multinational corporations, not based on whatever the domestic conditions are in the receiving country.

The whole premise that he advances is something that actually has not happened under this process of globalization. I think it is something that needs to be changed. Why would we not begin first with labour standards? Why would we not begin first with environmental standards and social standards? Why would we not begin from a place of social equity and social justice and advance trade on that basis?

As governments, we can do that if we have the political will. That is what we stand for in this party.

● (1135)

Hon. Keith Martin: Mr. Speaker, again I ask the member to look at countries such as India. I ask her to look at them before trade liberalization occurred and afterward.

Before trade liberalization, many industries were state-owned and inefficient, with high levels of poverty and worse working conditions. After trade liberalization occurred, there was competition. Standards were set. There was an improvement in wages. Poverty was reduced. Wages increased. Grinding poverty for the poorest of the poor, those living on less than a dollar a day, has been reduced dramatically. Let us compare those before and after situations in India. It is an intriguing example of what trade liberalization can do and should be doing.

I agree with my colleague in that we ought to be ensuring that these elements of worker security and environmental protection are built into the agreements we have. Indeed, that is what we attempt to do. The alternative is not to do that at all. Hernando De Soto and Muhammad Yunus have spoken eloquently about how we can make free trade agreements work and how we can tap into the private sector to enable it to be the generator of improved worker conditions and wages. We know that the private sector is the major generator of jobs in countries. We know that small and medium-sized businesses are the major generators of wealth.

Does the member not see that there are ways to make this happen through effective free trade agreements and that Canada can take a

leadership role in this given the fine standards we have in our own country?

Ms. Libby Davies: Mr. Speaker, clearly when an agreement is signed and goes into effect there are people who benefit. The member gives some examples of what has happened in India, but I could also use Mexico as an example. I point out that after the free trade agreement with Mexico the average wage of workers there actually went down. We saw the factory zones. We saw the massive exploitation that took place and is still taking place.

In fact, in India, yes, there is a developing middle class that is well educated, but again I think we have to look at the whole balance sheet. If we do that, there is absolutely overwhelming evidence to show that overall the inequities not only have remained but have actually been reinforced through these agreements. They actually are producing some kind of collision course, with a divide in terms of wealth and power between the north and the south and the divide within our countries between wealth and growing poverty.

We see this in our own country. We just have to look at the massive loss of jobs in our own country. There are a lot of families who are simply being left behind. We are talking about the prosperity gap and the people who have been left behind by the government.

I think we have to look at the total picture, and when we do that there is only one conclusion that we come to, which is that these trade agreements as they are now are very bad. They are bad for the quality of life for average people. They reinforce the power of huge corporations that really could not care less about the workers who are working in their factories. It is our job to stand up for that and to challenge this.

● (1140)

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on the motion. 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 yeas have it.

And five or more members having risen:

The Deputy Speaker: Call in the members.

And the bells having rung:

Government Orders

The Deputy Speaker: There has been a request that the vote be deferred until tomorrow at 5:30 p.m. It is so ordered.

* * *

PRIVILEGE

ALLEGED IMPEDIMENT IN THE DISCHARGE OF A MEMBER'S DUTIES

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, with your indulgence and the indulgence of my fellow members of the House I would like to respond to a question of privilege raised by the member for Mississauga South earlier this morning.

On the question of privilege the member for Mississauga South raised, I have the blues with me. Apparently in a conversation with a staff member of Health Canada's product safety branch he was asked the question, "Is your member of Parliament a member of the opposition?"

I want to assure members of the House that this is not standard operating procedure at Health Canada. I was not aware of this until the hon. member raised this issue. We will certainly make it clear to members of the public service and staff members that this is not a relevant or appropriate question to ask.

Sometimes in the House, Mr. Speaker, things get a bit confused. Sometimes we have people who cross floors. Sometimes we have people in the opposition who think they are in government. Sometimes we have people in government who still think they are in the opposition. However, in this case I think it is pretty clear that this kind of question is not necessary. I do take it very seriously and certainly will find an appropriate response for the hon. member.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, on the same point, I hope that when the minister is obtaining his response he could look into ensuring that when members from any party, and from the government as well, inquire of his employees on non-partisan issues like this particular one they get an answer as quickly as possible, the same as for any citizen, without apparently, as the member said, the employee having to send a form to Ottawa that it was an MP requesting this. I assume the minister will let all members know when he is replying that—

The Deputy Speaker: I think the member has made his point.

I am not sure if we should continue the question of privilege, but I will hear from the hon. member for Vancouver East, briefly.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, very briefly on the same point, we appreciate the fact that the Minister of Health has come in to talk about his department, but I think the original question of privilege raised by the member for Mississauga South raises the question about where else it might be happening. Apparently there was a form in existence. I am hoping that the minister as a member of the cabinet will look not only at his own department but at others as well, because I think we need to know and be assured that this is not happening in other departments. I would make that response to the minister.

CRIMINAL CODE

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC) moved that Bill C-27, An Act to amend the Criminal Code (identity theft and related misconduct), be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased to rise today to speak to Bill C-27, an act to amend the Criminal Code on the subject of identity theft.

[*Translation*]

This bill follows through on the promise made by the government in the Speech from the Throne to fight identity theft.

• (1145)

[*English*]

It also furthers the government's larger agenda of tackling crime and making our communities safer.

There is no universally accepted definition of "identity theft", but it is generally understood to refer to either or both the acquisition or the use of identifying information of another person to perpetrate fraud or another related crime.

In most cases, the impersonation of someone else to obtain something of value is the goal of identity theft, as in the case of credit card fraud when someone pretends to be the cardholder in a transaction. In more serious cases, a criminal impersonates someone else to accomplish a more sophisticated fraud, such as real estate title fraud or mortgage fraud. We have seen this very recently in the province of Ontario, where by impersonating a property owner, a criminal sells or takes out a mortgage on a property and then disappears with the proceeds. The true owner then is left to struggle to retain title and perhaps also to fight with the mortgage lender to avoid the liability of that debt.

Sometimes impersonation is not committed for the purpose of using someone else's identity to obtain something of value, but rather to conceal the criminal's own identity. For instance, some criminals maintain and use the identities of others for run-of-the-mill transactions that are themselves part of a larger criminal scheme. For instance, they may use an innocent person's identity to rent an apartment in which they plan to manufacture drugs or from which they intend to sell illegal contraband. When the crime is detected, the trail can lead back to the innocent person who was unlucky enough to have his or her personal information stolen and used to protect the guilty. There may be little in the way of a trail leading to the guilty persons themselves.

Identity theft is not new, but it has certainly mushroomed in modern society. Our world is different in ways not imagined by earlier generations. Information itself has become a commodity. It opens the door to goods, services and places. In this new world, people are mobile and commercial transactions can happen across borders via technological means rather than direct human verification in near instantaneous timeframes.

Government Orders

New technologies have complicated the task of authenticating identities in yet an additional way. The very same technological innovations that have increased the speed, efficiency and convenience of our transactions with governments and the private sector have simultaneously created new opportunities for fraudsters and other criminals. This is because massive amounts of information are now stored in computer systems. Unless appropriate precautions are taken, the information stored in this way is vulnerable to being accessed and copied and effortlessly transferred in many cases across the border for criminal purposes.

We also know that identity theft has been linked to organized crime and also to terrorism. Identity theft is useful in both of these contexts as a method of revenue generation. It is also a method of identity concealment, which I also spoke about, that allows organized criminals and terrorists to avoid raising suspicion or being detected by authorities, especially in cases where their true identities are already known to law enforcement and other agencies.

While we do not have complete statistics on the cost of identity theft, it has been reasonably estimated that this costs Canadians approximately \$2 billion a year. The cost of credit card fraud alone for the year 2006 was estimated by the Canadian Bankers Association to be close to \$300 million and debit card losses were close to \$100 million in that same year. These numbers have been going up incrementally over the last decade or so.

It is unmistakable. Identity theft hurts businesses, governments and individuals. Aside from the financial repercussions, individuals whose identities have been stolen report, not surprisingly, distress, anxiety and depression in terms of the effort involved in rehabilitating their reputations and credit histories and recovering lost property. They also report a significant emotional impact of having had their identities used by another person.

• (1150)

In the rare cases where the identities of innocent people are used to shield a criminal's identity, the victims must also struggle to demonstrate their lack of involvement in the criminal's scheme in order to protect themselves from suspicion of criminal responsibility.

In short, identity theft is both a crime in itself and a tool for the facilitation of other crimes. For offenders, it offers the potential for high financial risk coupled with a low risk of detection. Over the last 15 years, it has grown in frequency and seriousness and the criminal law has not kept up with these changes.

When I first announced that we intended to make these changes in Montreal, a reporter asked me if this was my attempt to stay one step ahead of the bad guys. I said that we just wanted to catch up with the bad guys. This is the challenge that we have in the Criminal Code as technology continues to change. The time has arrived for the government to improve the Criminal Code and to ensure that it fully meets the needs of Canadians today.

Let me focus on those particular problems that we have identified.

First, members would understand that there are obviously some significant challenges vis-à-vis terminology in this area. The terms "identity theft", "identity fraud" and "identity related crime" are banded about regularly, yet none of these terms have a precise or universally understood meaning. They are no terms that are currently

defined in the Criminal Code and so the phrase "crime of identity theft" can immediately generate uncertainty as to exactly what is meant. One of the objectives of the bill is to bring some clarity to these terms in the context of the criminal law.

It may be helpful to first appreciate that there are two phases of an identity crime. The first is the collection of information and the second is the actual use of that information in connection with a crime.

Our criminal law addresses many of the situations where people actually use the identity of other people or some of their identity information in the commission of an offence. It is helpful to characterize this form of conduct as identity fraud, the focus being on the actual fraudulent use of an identity.

The crime of personation, for instance, directly targets the fraudulent impersonation of someone under certain circumstances. Specifically, a person commits the crime of personation when he or she personates someone else with intent to obtain property, another type of economic benefit, or even with intent to gain an advantage that is not economic in nature, or with intent to cause a disadvantage to any person. The Criminal Code also contains offences which prohibit the making of false documents and the use of those documents to deceive someone.

There are also offences in relation to the misuse or misappropriation of credit or debit cards and even the unlawful possession of certain types of credit or debit card data. All of these offences are punishable, as they should be, by up to 10 years imprisonment.

Another crime that frequently applies to an identity theft situation is the offence of fraud. Where the value of the fraud is over \$5,000, the offence carries a maximum term of 14 years.

There are already strong sanctions in the Criminal Code for the actual use of another person's identity, but there are limitations. Most important, our Criminal Code does not currently criminalize the early phases of identity crime operations which involve the acquisition and transfer of the identity information for a later fraudulent use.

Unless people commit some other existing crime in the course of acquiring the information, such as the theft of a wallet or misuse of a computer system, they cannot be stopped when they gather or trade sensitive, personal information that subsequently gets used in crimes. This means that where the police find people in possession of comprehensive dossiers on individuals, including all manner of identifying information, they may be unable to lay a charge or even to seize the data. Likewise, where people set up shop of acquiring that information and then selling it for a profit, knowing that it might be used in the commission of a crime, there may be no chargeable offence.

We can group together various aspects of this early stage of an operation under the term "identity theft" as contrasted with "identity fraud", which refers to the actual subsequent use of the information.

• (1155)

It is time for our criminal law to catch up with the criminals, and this is what Bill C-27 does.

Government Orders

First, it would create three new offences that would be directly target the identity theft stage of a criminal operation. All of these, I should point out, are punishable by up to five years in prison.

The first new offence would make it a crime to acquire, obtain or possess another person's identity information in circumstances giving rise to a reasonable inference that the information was intended to be used deceptively or fraudulently in the commission of a crime.

This offence directly attacks those people who, as a first step to a later crime, hack into a large corporation's computer systems to obtain customer information, or who send phony emails out tricking people into providing their personal information to them, or who dive through, incredibly enough, people's garbage cans looking for discarded credit card information or utility bill information. It would also make a criminal out of the person who receives identity information from someone else for later use to commit a crime.

A complementary offence would be created for those people who set up business as information traffickers. These people are not involved in the ultimate criminal use of the information, yet they provide the tools necessary for the criminals to engage in their crimes. The bill would therefore make it a crime to transfer or otherwise provide to another person the identity information of a third person, where the trafficker would know or would be reckless about the future criminal use of that information.

For both these offences, the legislation would create a broad definition of identity information which covers all types of information that could be used for criminal purposes. The definition includes name, date of birth, address, biometric information, various forms of alphanumeric identifiers, such as driver's licence numbers, passport numbers and financial account numbers, and any other information capable of being used in that way.

An important feature that members should notice here is that these offences are directed at the mishandling of information. This means it will not matter whether the information is contained in an official identification document, or it is copied or stored in some other form.

Another situation that the police are concerned about is the situation where they find people in possession of numerous cards or documents, which are commonly used for identification purposes, such as driver's licences, health cards and social insurance cards. It may be obvious that these documents were intended for criminal use, but there may be no chargeable offence.

To remedy this situation, the bill would create a new offence for unlawfully procuring, possessing and trafficking in specified government issued identification numbers belong to or containing information of other people or containing fictitious information. These documents are crucial tools for authenticating identity in the course of a wide range of interactions between citizens, the government and the private sector and for obtaining additional documents. They are easily misused by criminals and they must be better protected.

The bill would also amend existing provisions in the Criminal Code to create a complete package of criminal laws addressing identity theft.

First, the bill would complement the existing set of forgery offences by adding new offences of trafficking in forged documents and possessing forged documents with intent to use them or traffic in them.

It would also add new offences for fraudulently redirecting or causing the redirection of a person's mail. This one I like as well. We can see how easy that may be to start to redirect somebody else's mail to another place so that information can then be gathered up and used improperly. We make it a crime to possess a counterfeit Canada Post mail key.

In addition, the bill would make clear that the offence of fraudulently acquiring, possessing, trafficking and using debit card data includes the debit card PIN number, or the personal identification number.

The law also would be clarified to ensure that it would be an offence to possess instruments for copying debit card data, which are known as skimming devices, in addition to the existing offence of possessing instruments for forged credit cards. Again, this is an attempt to update the Criminal Code.

The offence of personation will be amended to make it clear that it is a crime to use another person's identity to evade arrest or prosecution.

• (1200)

Another clarification will help courts understand that personation can be an ongoing, multi-transaction occurrence, a true "identity takeover", or a simple case of fraudulently using someone's information just one time, such as a single fraudulent credit card purchase.

Also, we are proposing to rename the offence from personation to "identity fraud" to better highlight its significance and to contrast it against the preparatory stages of identity theft.

We are concerned about the victims of identity theft. To help address the impact that identity theft has on victims, this bill would amend the restitution provisions of the Criminal Code to ensure that, as part of the sentence it imposes, a court can order the offender to pay the victim reasonable costs associated with the rehabilitation of that individual's credit rating and identity.

It is appropriate at this time to commend certain members of the House who have brought this matter forward. My colleague from Edmonton—Leduc has brought forward Bill C-299. It was originally drafted to address one aspect of identity theft, which is called pretexting. Bill C-299 passed third reading in the House on May 8, 2007 and is awaiting second reading consideration by the Senate.

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In the world of identity theft, pretexting is the technique of using deception of one kind or another to get people to reveal personal information about themselves. Because Bill C-299 only deals with pretexting and not with other methods used by identity thieves to gather personal information, we are proposing that it be repealed, if it should be passed, when this legislation comes into force.

When Bill C-299 was before the justice committee, it was evident that all committee members were deeply concerned about the problem of identity theft and were motivated to act collectively to build consensus on an effective solution.

We all appreciate the efforts of the member for Edmonton—Leduc and I would like to take the opportunity as well to thank a couple of other members of the House. The member for Regina—Lumsden—Lake Centre and the member for Fleetwood—Port Kells have also previously tabled private members' bills in this area. Their combined efforts have helped educate all members of the House on the problem of identity theft.

I indicated there are limitations in the current criminal law. We intend to update and extend the use of the criminal law to keep up with the changes of technology that have taken place in this country. I urge all members to support this bill and get it enacted as quickly as possible.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, in addition to the provisions of the bill, which I think are generally accepted and recognized by all parties in the House as being required, there have been other areas where we have sought government intervention, in particular in the control of databases that contain personal identification and greater regulation of the security around databases in the private sector, as well as the public sector, because there have been losses not only in this country but in any number of other countries of large databases that contain extensive personal identification.

The secondary area was the requirement, if a theft or loss occurs in some other fashion, of what the private or public sectors would be required to do to notify individuals who had been impacted. I wonder if the minister could comment as to whether the government has any intention of dealing with those two areas.

Hon. Rob Nicholson: Mr. Speaker, one of the things everyone can agree on in this government is that we have an extensive crime fighting agenda that is moving forward in a number of different areas.

I appreciate the member's concern for control of database information and all of us, of course, applaud and welcome every attempt by the private sector and others to disclose that information. As he quite correctly pointed out this is not just a Canadian problem. We see these gaps in other parts of the world.

However, I think the member will agree that this legislation is a significant step forward in cracking down on those individuals who exploit others and take advantage of them to make money at the expense of other people's identity.

I have spoken with a number of police agencies across this country which were the ones, among others, who pointed out the gaps that exist in the present legislation. The individual who is using a forged credit card obviously runs afoul of the law as it stands in

this country. That person is charged for any number of offences that can apply to that individual. But these other groups of individuals who are trafficking and collecting personal information about others, there exists this gap within the Criminal Code.

We have been very careful to make this focused, to address the concerns of police agencies and others. They are quite concerned about a \$2 billion a year loss. That is what we are talking about in this area and they want something done.

I appreciate suggestions, as I always do, from the hon. member. I have found him to be a thoughtful individual when it comes to these issues. As I have indicated to him before, I appreciate suggestions that he has made and I am sure will continue to make in the criminal law area.

However, with respect to this particular legislation, as he knows, it is more extensive and it goes beyond Bill C-299. So, in that sense, because it is expanded and is focused on what everyone would agree is a challenge for us in society today, I hope that it will get speedy passage from this House.

● (1205)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I have three questions, but I will ask one at a time in case other people have questions.

I do not disagree with anything the minister said. To strengthen our ability to achieve this objective, the member for Notre-Dame-de-Grâce—Lachine has a private member's Bill C-416 which provides for the modernization of investigative techniques for the police to be able to investigate crimes that could be prosecuted under this act. Would the minister support that bill as well?

Hon. Rob Nicholson: Mr. Speaker, as we do with all private members' bills, we look at them very carefully and we no doubt will very carefully look at that one. He says the bill would modernize investigative techniques for police officers. This is what we are doing.

The people, interestingly enough, who were the very first ones to come forward and to applaud this were the people in the credit card industry, bankers, et cetera, the people who sometimes end up getting burned on these things.

However, I can tell members that police agencies across this country welcomed this because, just as the hon. member raised the subject of investigative techniques, they were saying there is this huge gap, that by the time we have these criminals who are using this information stealing people's identity and information there is a whole slew of people who are part of this process leading up to the actual crime, and in many cases the hands of the police were tied in terms of doing something about that.

There are a number of things and I challenge and welcome people to have a close look at that. For instance, there are scanning machines that allow people to pick up other people's information. This is exactly the kind of thing that we want to pick up.

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When the hon. member in the Speaker's Chair was first elected, some of these things did not even exist. If I had asked him what a scanning device would be, he might have had a completely different idea what this would have been 20 years ago when he was first elected to the House, but we now know that people are using these types of equipment and they are gathering up information.

The irony is these things are not just confined to Canada for our police to investigate. It underlines again how we have to cooperate with people outside of this country because this information does not just stay within Canada. It gets exported to the United States, Britain, Europe and other places where in some cases it gets used for criminal purposes.

So, yes, we have to be, as we try to be, very responsive to those concerns brought forward by investigating agencies. At the same time, of course, we have to balance the civil liberties of individuals. But we know that these gaps exist, and this is a terrific step forward.

I can tell the hon. member that I have had very positive feedback about this. Since the first day we announced that we were going forward on this, I have had good feedback.

My colleagues in my own party have been urging this. They know from constituents who sometimes get burned by identity theft and are taken advantage of, they welcome that. Even the provision I mentioned at the end about helping to compensate victims, I can tell members, has received widespread support among the colleagues within my own party.

Again, I commend this to the House and hope that members will have a look at that and at some of these provisions. I think they will agree with me that many of these things were long overdue and that they should have speedy passage.

• (1210)

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Crowfoot should craft his question to last 40 seconds.

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I want to thank our minister for bringing forward this bill and for his hard work. I know he has just shepherded the tackling violent crime bill. I think it very clearly shows that the government, as he stated in his speech, is doing everything it can to toughen up on crime and to provide security to more Canadians.

My constituents understand exactly mandatory jail times for serious gun crimes, raising the age of consent, and all the different things regarding tackling violent crime. However, as far as identity theft is concerned, I have had the opportunity to sit down with individuals who have been scammed, where someone else has been using their credit card, and I know that is not in its entirety what identify theft is. I wonder if the minister could just talk a bit about how organized crime fundraises with efforts such as identity theft and these types of fraud schemes to help raise funds to continue to have resources to break the law.

The Acting Speaker (Mr. Royal Galipeau): The hon. minister should know that the questioner took four times as much time as he had been granted and that the clock has run out. However, I will allow a short time to respond, but this time I mean it.

Hon. Rob Nicholson: All right, Mr. Speaker, but I cannot let the opportunity go without thanking the member for Crowfoot for all

that he has done to fight criminal justice issues. He has made this a part in his career as a parliamentarian and so, I have to get that in.

I can tell members that with respect to organized crime, he has it exactly right. Organized crime uses schemes like this to steal other people's identity and their information and it uses that to raise the money for other illegal activities. I am very pleased that he brought that up.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I am delighted to speak today to Bill C-27, An Act to amend the Criminal Code (identity theft and related misconduct).

On March 14, 2007, the Liberal leader made a major speech in Toronto on fighting crime encouraging the government to bring forward legislation on identity theft and committing that a Liberal government would do that if the Conservative government did not.

It has long been a policy of the Liberal Party to strengthen provisions to prevent identity theft and we will be supporting any provisions that will do that. Hopefully, through that and with the debate today, we will make Canadians who are not aware, who are not part of the almost 10% who have already been victimized, of the jeopardy they are in and the protection they should take for themselves, and also the provisions companies, small and large businesses, should be taking to protect themselves and Canadians from identity theft.

If a criminal steals one piece of mail there can be enough information in it to have serious ramifications down the road for a Canadian citizen. Therefore, everyone needs to be more vigilant today than ever before because this new type of crime can affect people far worse than if someone were to steal all the money one happened to be carrying one day or to steal one's wallet.

Criminals need very little information to inflict tens of thousands of dollars of damage on a person. They basically need a name, address, maybe birthdate and sometimes a social insurance card. With those pieces of information, all sorts of damage can be inflicted upon people costing them thousands of dollars. People should be very vigilant because that is not very much information and criminals can get it easily.

Most Canadian citizens have given that information to dozens of other people for many reasons. The information is all over the place. People need to take care to protect their information because as soon as criminals have a little bit of information like that they use it to apply for bank accounts, credit cards, social insurance numbers and false drivers' licences. It can have terrible consequences for people. Perhaps 9% of Canadians, one in ten of our friends, have already had this occur to them in some way or another at great expense and inconvenience.

Sometimes it is even more sophisticated. Some criminals will impersonate people in order to use their medical plans to get medical benefits. Once again, that can amount to tens of thousands of dollars. Some criminals are using it to commit mortgage fraud. They will impersonate a person to get a mortgage for tens or hundreds of thousands of dollars for which the person being impersonated could be responsible. I had a constituent suggest that people applying for such a mortgage should have their picture taken. I would be curious as to the minister's response to that suggestion.

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The theft may not be committed directly on the person who is victimized. It could come from one's workplace which has detailed information about its employees. The information could be taken from some other workplace where information was submitted for a good reason. It is very important to us that the information is protected by companies and that they are very careful about access to an employee's personal information.

Criminals are getting people's information off the computer through Internet hackers. They are getting it from mailboxes, garbage left outside, country mailboxes, dumpsters and from recycling bins.

• (1215)

Criminals can get even more sophisticated. If they cannot get the information in that way, they might send out a spam email that looks totally appropriate. They might tell the person that there is a problem with his or her bank account and ask the person to fill in a little bit of information. An unsuspecting person may fill in the information and then the criminals would have the person's bank account number and other personal information.

A sophisticated case happened here in Ottawa where people set up a phoney job ad. When people answered the ad they were asked for a resume which contains the birthdate, social insurance number and address. Instantaneously the criminals had all the information they needed to steal tens or hundreds of thousands dollars from Canadian citizens. They then used that information to apply for credit cards, drivers' licences or SIN numbers and could leave a person responsible for all sorts of damages for money and inconvenience.

If Canadians are not aware of this they should be. It is so prevalent that it now has an official name, "phishing", where criminals will ask someone for his or her bank account number because of a problem with the person's account. This has been done to hundreds of Canadians.

The telemarketing PhoneBusters is an organization that deals with this problem because it is so big. It suggests that there has already been over 7,800 identity thefts in Canada costing \$16 million. It estimates that is only 5% of what is actually happening.

As I said, 9% of Canadian have already been touched by this type of crime.

I ask Canadians to please protect themselves, to be very careful about protecting their birthdate and social insurance number. People do not need to carry their social insurance card with them everywhere they go. It is not needed that often. They should keep their SIN card and birth certificate locked up in a safe place. They should not give out their mothers' maiden name indiscriminately. They should know exactly to whom they are giving their information and for what reason. They should review their credit reports annually to ensure they have no outstanding bills that they did not know about because they did not incur them.

There was a case in England where there were people on the street being interviewed for some survey. People were asked for some personal information that a criminal would want and nine out of ten people provided that information. I would ask Canadians not to be naive about what can happen and to be very careful with their personal information.

Facebook contains a lot of information, and I hope everyone will join my Facebook account, but I would ask Canadians to be very careful not to give out personal information that criminals could use on areas like a Facebook account or a personal website.

When one is asked to go to a website for something, it might appear very legitimate, like a big bank or a major corporation that has a good name, but it could easily be a counterfeit website. Criminals make up counterfeit websites. They put in a company logo and when Canadians log on they get these pieces of information, which is all they need.

The minister was asked what effect this would have on companies that are not protecting people's information. I would implore Canadian companies, small and large businesses, to ensure they are taking the right provisions to protect Canadians. If nine out of every one hundred Canadians are being affected, those could be their employees. If the information comes from their company, they could be sued for thousands of dollars.

There was a study done that suggests that it costs businesses 15 times more to deal with the problems caused by information being stolen from them or having escaped from them inadvertently. That is 15 times more in costs to companies ultimately to deal with all those problems than had they encrypted the information in the first place.

• (1220)

Individuals managing companies or individuals at home must remember that information, such as their birthdate, social insurance number or address, is like cash. To criminals, this information is worth far more than the cash in their pocket. This information must be protected.

The thousands of individuals who have gone through those types of incidents can contact www.phonebusters.com or they can call the toll free number 1-888-495-8501 if they feel a criminal has taken their information. For a much more detailed outline of what steps individuals and businesses should take, they can go to the Privacy Commissioner's website.

Over and above individuals being more vigilant at home and businesses being more vigilant, we need tougher penalties to deal with the people who are stealing this kind of personal information for criminal purposes.

Government Orders

A December 2007 *Vancouver Sun* article told the story of a woman who had her driver's licence and cheque stolen from her mail. The cheque was cashed in September 2006 but nothing else happened until April 2007 when another cheque went missing and was subsequently cashed. Bank accounts were opened in her name and charges were incurred. MoneyMart was after her for fraudulent cheques that had been cashed. More than \$2,000 worth of Shopping Channel goods were purchased on her husband's credit card. This person spent countless hours dealing with credit bureaus and, to date, is still fighting charges on the Capital One card. She had to have all her mail forwarded to her work address which is not convenient because she will be starting maternity leave soon. After doing a lot of legwork, she obtained a photo of the thief but she and her husband are still having problems.

Not only does a person have to pay thousands of dollars of debt that was built up by the criminal but an incredible amount of time is involved in trying to clear his or her name.

At the airport I spoke with a person whose cheque had been misused and the person could not get on the plane. Once people get into these kinds of problems, they get blacklisted and are not allowed on planes. We all know how long it takes to solve those types of problems.

Some people can use another person's name to rent an apartment and then use the apartment for producing drugs or for hiding stolen goods. When the deception is discovered, the criminal vanishes and the innocent person becomes the criminal and becomes faced with huge complications trying to clear his or her name, which is an awful process.

As I said, we in the Liberal Party support the provisions of Bill C-27 because we want people who steal identities to be prosecuted to the fullest extent of the law. Suggestions have been made that more things need to be done and we will also be pursuing those.

I would like to quote from an editorial in *The London Free Press* on November 25, 2007:

'It's not enough to make these activities criminal,' Philippa Lawson, director of the Canadian Internet Policy and Public Interest Clinic at the University of Ottawa told CP.

'Criminals will always find ways to take advantage of innocent citizens,' Lawson said. 'We need to take other, equally important steps such as creating incentives for companies and governments to take appropriate security measures, empowering individuals so that they can more effectively protect themselves, enforcing data protection laws, and assisting victims recover their financial reputations'.

We will be pushing for even more strength in this legislation. As I said, close to a year ago our Liberal leader brought this forward and encouraged the government to act on it.

• (1225)

It has even occurred to a member of this House, the member for Saskatoon—Wanuskewin. There is an article in the paper. Again this is the reason we are pushing so hard for this. His identity was stolen last year and someone racked up more than \$6,000 in charges before a collection agency came calling. It took months to clear his name and his credit card record, although he is expected to jump through hoops as the result of his social insurance number being red-flagged by the government.

One distressing thing that he suggested in the article was that the government would not be accepting much in the way of amendments to this law. It was a little distressing in that there have already been suggestions from police and other organizations of things that need to be done. It is distressing that we cannot strengthen the protection for Canadians regarding identity theft, if as members of the committee that is what we hear and there are suggestions. Hopefully, the member was not speaking for the minister, but I did not get a chance to ask that question.

I will quote from a speech given in Toronto on March 14, 2007 by the leader of the Liberal Party:

To protect Canadian seniors, we will act on the recommendations of the Privacy Commissioner to address the problem of identity theft. There were almost 8,000 reports of identity theft in the past year, resulting in more than \$16 million being lost, much of it taken from vulnerable seniors. A lifetime of hard work and savings can vanish in an instant. We need tougher laws to prevent this type of crime.

Another recommendation is that we need laws implementing the recommendations of the federal Task Force on Spam—recommendations that have so far been ignored by the Conservatives. Spam is the weapon of choice for identity thieves, who use phony e-mails to trick people into revealing personal information. Canada is the only G-8 country without anti-spam legislation, and a Liberal government led by me will change that.

This bill would create three new offences, all subject to five year maximum sentences: obtaining and possessing identity information with the intent to use it to commit certain crimes; trafficking in identity information with the knowledge of, or recklessness as to its intended use in the commission of a certain crime; and unlawfully possessing and trafficking in government issued identity documents.

Also the Criminal Code amendments would create new offences of fraudulently redirecting or causing redirection of a person's mail; possessing a counterfeit Canada Post mail key; and possessing instruments for copying credit card information, which the minister mentioned in his speech, in addition to the existing offences of possessing instruments for forging credit cards.

We want to go even further to make sure that the police have the technical ability to investigate this type of crime with all the modern electronic means available to them. As the minister said, we want to catch up. I was glad the minister said he would look at the bill. I was sad that he did not say that he would endorse it right away to help the police, but hopefully that will be the conclusion he makes.

I would like to discuss further at committee whether the penalty should be stronger if the identity theft is related to organized crime or terrorism. It should be very significant.

In conclusion, it has been our policy for a long time to support stronger provisions in this area. At committee we want the police and other expert witnesses to provide evidence. If there is any way we can strengthen the bill, we will be looking at that too.

• (1230)

[Translation]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, I am pleased to speak at second reading of Bill C-27, An Act to amend the Criminal Code (identity theft and related misconduct).

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I believe it is important to debate this matter. With the development of new technologies, we are all confronted, at one point or another, with a situation where we have to identify ourselves by using personal information. For example, we use PINs when doing our banking at an ATM. Just imagine the amount of personal data and the number of financial transactions circulating on the Internet every day. Do we know how businesses and governments manage their immense data bases that contain our personal information? These issues affect everyone, without exception. Our personal information is recorded, catalogued and stored somewhere.

Attempted identity theft is a common occurrence. A thief could find a useful document in your mail. He could use it to pass for you and commit crimes in your name. Scam artists steal names, addresses, and birth dates that they use to apply for loans and credit cards or to open bank accounts in your name. Imagine the damage they could do using your name, not to mention the serious consequences for your reputation and self esteem.

That is why identity theft is a security issue that cannot be ignored. This type of fraud will only grow with the passing of time. Those watching us surely know someone who has been a victim of identity theft. It has disastrous consequences for the victim. It can even lead to misunderstandings with the law because fraudsters can commit crimes and use the identity of their victims. How does an individual whose identity has been stolen prove to the police or government organizations that they were not the one who committed the crime of which they are accused? It is an almost impossible task.

Bill C-27 would curb identify theft by cracking down on the unauthorized collection and use of personal information for illegal purposes. This includes the possession of several private identifiers, such as a name, address, social insurance number, or any personal number that could be used to obtain a service. Bill C-27 would create three new offences that could be punishable by a maximum of five years in prison.

The first offence deals with obtaining and possessing identity information to commit a crime. The second deals with trafficking this personal information and targets individuals who sell or deliberately hand over this information to a third party, knowing that it could be used illegally. The third deals with individuals possessing or trafficking another person's government-issued identity documents.

I remind members that thieves obtain personal information in different ways. Some use direct means, such as highly sophisticated phishing techniques. The RCMP says that criminals also use e-mails or websites that look official, but falsely represent legitimate businesses, financial institutions and government agencies. The goal is to obtain sensitive, personal financial information by phishing the person who receives the e-mail. The public must constantly be vigilant against this type of fraud. This is why people must always be careful when giving out their personal information. They should also find out how their information will be used, why it is being collected, who will view the information and how the information will be protected.

Getting back to Bill C-27, it makes several changes to the Criminal Code in order to curb identity theft. It also creates offences for redirecting mail, the possession of a counterfeit mail key, the

possession of instruments for copying credit card data, and the possession of or trafficking in counterfeit documents. In addition, Bill C-27 clarifies the meaning of "personating a person" and renames the offence of "personation" to "identity theft". It gives the courts a new power to order that, as part of the sentence, the offender make restitution to a victim of identity theft or identity fraud for the expenses associated with rehabilitating their identity.

● (1235)

Finally, the only people exempted are those who make false documents for covert government operations or who allow public officers to create and use covert identities in the exercise of their duties—meaning here law enforcement personnel.

Bill C-27 is intended to keep up with today's realities because in the near future the identity theft problem is only going to get worse. It is imperative, therefore, to update the Criminal Code and adapt it to current realities as well as possible. According to the Department of Public Safety, identity theft has become one of the fastest growing kinds of crime in Canada and the United States.

I should emphasize, though, that we should be concerned not just about the increase in this kind of crime but also about the costs that we collectively incur as a direct result of this illicit activity.

The Canadian Council of Better Business Bureaus estimated that in 2002 alone, consumers, banks, credit card companies, stores and other businesses lost \$2.5 billion as a result of identity theft. According to the RCMP, the total losses due just to credit card fraud in 2003 amounted to \$200 million. The complaints filed with the Phone Busters program of the RCMP and the Competition Bureau provide a good example of the social cost of identity theft. Just in 2006, more than \$16 million were stolen from Canadians by fraudsters. Phone Busters estimates, though, that this is still just a small percentage of the real losses due to fraud, perhaps about 5%.

Considering individual human beings, we must remember that victims of identity theft are often left with a compromised credit rating and a messy personal and financial situation. Everyone is affected, without exception.

I remember an Ipsos Reid poll in 2006 according to which one-quarter of Canadians or about 5.7 million people said that they had been victimized by identity theft or knew someone who had been. These figures are very telling and clearly demonstrate the need to update the Criminal Code.

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However, we are faced with a fundamental problem: Criminal Code offences were defined at the time with the traditional notion of property. The big problem with identity theft is that personal information is not considered property. To apply the provisions of the Criminal Code, there needs to be a direct causal link with an economic loss or serious harm.

Unfortunately, it is very difficult to prove that a crime has been committed in the case of identity theft. Although some 40 provisions of the Criminal Code can apply to identity theft, the fact remains that the simple possession and collection of personal information does not constitute a crime. In this case, the Criminal Code becomes a cumbersome tool for fighting identity theft. Its evidence rules are quite strict as well.

On May 8, 2007, the Privacy Commissioner of Canada, Jennifer Stoddart, summed up the legal problem with identity theft quite well at the Standing Committee on Access to Information. She said:

I don't think it's just an issue of the Criminal Code. As you know, our law administrators hesitate to use the Criminal Code: the standards of proof are higher, and the charter may apply, and so very often you have to have a fairly clear-cut case to use the Criminal Code.

Bill C-27 is obviously a step in the right direction to updating the Criminal Code, but I want to reiterate that part of solution would definitely come from concerted action involving the different levels of government, private organizations and the public. Other measures will have to be implemented to effectively fight identity theft, since this is a broad issue that goes beyond the government's capabilities.

For example, the Privacy Commissioner suggested using civil sanctions instead of the Criminal Code for two main reasons: proof is easier to establish, and the procedures are easier for the public to understand.

•(1240)

Appropriately, the commissioner gave the example of small claims court, which could offer easily accessible ways to discourage the growing industry of identity theft.

However, the idea presupposes that the federal government will work closely with the provinces, because much of what is happening in the area of identity theft comes under provincial jurisdiction. I would remind this House that a number of solutions to the problem of identity theft are in the provinces' hands, because they have constitutional authority over property and civil rights, specifically under section 92, subsection 13, on property.

However, this minority government still has a long way to go in this area. True to form, this government, which should be working with the provinces to combat identity theft, preferred to make a few changes to the Criminal Code that do little to address the problem. Before giving the provinces new responsibilities for enforcing the Criminal Code, did the government make sure they had the resources to enforce the new provisions on identity theft?

The government should try leading by example when it comes to protecting and managing personal information. The federal government is proposing to penalize people who make fraudulent use of identity documents such as social insurance cards. Yet in June 2006, we learned that the Auditor General estimated there were 2.9 million

more social insurance numbers in circulation than the estimated number of Canadians aged 30 and over. It makes you wonder.

What is more, in September 2003, six computers were stolen from the Laval offices of the Canada Customs and Revenue Agency, including a laptop containing personal information on 120,000 taxpayers and 600 federal taxation employees. I am dismayed by the government's behaviour, which tells me that a number of practices need to be reviewed.

Several federal departments and agencies are interested in identity theft, but these efforts do not seem to have produced a concerted strategy for dealing with this enormous problem. Nonetheless, identity theft is an issue that the federal government cannot tackle on its own, but this should not stop the federal government from developing a more focused strategy for channeling its efforts.

It would also be worth having better definitions of the concepts that identity theft involves. Although the subject has received a great deal of attention from the media, academics, enforcement agencies and government, there is still debate over the definition of identity theft. The term is used to include everything from simple cases of fraud when someone forges a cheque or uses a stolen credit card to purchase goods to very sophisticated cases of "synthetic identity theft" where the impostor creates a new identity using a combination of actual information and fabricated personal information.

Similarly, we do not have a clear idea of the sources of the personal information being used. Some studies have suggested that much of the information comes from within organizations; other studies claim that identity theft is usually perpetrated by people who are known to the victims. Media stories about large scale data breaches in which laptops have been lost or hackers have been able to gain access to credit card information have become commonplace, but we do not have a clear picture of how often these data breaches result in identity theft.

I would nonetheless point out that Canada has privacy legislation that places limits on the collection, use and disclosure of personal information by the private sector. It requires organizations to protect the information they collect. There are several provisions in the Personal Information Protection and Electronic Documents Act (PIPEDA) which, if the organizations covered by the Act respect those provisions, can significantly reduce the risk of identity theft.

That Act also imposes limits on how long organizations engaged in commercial activities should retain personal information. By getting rid of information they no longer need, organizations reduce the risk of identity theft. But the destruction process must involve more than throwing paper records or hard drives into the nearest dumpster, as we have seen happen.

I would conclude by saying that the Bloc Québécois will support Bill C-27 on second reading so that it can be sent to committee. Nonetheless, I, like my colleagues, strongly believe that merely amending the Criminal Code will not be sufficient to solve the identity theft problem.

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•(1245)

Other measures will have to be developed by the various governments to combat this problem. One that we are proposing is that the public be educated in order to reduce victimization. Educating people about how to protect themselves against identity thieves is another key element to fighting this kind of fraud. As well, strengthening the regulations to provide more stringent oversight of how personal information is managed by businesses can only be a good thing.

As a final point, measures to promote greater uniformity and security in the process of issuing and verifying identification documents seem to be essential.

[*English*]

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I thank the member for her support of the bill. I am delighted she agrees with the Liberals that more needs to be done.

Could she elaborate a bit on what more can be done by the government to support individuals who may encounter theft, or more support or regulations that can be established related to businesses and governments, as the member said, where there have been problems related to information leaking out?

•(1250)

[*Translation*]

Mrs. Carole Freeman: Mr. Speaker, I want to thank my colleague for his question. As I said in my speech, the identity theft problem is huge and international. Incidentally, the steps that the minister announced today are a step in the right direction.

As well-intentioned as these measures might be, they are of only limited effectiveness. If we really want to get at the problem of identity theft, we will also have to work with all the representatives of organizations and provinces since many matters fall under provincial jurisdiction.

Moreover, there are different kinds of identity theft, such as petty theft and theft by organized crime, as the minister said. When tackling organized syndicates on the Internet, it will be necessary to have international regulations and a concerted international effort.

We will need a concerted effort because the identity theft problem is only going to increase. The rise of the Internet and new technologies means that the problem cannot be solved simply by adding sections to the Canadian Criminal Code. The problem is much bigger than that.

First there is the concerted effort needed on the federal level. Then there are a lot of regulations, although they are not necessarily protected or used enough.

We must first use and protect the data we have. In my speech I pointed out deficiencies within the federal government and the data losses we have seen. Concrete action is needed, specifically better management.

In addition, a concerted effort is needed from the federal and provincial governments and the governments of other countries in order to get a better handle on the problem of identity theft, which is often related to international organized crime.

[*English*]

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, when the bill is studied by the committee or the House in some other way, does the member believe we should look more closely at the distinction between the need to protect personal information, and there is a whole body of legislation that does this, and what we do now, which is the criminalization of the taking or theft of personal information, personal identity or documents that contain personal information or personal identity?

I notice the debate sometimes slides around between criminalization issues involving the trafficking or theft of personal information and the concept of simply protecting through other laws, and not criminal laws, the containment and conveyance of personal information in records. Has she noted that as an issue and does she think that should be an appropriate focus for the committee in the event the House accepts the bill and forwards it on to committee for review?

[*Translation*]

Mrs. Carole Freeman: Mr. Speaker, I want to thank my colleague for his question. He raised two interesting points.

There is a lot of talk these days about the criminalization of identity theft. My colleague emphasized this by asking whether there is already legislation to protect personal information. In my view, we should look instead at protecting databanks.

We should definitely crack down on the crimes that are committed, but most of all we need mechanisms to protect the data of agencies and businesses. There should be stricter protection of personal information in order to reduce the crime related to it.

•(1255)

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, in many respects Bill C-27 is classic in the sense that it is a reflection of the difficulty in modern times, and even to a somewhat lesser degree historically, of our legal system, in particular our criminal justice system, keeping up with advances in technology and in society of a scientific nature. We have seen what has become known as the crime of identity theft proliferate significantly over the last 10 to 15 years.

We heard today some figures from the Minister of Justice on not only what that costs the financial sector in particular, but also individuals. We are now into the billions of dollars. It is a situation in our society where we have to take it into our hands to try to exert a much greater control over this issue.

There are various ways of doing that, and Bill C-27 addresses a partial strategy and no more than a partial strategy.

My party has always looked at anti-social, criminal behaviour as an issue to be addressed by way of prevention to the maximum. Then, if we cannot prevent the anti-social or criminal behaviour, we move into the criminal justice arena and provide legislation that creates crimes and punishment that flow from the breach of the legislation. That is the approach we take whenever we address an issue like this.

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There is no question that the provisions of Bill C-27 are all necessary. The NDP very much intends to support the bill. When it gets to committee, we will be looking at ways to see if there is any manner of strengthening it.

We have heard from police forces, including the RCMP and local police forces, of the need for these provisions, which are all amendments to the Criminal Code.

To be very clear and not in any way mislead the Canadian public, these provisions are all reactive. They are to be used when the crime has already been committed, whether it is creating some new offences around identity theft or renaming the personation section to identity theft and identity fraud, or attacking, and this is very important, the production of data and making that a crime. All those are important sections to deal with that conduct, but again I emphasize it is after the fact. It is after a crime has been committed and individuals in our society and institutions have suffered negative consequences.

We have heard the horror stories in that respect of the way it grossly disrupts the lives of people when their identities are used fraudulently in a criminal fashion. It causes them great financial losses in a lot of cases. It also puts them through the emotional turmoil while they rebuild their identification. Dealing with the debt that has been accumulated in their name can cause great havoc to the individual.

On the institutional side, it is humongous, and the minister has mentioned financial losses. It is very disruptive. The bill is important from that perspective.

● (1300)

When I questioned the minister earlier today, I raised the fact that the government had not brought forward any proposals and certainly no legislation to prevent access to databases to regulate the security around those databases, whether it was by way of policy within the federal government, or by way of legislation, or regulatory functions under other legislation, under our consumer legislation, our privacy laws and our access to information laws. There are a number of other laws where we could implement a regulatory framework that would prevent easy access to our databases.

Imagine people of a criminal bent wanting to steal the identities of people. They can do that by following people around, or collecting their mail, or watching them at debit machines, or going to their place of work, or stealing their cheque book. There are a number of ways to do this but they are only getting one person's identity. It is an endeavour that has to take place and we know it happens. There is an alternative to that. What happens more and more and why we see this huge increase in identity theft is that organized crime targets databases to get the personal identifications of thousands of individuals in one fell swoop.

Recently I talked to some of our local police in the Windsor area about this. What happens is that data is sold on the Internet, kind of an eBay purchase, to other individuals who will then use that personal identification to take money out of bank accounts, use credit cards, the whole gamut of criminality that goes on. Those trades happen on a regular basis. Getting access to a large database is important for that network of trading to function.

I heard my colleague from the Bloc mention the need for international cooperation. A good deal of this is happening in countries, for example, in central and eastern Europe that have recently broken away from the Soviet empire where there are not strong enforcement mechanisms. I am told a good deal of that trading goes on in those countries.

There is a whole series of other work that needs to be done. In the overall volume of crimes around identity theft, I would argue they are more significant. If we can shut down that trading network, if we can shut down access to large databases, if we can get international cooperation to do that in other countries, we will be much more effective in shutting down large numbers of these crimes as opposed to going after the individual who steals another individual's identity.

Again, I am not downplaying the importance of the bill. It is necessary, but the government needs to step up to the plate and get serious about dealing with those other areas.

Other committees have looked at this issue. The industry committee has looked at it. The committee responsible for the privacy legislation has also looked at it. Recommendations have come to those committees of how to deal with some of these problems, where we focus almost exclusively under those legislations and amendments to legislation and the regulatory functions under those legislations to prevent access to these databases.

● (1305)

This would go a great distance, but the government seems to be much more concerned about this bill exclusively. I suggest it is a mistake to limit its focus just on criminalizing this behaviour. I am not downplaying the importance of it, but it is nowhere near enough. In fact, it is the smaller part of the problem.

The solution to this problem lies much more in creating security around our databases and international cooperation to enforce policies along that line, rather than this more simple and limited approach to the bill.

As I have indicated, the NDP will support the bill at second reading. When it gets to committee, we will look at ways to see if it can be strengthened.

In that regard, I have heard some concerns from members of the Bar about the wording in some of the sections. The bill would make it a crime to be found in possession of a substantial body of personal identification coupled with a reasonable inference of intent to commit a crime. "Reasonable inference" is used elsewhere in the code, but in a somewhat different context. There is some worry about whether that wording will provide, because of its vagueness, enough of a defence for that section to be used to acquire convictions.

We will need to look at this type of wording at the committee to see if there is any way we can strengthen it. We hope to hear from both our prosecutors and our police forces to see if there are any additional suggestions they have to perhaps augment the bill and strengthen it some more. Unless we see ways of strengthening it, I am quite convinced the justice committee will approve the bill, hopefully with some minor tinkering, and send it back for third reading and final approval in the House.

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I hope also that in the course of the hearings before the justice committee more information will come out about the need for other endeavours that will be more productive and prevent more of these crimes. If so, we also may be able to recommend to the full House additional work that needs to be done.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I always enjoy hearing the member's very thoughtful perspectives on the various crime bills in the justice committee.

I have four questions, but I will ask them one at a time in case other people have questions.

Some of our recent bills have created harsher sentences when the crime was related to organized crime or terrorism. Does the member think there is any merit in considering that at committee, for instance if an identity is stolen to use in the commission of a terrorist offence?

Mr. Joe Comartin: Mr. Speaker, there are potentially two answers to that.

I quite frankly believe we should have and should in the future include that kind of criminal conduct of a terrorist nature under the organized crime section and go after that kind of criminal activity using this section. We need to expand the definition somewhat.

However, if it is traditional organized crime activity, I am not sure we need to do anything further. If we find identity theft is promulgated by the activity of an organized crime syndicate or gang, we should lay charges that these individuals are part of organized crime. That then opens up this whole section of the code to be used against them, including the reverse onus to seize their assets. Therefore, I do not think we really need to do anything further with regard to that.

The same would not be true if it were an organized effort of a gang around terrorist activity, so we may very well look at it. I prefer initially that the definition of organized crime should include this group, and then we would use it in the same fashion.

● (1310)

Hon. Larry Bagnell: Mr. Speaker, I think the Bloc and the NDP both agree with the Liberals that more needs to be done. I wonder if the member could elaborate on what could be done to support individuals who have been victimized, to support businesses in improving their systems, or with regulations to improve systems to prevent the theft, as he pointed out at the beginning.

Could he also elaborate on my concern about a government member's suggestion that there could not be many amendments? The member has already suggested a potentially important amendment.

Mr. Joe Comartin: In reverse order, Mr. Speaker, on the idea of amendments I do not see this bill, that is, the Criminal Code as a whole, being able to deal with some of the other policy and legislative changes that are needed in other legislation, in consumer legislation and corporate commercial legislation, or in policy within government. Those issues that we have raised around this in regard to regulating and trying to provide greater security to our databases would have to be dealt with outside the Criminal Code, which is just not the mechanism for dealing with it.

In terms of other and more straightforward amendments, I have never let the attempt of intimidation by the government to say we are

going to have a confidence motion over bills prevent me from bringing forth amendments. I think that is just silly on the part of the government.

As we saw even in Bill C-2, the omnibus bill around dangerous offenders, there were actually a couple of minor amendments that went through because it was obvious even to the government at that point that they were needed.

However, I think the point I was making about looking at trying to strengthen the wording around reasonable inference is one that is going to have to be closely looked at. If we can come up with better wording, I am expecting that the minister in his wisdom will ignore the PMO and allow us to have the amendments.

Hon. Larry Bagnell: Mr. Speaker, as I mentioned during my speech, the member for Notre-Dame-de-Grâce—Lachine has a bill to increase the ability of the police to use modern electronic methods, which they do not have access to now, to help deal with this type of crime. I am hoping the member would be able to seriously consider that type of improvement as well.

Mr. Joe Comartin: Mr. Speaker, I apologize to the member for Yukon. I did not respond to that. It is a very good point.

This is interesting. There are technologies out there that screen out the hackers. We know we can build greater firewalls in regard to allowing people access. A number of the smaller financial institutions in particular have some difficulty in being able to afford that or in fact in even knowing what they need to do. There is work that the federal government could be doing to provide standards and perhaps technology.

In that respect, I want to just mention what happened around child pornography. Paul Gillespie, who was in Toronto at the time trying to deal with it, got so frustrated that he wrote Bill Gates a letter saying they could develop technology that could track backwards the child porn they were finding on their PCs in Toronto but it was going to cost money. He asked if Bill Gates could help.

He got an instantaneous response from Gates. They built the software package. It is one that is now being used across the globe, at least in all the developed countries. Gates put in \$6 million or \$8 million using his staff and his resources. This type of assistance that is now available to our police forces, which is not expensive because it just means getting the software, has been very useful in the fight against child pornography.

The same thing could be done in this area. We may need to develop more technology both to protect the databases and to trace back the hackers who break in and get the information.

Government Orders

•(1315)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I am happy to speak to this piece of legislation today, as apparently a lot of members are. It looks like in its current state this has support from around the House. If it stays that way, it looks like the bill will be going to committee. Hopefully the committee will have an opportunity to deal with it expeditiously, to get it back to the House and finally to get it passed.

This is one of these areas in criminal legislation, and I suppose in all legislation, where the legislation comes into being after the criminal mind has already found a way to criminalize, to steal and to commit fraud. This particular area of information, personal identity, gives us a new type of crime in the sense that in the expanding universe of information and the increasingly complex universe of financial transactions there is a bigger playing field for the criminal mind.

This is just such a case. The legislation that now is being proposed attempts to cover off for society by criminalizing, prohibiting and proscribing certain types of conduct that we regard as anti-social and harmful. Most people would ask why we could not have passed this law 10 or 20 years ago. The reason probably is that we in the House do not all have criminal minds that would lead us to get our heads out in front of this, nor do all the great employees of the Department of Justice have that penchant for thinking like criminals. Usually we are in this position where we legislate after the initial harm, after the crimes of opportunity have been done by the criminals.

In this particular field of personal information, theft of personal identity and the use of that type of information for fraud and other crimes, I again want to point out for the record, and I made some comments on this a few minutes ago, that it is important to distinguish between recognizing and defining the whole field of personal information and taking steps to protect it in data banks, personal records and government records, and another area, which is the application of the Criminal Code to criminalize certain things that happen in relation to personal information.

There was a private member's bill in the last session, and I think even also in the last Parliament, with attempts by members to create legislation that would protect personal information, but inevitably the clash between protecting the information and criminalizing certain types of conduct produced a kind of incompatibility. I recall one bill that would have criminalized the act by a university student of trying to get a phone number and an address of some other student just for the purpose of having a date on Saturday night. That particular type of legislation did not distinguish between the two. It went too far.

As we legislate here now, I think this bill has it just about right. We have identified the actual criminal intentions that we want to proscribe. We have not touched what would be an ordinary layman's use of personal information or attempts to get personal information, although the bill comes close to it and we have to keep our eye on that line.

This particular area is sometimes complex because it is a new and developing area. It is a bit of a moving target. In the world of the Internet and the globalization of information, the target of what is personal information, what is financial information and what are

other types of information is always changing, and the focal point changes right around the world.

•(1320)

Data banks are not necessarily in one location. They are in different countries. The data is transferred through land lines, satellites and service providers, land-based and otherwise. It is an exceedingly complex area. I hope Canadians will feel that our House of Commons and our Department of Justice are keeping up with this.

The personal information that we try to protect is out there in so many places. A couple of years ago, I noted how much junk data is on a website called Wikipedia. That particular website purports to be an information site, but apparently anybody can load up information of any sort. The information is not screened. It can be false or inaccurate information.

That particular website is simply not what it appears to be. It contains false and misleading information filled with innuendo. At least if it were a tabloid, it could be sued, and it would take responsibility for what it published in terms of libel laws, but boy, on the Internet that is tough. I just mention Wikipedia. It seems to be a group of rogue dot-commers trafficking in junk information, which sometimes includes personal information.

This legislation of course does not attempt to deal with the dodos in that type of junk information, but it does try to protect the personal identities of Canadians.

About two weeks ago, a staffer at my Scarborough office in Scarborough—Rouge River was a little nervous. She came into my office saying that we had an email addressed to me personally and it looked kind of strange. She gave it to me gently and I looked at it. The email was asking me to confirm that I had made a particular purchase on my credit card. I do not know what the purchase was, but it was for a couple of hundred dollars. It so happens that I do not have the particular credit card that was named in the email.

Since this was the first time such an incident had happened, my staffer attached significance to the receipt of that email, thinking it was real, accurate, bona fide and important and there was some kind of problem with my financial transactions. Since I did not have the type of credit card referred to in the email, I knew immediately that it was part of a scam. I guess the company was inviting me to get back to it, say it was not my purchase because it was not my credit card, and then the company would ask me what credit card I did have. I would say that I had another one and the company would ask to verify that.

This happened to me two weeks in my constituency office, which the taxpayers pay for, and it was the first time this type of thing happened to me. This type of potential scam, this fishing expedition, is all over the place. I am sure that anything we can do here to try to protect innocent Canadians from this type of scamming would be appreciated. I would appreciate it. So would my staff and my constituents.

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I have mentioned the clash between the protection of personal information and the criminalization of the use of it. In relation to that, I noted other bills that tried to criminalize the use or passing on of personal information without the consent of the person. There were some areas that I thought we should make sure to protect, but as it turns out we do not have to do very much because this bill has been re-targeted at particular criminal acts.

Those previous bills contained the concept of a person seeking personal information. I mentioned the university student looking for a name and a phone number for a date. There are also people promoting a charity who are looking for a name, phone number or address. They are looking to solicit a charitable donation. Someone might be doing it to promote a religion, a religious faith, or, and listen up colleagues, somebody might be doing it for political purposes. These are all normal pursuits that we generally accept. We accept that people promoting their interests, their groups, their societies or their community associations will seek out names and addresses of people they would like to approach.

● (1325)

We have to make sure that we do not impose a chill on our communications and social intercourse in our communities in an overreaction to the potential criminality that is out there. This bill does not come very close to that, but it is an area that I will be looking at as we scrutinize this at committee.

The Department of Justice has used the bill to fine tune some existing legislation. The bill proposes arguably three new types of offences, but in fine tuning the existing legislation we actually create and broaden some existing offences. It has been done in a good way. I think it all fits fairly well. Some existing legislation has been altered to make prosecution, conviction and investigation a little easier and a little clearer so that we do not have to rely on the conspiracy laws in the Criminal Code.

An example is the offence of theft from the mail. The proposed legislation expands the class of mail that is protected from theft. Most people think that if someone steals something from the mail, it is an offence, and it always has been. One of the areas that was never clear was after the mailman had delivered the mail to a house or business. It could be put in a mail slot and the mail would drop onto the floor. The mailman could put the mail in a mailbox on the front of the house or business, or it could be left inside the door. Nowadays Canada Post has neighbourhood mailboxes not connected to a residence. People have to walk across the street or a couple of hundred yards to pick up their mail. After the mailman delivers the mail to that box, is the mail still protected? Is that theft from the mail?

After the mailman puts it through the door slot, is that mail still in the course of mail? In previous interpretations, it was not. Once the mailman delivered the mail into the box or through the slot, the mail had been delivered and apparently the mail was not protected by the mail theft statute. It was still protected by the theft statute, but not mail theft. After that letter is in the house and is put on the kitchen table in so many homes, if taken, would that still be theft from the mail?

The solution is a rather good one. It does not clarify everything but the amendment is that everyone commits an offence who steals

“any thing sent by post, after it is deposited at a post office and before it is delivered, or after it is delivered but before it is in the possession of the addressee or of a person who may reasonably be considered to be authorized by the addressee to receive mail”.

If one is really well off and has a butler, and the mailman delivers the mail to the butler at the front door, that is delivery. If it is just put in the mailbox, from the point of view of the post office, that is a completed delivery, but our Criminal Code is going to continue to still protect that letter until it is in the possession of the addressee or the addressee's representative. That is a good change. That does not have anything to do with the Internet. That just is a good common sense change to protect our mail the way most Canadians would want it protected.

The bill has a number of other technical changes referring to pieces of equipment, government identity cards, government documents and even identity documentation issued by the provinces. I am sure it is constitutional. Documents produced by a province or the federal government that are stolen, used, or just simple theft of them is an offence.

● (1330)

Now the use of them in fraud, impersonation and pretending to be somebody the person is not for the purpose of stealing, fraud, theft and deceit is better and more clearly criminalized. This will allow better investigation, better prosecution, more appropriate convictions, better sentencing and hopefully a bit better order in an area that has needed some legislative amendment and updating.

Having said all of that, I am certain we will be back in this House five or six years from now to update this type of legislation again, because as I said, the target is always moving. As the technical and information universe expands, we may well see other areas that need amendment and improvement.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, it is very interesting to listen to my colleague who has a lot of experience in these areas in following the justice bills and so on.

Given the increasing concern that many of us have with identity theft and the fact that we are hearing of people's mortgages changing hands by people getting copies of pertinent information, what else needs to be done in this piece of legislation to make it closer to being bullet proof and to make it tougher and tighter?

Mr. Derek Lee: Mr. Speaker, that is a very good question. I do not think we will be issuing a written guarantee with the bill that it will cover absolutely everything. As we deal with this bill, I am sure there is a criminal mind out there trying to figure out a way to slide something through the existing net of legislation so that he or she will not get caught and charged.

The member has raised a very good reference point. This bill will do a whole lot to better protect the class of Canadian that she has described, but it does not address the financial implications directly. If a fraud is committed, the money is lost or the money is diverted.

Government Orders

The hon. member mentioned mortgage fraud. I know that criminals have found a way to do mortgage fraud. This usually involves a fairly large amount of money. It is not a \$100 item. A mortgage is usually for \$50,000, \$100,000, \$200,000, \$300,000 and even more. They have found a way to manipulate the provincial land registration system in a way that allows a mortgage lender to be defrauded using a personal identity. I have a case in my constituency office involving just that. A lady is working her way back after two court cases. She has done a great job. She had to hire a lawyer once.

It is just awful that Canadians are put in this position. The Canadian victim will bear the burden of making the information correct and there will be allegations that the Canadian has borrowed the money under the mortgage. In the end it is usually provable that the individual did not, that it was a scam and it is the financial institution that would normally bear that liability.

There were occasions in the province of Ontario where the first response of the government of Ontario was that it would not change its law. A buyer for value in due course, which is a legal principle, of a piece of real estate, without notice of a fraud, is able to buy the land and does not have to bear the responsibility. People have had their registered property sold out from under them by a scam and they were not aware of it. This is usually a case where the owner of the real estate does not live on the real estate. It is tentative in some way.

Eventually, I am informed, the government of Ontario decided to change its law, change its policy, and the innocent victims of these scams are now apparently to be believed and they can get their land back, or they do not lose it.

The law two or three years ago was such that individual Canadians who were scammed had to bear the brunt of it. Now as I understand it, it would be the financial institution which has been defrauded that would bear the brunt of it and not the individual Canadian whose identity was used to perpetrate the fraud.

These things are still working their way through the courts and there are many different scenarios. The short answer to my friend's question is that the bill goes a long way to regularize and patch up the law, but there are still some open areas involving not criminal law, but civil law and the law governing financial transactions and mortgages that still may need some repair.

•(1335)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I have three questions, so I will be rising twice more if no one else has questions, provided there is time.

My first question is on the same topic of mortgages. A person can get a mortgage from the bank for, as the member said, tens or hundreds of thousands of dollars and walk away, but that person was not the real owner of the house and the person who owns the house would then have a huge debt.

A constituent suggested that an easy way to solve this problem is to make it mandatory that a photo be taken of everyone who gets a mortgage. I wonder what the member thinks of that solution from one of my constituents.

Mr. Derek Lee: Mr. Speaker, that is a great suggestion. The laws governing obtaining a mortgage and a loan are provincial in this country. The federal government has a couple of laws that affect that

area but in general the law of mortgages and hypothèques in Quebec are governed by the laws of the province.

The provinces are very unlikely to pass a law that says if there is a financial transaction there has to be a photo. As I understand it their laws are heavily weighted and biased in imposing the burdens on the financial institutions to know their clients and with whom they are dealing.

I know that financial institutions, because of these recent incidents, are taking steps to make sure that they visually know the borrower, visually check the land, visually check the tenant, and have people do this to ensure that they know exactly what is going on and that it is not a scam.

Whether or not a photo should be a part of the file, I do not know. What if it is a corporate borrower? How are they going to take a picture of a corporation? However, the member has the right idea. I think the financial institutions are taking appropriate steps.

Hon. Larry Bagnell: Mr. Speaker, I quoted recently a member from the government side, the member for Saskatoon—Wanuskewin, in a newspaper article who suggested the government would accept very few amendments to the bill. Since that was a gratuitous and unnecessary comment, I would not normally bring it up if this was the only incident.

However, the member is a very effective, knowledgeable and wise member of the justice committee. I am sure he would have viewed times when this sort of lack of democratic input has prohibited the justice committee from doing its work.

Why would we hear witnesses and try to improve bills and spend hundreds of thousands of dollars of parliamentary time if we could not make amendments? I wonder if the member, with his decades of experience in the House of Commons, has any comments as to whether this is correct or an unusual situation.

•(1340)

Mr. Derek Lee: Mr. Speaker, committees of course, as the member well knows, are creatures of the House. They take their orders from the House and not from any particular member.

On the issue of amending bills, there were two or three instances in this Parliament in the previous session when in the justice committee there were material amendments made by the committee to the bill. Some of the government members found that difficult.

I think in speaking about amending bills the member is probably thinking about material changes to a bill. This could happen again at the committee with other bills, but I think with this bill there seems to be around the circle support for the bill. The only types of amendments that I would envision at this time are really just technical common sense amendments that would be consensual with all the parties. I do not anticipate that kind of a problem with this bill.

In some other criminal legislation areas, we never know. The committee will do what it feels it must.

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I am pleased to address Bill C-27, dealing with identity theft.

In May 2007, the Standing Committee on Access to Information, Privacy and Ethics undertook a study on identity theft. At the time, we began to hear witnesses and look at this issue, because it is a serious problem. This issue directly affects individuals, but it also has an impact on our cities, our nation, our country, and even at the international level.

In fact, Canada is the only G-8 member that has not yet legislated against spams, which are often used for identity theft purposes. Some countries point to Canada as a haven for spammers. So, it was time to take action in this area.

It goes without saying that the Bloc supports the principle of the bill. As I just mentioned, identity theft is a very serious issue. We have to modernize the Criminal Code to reflect the reality of identity theft.

When she appeared before our committee, on May 8, Privacy Commissioner Jennifer Stoddart said that, in her opinion, the Personal Information Protection and Electronic Documents Act, which was implemented six years ago “is not a tool that, alone, enables us to combat this phenomenon, even if this legislation imposes restrictions on the collection of data. The safeguard principle permits the secure and confidential holding of personal information. It also makes it possible to limit the time during which information may be kept, as well as the number of persons who have access to it.”

However, as Ms. Stoddart pointed out, this is not enough, and this is why an act on identity theft is a welcome initiative.

According to Ms. Stoddart, concerted action by the different levels of government is required. The Bloc Québécois is not alone to say so. Let me quote her again. She suggested that “the federal government has to work closely with the provinces, because a lot of what happens in terms of ID theft falls within provincial jurisdiction”.

Provincial jurisdiction does not mean only certain fields of responsibility. We are really talking about the jurisdiction of the provinces or that of the Quebec nation, because Quebecers have jurisdiction over the management of their fields of responsibility. Ms. Stoddart gives the example of those people who have had their houses sold out from underneath them. That is something that falls entirely within the jurisdiction of Quebec and the provinces.

Generally speaking, this Conservative government appears to be incapable of working in cooperation with Quebec and the provinces. Examples of this would be the aid package for the manufacturing and forestry sectors and the implementation of the Kyoto protocol.

The Bloc Québécois recognizes that amending the Criminal Code will not be enough to eliminate identity theft. More measures will have to be put in place by governments, including: public information to reduce victimization; regulations to provide a better framework for the management, storage and disposal of information by companies; and measures to ensure greater standardization and security in the process for issuing and verifying identity documents. The federal government has a crummy track record in terms of the management of personal information. It will have to set an example, but I will come back to that later.

Government Orders

The purpose of this bill is to curb identity theft, that is the unauthorized use of personal information generally obtained for criminal purposes. Information such as someone's name, date of birth, address, credit card number, social insurance number or any other personal identification number can be used to open a bank account, apply for a credit card, get mail redirected, sign up for cellular phone services, rent a vehicle, equipment or premises, or even get a job.

Bill C-27 creates three new basic offences, and all of them carry a maximum penalty of five years.

The first one involves obtaining and possessing identity information with the intent to use it in a misleading, dishonest or fraudulent fashion to commit a crime.

The second offence, which involves trafficking in identity information, targets those who give or sell information to a third party, while being well aware that this information could be used for criminal purposes, or while not caring about it.

Finally, the third offence involves the unlawful possession or trafficking in government-issued identity documents that have the information pertaining to another person.

● (1345)

Some witnesses confirmed to the committee that, under the Criminal Code, a person who copies—in a convenience store, a grocery store or some other business—a credit card or an automated teller card, does not commit an offence. Right now, it is very difficult to charge such a person for using personal information.

Bill C-27 will correct this situation. From now on, individuals in a business who copy a credit card or an automated teller card when someone gives it to them for a few moments will be liable to prosecution under the provisions of Bill C-27.

Bill C-27 also includes other changes to the Criminal Code. It creates a new offence for directly or indirectly redirecting someone's mail, for possessing a copy of a Canada Post key, and also additional forgery related offences, such as the trafficking in and possession of forged documents with the intent of using them. The bill also redefines the offence of personation with the notion of “identity fraud”; by specifying the meaning of the expression “fraudulently personates any person”; by adding the offence of possessing instruments for copying credit card data, in addition to the existing offence of possessing instruments for forging credit cards.

As I was saying earlier in reference to those individuals working in businesses who might copy a credit card or an automated teller card, this will now be an offence.

Government Orders

In addition, the bill introduces a new power that would enable the tribunal to order the offender, as part of the sentence, to make restitution to a victim of identity theft or identity fraud for the expenses associated with rehabilitating their identity, such as the cost of replacement documents and cards and costs related to correcting their credit history. This is extremely important because many people come to our constituency offices and complain that they have been victims of identity theft and are having a hard time recovering their identity. Sometimes they complain that it costs them a lot of money to recover their identity.

Obviously, because the exception proves the rule, there are exceptions. The bill before us provides for two exemptions that would protect people who create false documents for secret government operations, as well as public servants—law enforcement officers—who create and use secret identities in carrying out their duties, from court action for identity fraud.

Identity theft is a very worrisome problem. According to Public Safety Canada, identity theft is now one of the fastest-growing crimes in Canada and the United States. In 2004, identity theft cost over \$50 billion U.S. Identity theft costs consumers, banks and retailers a lot of money. In 2002, the Canadian Council of Better Business Bureaus estimated that consumers, banks, credit card companies, stores and other businesses lost \$2.5 billion to identity theft.

In 2006, the Ontario Provincial Police's PhoneBusters program—an anti-fraud call centre created in January 1993 by the OPP, the Royal Canadian Mounted Police and the Competition Bureau—received 7,800 calls from victims of identity theft who declared personal and business losses amounting to over \$16 million. However, PhoneBusters recognizes that these statistics do not provide a complete picture of the situation. The organization believes that the number of calls received represents but a small fraction—perhaps 5%—of the actual total. According to PhoneBusters, payment card fraud, which is a major element of identity theft, accounted for 42% of identity theft incidents reported in 2003. According to the RCMP, total losses due to credit card fraud amounted to \$200 million in 2003.

• (1350)

In addition to these financial losses, victims of identity theft suffer damaged credit ratings and compromised personal and financial records.

In a 2003 study, the U.S. Federal Trade Commission reported that victims of identity theft spent an average of \$500 million U.S. to recover their identity and restore their credit rating.

According to a 2006 Ipsos Reid poll, one Canadian adult in four—24%, in fact, or about 5.7 million Canadians—said he or she had been a victim of identity theft—4%—or knew someone who had been a victim—20%.

This Civil Code must be dusted off. The offences currently in the Criminal Code were defined for the most part at a time when the traditional concept of “property” applied. The problem with identity theft is that personal information is not considered property. In applying the provisions of the Criminal Code, if it is impossible to establish a direct causal link with an economic loss or another

serious injury, it becomes very difficult to prove that someone committed a crime such as identity theft.

Roughly 40 provisions of the current Criminal Code could apply to identity theft. For example, subsection 342(3) of the Criminal Code makes it a criminal offence to possess and traffic in credit or debit cards and related data for the purpose of using them or obtaining services provided by the card issuer.

The provisions on forgery apply to people who knowingly make false documents in order to use them or pass them off as genuine documents.

A person who uses a false document, knowing that it is forged, in order to defraud another person, can be charged with fraud and uttering forged documents.

Offenders who assume a false identity for economic or other gain—for example, to avoid being linked to criminal offences—can be charged with identity theft.

Simple possession and collection of personal information are not crimes under the Criminal Code.

In a letter dated November 21, 2007 to the member for Hochelaga, the Minister of Justice stated that he intended to introduce a bill to amend the Criminal Code in order to solve the problem of identity theft. I stress the word “solve”.

The minister is a bit too enthusiastic. The bill is a step in the right direction. However, the Criminal Code is an unwieldy instrument for fighting identity theft: the rules of evidence are strict. Other measures will have to be put in place to effectively fight identity theft.

The Privacy Commissioner, Jennifer Stoddart, has on several occasions called for amendments to the Criminal Code in order to more effectively fight identity theft, and she also recognizes that this tool is not very effective. She stated,

I don't think it's just an issue of the Criminal Code. As you know, our law administrators hesitate to use the Criminal Code: the standards of proof are higher, and the charter may apply, and so very often you have to have a fairly clear-cut case to use the Criminal Code.

There is one requirement for Bill C-27: the federal government must work closely with Quebec and the provinces. Once again, the Privacy Commissioner maintains that the real solution to the problem of identity theft lies in civil procedures:

Civil sanctions that are very easy to prove and easy for citizens, for example, to take to small claims courts, which may provide a more easily accessible deterrent to the growing industry of ID theft. This means, of course, that I think the federal government has to work closely with the provinces, because a lot of what happens in terms of ID theft falls within provincial jurisdiction.

Statements by Members

The Bloc Québécois recognizes that amending the Criminal Code will not be enough to solve the problem of identity theft. Other measures will have to be put in place by governments: education campaigns—I spoke of these earlier—to reduce victimization in particular; regulations to provide more stringent oversight of how businesses manage, store and dispose of information; and measures to promote greater uniformity and security in the process of issuing and verifying identification documents.

• (1355)

But this government is incapable of collaborating with the provinces. Some of the solutions for combating identity theft rest with the provinces under the constitutional powers in relation to property and civil rights.

This government seems to be extremely reluctant to collaborate. Examples of this abound. The present Conservative government refused to collaborate with Quebec and the provinces on bringing forward a real plan to assist the forestry and manufacturing industries. The Conservative government rejected a series of unanimous requests by the National Assembly out of hand, requests that included honouring the Kyoto protocol, abandoning its plan for a single securities commission, a plan rejected by all of the provinces except Ontario, abandoning its reform of Parliament and reversing its decision to scrap the court challenges program.

The Conservative government succeeded in upsetting all the provinces with its reform of how the seats in the House of Commons are allocated. Senate reform has upset a majority of provinces. Equalization payment reform has been a bitter pill for Quebec and Ontario and the provinces with offshore oil resources.

So the Conservative government, which should be working with the provinces to combat identity theft, has instead retreated to its corner and made a few changes that are necessary but that have a limited effect on the problem in question.

The government seems to be in more of a hurry to give the impression that it is doing something than in developing a coherent strategy for effectively combating this plague.

And then, before handing the provinces new responsibilities for enforcing the Criminal Code, did it do so much as make sure that they had the resources to enforce the new identity theft provisions?

This is the federal government, which is supposed to set an example. Even though it has a sorry record when it comes to managing personal information, it will have to set an example. The federal government is proposing to penalize people who use identification documents such as social insurance cards fraudulently. This is the same government that is not doing enough to protect and strengthen the integrity of social insurance numbers. In June 2006, the Auditor General estimated that there were 2.9 million more social insurance numbers in circulation than the estimated number of Canadians aged 30 and over.

Bill C-27 makes it an offence to falsely represent one's self to be a peace officer or public officer. In December 2004, the media revealed that the Canadian Air Transport Security Authority had lost control of its uniforms. From January to September 2004, CATSA issued about 75,000 uniform items to its 4,000 or so screeners. Of those items, a total of 1,127 were reported lost or stolen.

Examples of mismanagement of personal information by the federal government abound. The federal government wants the public to believe that it is taking the question of identity theft seriously, but in its own actions it ignores the problem.

The Bloc Québécois supports the amendments to the Criminal Code, but also calls on the federal government to adopt exemplary practices in this area.

• (1400)

The Acting Speaker (Mr. Royal Galipeau): There will be a 10-minute period for questions and comments for the hon. member when the House resumes debate on Bill C-27.

We will now move on to statements by members. The hon. member for Perth—Wellington.

STATEMENTS BY MEMBERS

[English]

ST. MARYS MINOR HOCKEY ASSOCIATION

Mr. Gary Schellenberger (Perth—Wellington, CPC): Mr. Speaker, I rise today to congratulate the St. Marys Minor Hockey Association on its 50th anniversary. Recently, the community got together to celebrate this very important milestone.

St. Marys minor hockey has always had strong support from the community, the municipality, the sponsors, and the town employees who maintain the facilities.

Minor hockey in St. Marys is so important to the parents, coaches and, especially, the kids. The players come away with the lessons of hard work and sportsmanship, as well as memories and friendships that last a lifetime.

There is something about an early morning at the rink watching kids play hockey that is uniquely Canadian, no matter where we are in Canada.

Finally, I would like to recognize all those volunteers in St. Marys and across my riding of Perth—Wellington for their tireless efforts in support of all minor sports. They make me proud.

* * *

GREAT LAKES

Mr. Paul Steckle (Huron—Bruce, Lib.): Mr. Speaker, the Great Lakes provide residents and industry with a source of fresh water. They support a massive commercial fishery, a tourist trade and industry of nearly every form.

Despite their importance, we have neglected the Great Lakes and treated them as a dumping ground, and as a result the health of the lakes is in serious question.

Water levels are down and bacteria levels are up. Beaches are closed during the summer and invasive species are ravaging the ecosystem.

Science tells us that the Great Lakes are facing challenges that, if ignored, will catastrophically impact upon those living in the region.

Statements by Members

I am calling upon the government to take action, real action, to halt and reverse this environmental legacy. We need a national policy which seeks to engage governments, cottagers, farmers, businesses and private citizens. We must work to ferret out real solutions to the real problems facing the lakes and the surrounding basin.

Groups like the Point Clark Beach Association and the federations of agriculture each stand ready to assist. They and many others are waiting for this government to act.

* * *

[Translation]

JOÉ JUNEAU

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Speaker, Joé Juneau, a former Montreal Canadiens player who has always led by example, took an active role in helping to create a program to motivate Inuit youth academically by introducing them to hockey in a sport study program.

Building on his popularity, his position as a role model for these young people, and their love of hockey, he quickly turned this program into a success and a source of motivation for the students, whose academic efforts determine whether or not they will be allowed on the ice.

My Bloc Québécois colleagues and I would like to congratulate Joé Juneau on receiving the well-deserved title of personality of the year from *La Presse* and Radio-Canada.

* * *

[English]

PUBLIC TRANSIT

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, several years ago, families in Coquitlam and Port Moody were promised a solution to their transit woes. In 2004, the Evergreen Line was approved to connect our communities with Skytrain, with buses and with each other.

Today, the project is on hold until a \$400 million shortfall is filled. In the meantime, ordinary families are without an affordable, sustainable transit system.

We know that investment in public transit helps families get their kids to school and regular folks to work. It is good for business and it is good for the environment.

Last year the Conservative government provided nearly a billion dollars to fund transit in Toronto. Why are families in B.C. left in the cold?

It is time for this government to step up to the plate and fund the Evergreen Line. For too long, Coquitlam and Port Moody have been ignored by this Conservative government. Working families and a sustainable environment must come first.

It is about fairness for B.C. and it is simply common sense.

HOMELESSNESS

Mr. Art Hanger (Calgary Northeast, CPC): Mr. Speaker, earlier today a Calgary committee released its 10-year plan to end homelessness. This government recognizes that a safe and stable home is an important first step on the path out of poverty.

That is why we are working with other levels of government, the private sector and community organizations to find local solutions to address local problems.

We appreciate the work of the Calgary committee. Our government wants to continue the fight against homelessness. This government is committed to helping individuals break free from the cycle of homelessness and poverty, and move toward self-sufficiency.

The new homelessness partnering strategy is our plan and it is delivering results.

I would like to recognize today the tremendous innovative work the Calgary committee to end homelessness has undertaken.

This government looks forward to continuing to work with community leaders to ensure that all Canadians receive the care and support they need.

* * *

● (1405)

LITERACY

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Mr. Speaker, I am pleased to rise today in recognition of the 10th anniversary of Family Literacy Day which was recently celebrated in communities like my own riding of Brampton—Springdale.

Low literacy rates are a fact in Canada: four out of every ten adults in Canada struggle with low literacy. This represents almost nine million people.

Created by the ABC CANADA Literacy Foundation, Family Literacy Day encourages family reading and lifelong learning. The founders of Family Literacy Day, as well as literacy organizations, schools and libraries, deserve recognition for their tireless efforts year-round to assist Canadians with the skills, tools and resources they need to learn and succeed.

The government must stop cutting and start investing in literacy. We, as parliamentarians in this House, must do everything we can to support literacy and literacy programs in Canada.

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ACADEMY AWARDS

Mrs. Lynne Yelich (Blackstrap, CPC): Mr. Speaker, I would like to congratulate this year's class of Canadian Academy Award nominees.

Canadian artists are tremendously talented and have excelled in the competition with the best in the world. Through their work, they share our Canadian perspective with audiences abroad, and our country is better for it.

Statements by Members

I am pleased to congratulate Ellen Page, Jason Reitman, Sarah Polley, Josh Raskin, Chris Lavis, Maciek Szczerbowski, Craig Berkey, Paul Massey and Jim Erickson on their nominations.

I ask members to join me in my congratulations to them and in wishing them the best of luck on Oscar night.

* * *

[*Translation*]

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, let me reiterate once again to this Conservative government the importance of supporting the United Nations declaration on the rights of indigenous peoples. While a vote took place in September, it can still adhere to the principles of the declaration.

This is why, this morning, representatives of the First Nations of Quebec and Labrador, the Assembly of First Nations of Canada, Inuit Tapiriit Kanatami, Amnesty International, Rights and Democracy, KAIROS and several human rights advocacy organizations hosted an information breakfast on Parliament Hill.

We at the Bloc Québécois have heard their message. We are hoping to see the Conservative government finally adhere to the principles of the United Nations declaration on the rights of indigenous peoples.

* * *

AFGHANISTAN

Mr. Luc Harvey (Louis-Hébert, CPC): Mr. Speaker, on behalf of all Canadians, I wish to express my sincere condolences to the families and friends of the soldiers who died in Afghanistan.

Our thoughts are with Gunner Jonathan Dion of the 5e régiment d'artillerie légère du Canada who died on December 30, 2007; Warrant Officer Hani Massouh of 2 Battalion, Royal 22e Régiment, who died on January 6, 2008; Trooper Richard Renaud of the 12e Régiment blindé du Canada, who died on January 15, 2008; and Corporal Étienne Gonthier, of the 5e Régiment du Génie de Combat, who died on January 23, 2008.

We pay tribute to these brave Canadians. Thanks to their courage and that of their fellow soldiers, Canada is fulfilling with honour the UN-led mission to provide the people of Afghanistan the security they need for a better future.

Our thoughts and prayers are with the mourning families of those whose sacrifice was not made in vain.

* * *

[*English*]

HUMAN RIGHTS

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, this morning MPs gathered at a meeting on Parliament Hill in support of the UN Declaration on the Rights of Indigenous Peoples. The meeting was hosted by a group of organizations, including the Assembly of First Nations, Amnesty International Canada, the Inuit Tapiriit Kanatami, the Inuit Circumpolar Council, the Canadian Friends Service

Committee, KAIROS and the Native Women's Association of Canada.

Their voices were strong and unanimous in calling on the Government of Canada to fully implement the standards of the declaration adopted by the UN General Assembly on September 13 last year. As members of the House will remember, the declaration was passed by an overwhelming majority vote of 144 to 4, with Canada's Conservative government shamefully voting against rights for indigenous people.

The government must realize Canadians took pride in our reputation in the role we used to have as a human rights champion in the global community. It should take back this role and implement the UN Declaration on the Rights of Indigenous Peoples today.

* * *

• (1410)

[*Translation*]

BLOC QUÉBÉCOIS

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Mr. Speaker, over the past few weeks, a number of people have told me how tired they are of seeing the Bloc Québécois leader pat himself on the back over the same, old issues.

Quebeckers are fed up with seeing these opportunists treat them as though they were victims. The Bloc leader should admit that his time in Ottawa has been a failure. Even their head office is trying to take back some power by refusing to hold a referendum on separation.

He should also take off his blinders and acknowledge that we have a stronger Quebec and a better Canada with a Conservative government in Ottawa. Yet the Bloc Québécois wants to take us a step backward.

Last week, the Bloc rolled the dice and, with its Monopoly money, proposed a budget that would plunge the country back into deficit.

We simply cannot let the next generation take a step backwards, and we will ensure that our children and grandchildren have a bright future.

The Bloc can continue to deny its powerlessness, but the Quebec nation recognizes that, thanks to the Conservatives, Quebeckers are freeing themselves of this stumbling "bloc".

* * *

[*English*]

CITIZENSHIP AND IMMIGRATION

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, Chhaya Teliawala fell in love with a young man from New Delhi, got married and paid \$75 to sponsor her husband. Two and a half years later, her husband finally made it here. She is not alone.

Statements by Members

With a backlog of 850,000 applicants, thousands of ordinary Canadian families wait for years to see their parents and other loved ones. What a shame that is. Worse still, there are reports that the department is overcharging millions of applicants and has gouged them over \$700 million since 1998. The Liberals caused this mess with deep cuts in overseas offices while increasing application fees, and Conservatives do not seem to care.

Gouging millions from hard-working Canadians is simply unfair. The NDP demands that the minister either refund the money or use it to shorten the wait times to unite families. It is time for leadership.

* * *

[Translation]

SAUL ITZHAYEK

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, I am speaking on behalf of Saul Itzhayek, a Canadian citizen and resident of my riding, who has been languishing in an Indian jail for eight months on charges of entering India on an expired visa.

[English]

This is despite having been assured safe passage to retrieve his documents and belongings.

Municipalities in my riding have adopted resolutions calling for his release. Human rights NGOs have taken up his case. The government has pressed Indian authorities at the highest level and a distinguished interfaith delegation has come to Ottawa to press for his release as well.

Through you, Mr. Speaker, I say to the Indian government, as a fellow democracy and Commonwealth country, in the interest of our bilateral relations and having regard to the humanitarian dimension of this case and the anguish of Mr. Itzhayek's family and friends, send him back to Canada. It is the right and necessary thing to do.

* * *

[Translation]

STATUS OF WOMEN

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, this week marks the 20th anniversary of a very important ruling for women. In the Dr. Morgentaler case, the Supreme Court of Canada decriminalized abortion.

After a tough 20-year battle led by doctors and women's groups, this ruling finally allowed women to take control of their bodies and their pregnancies and to have access to safe abortion. Since then, they have had the freedom to choose.

That is why any threat by this Conservative government to limit the right to abortion is a direct affront to women's rights. Bill C-484 by the hon. Conservative member for Edmonton—Sherwood Park opens the door to criminalizing abortion.

We are against taking any steps backward. Abortion is a vested right ensuring the well-being and equality of women.

[English]

DIABETES

Mr. Lloyd St. Amand (Brant, Lib.): Mr. Speaker, Lynda Stockton is a devoted mother of two children who have diabetes.

Ms. Stockton is justifiably of the view that a Canada-wide policy should be implemented to ensure that the health needs of diabetic children are met when they attend school. Examples of the lack of awareness by some educators and school boards are frightening and obviously very worrisome for children and their parents.

I am calling on the Minister of Health to mandate a national policy consistent with the safeguards recommended by the Canadian Diabetes Association, a copy of which I have sent to the minister.

Kudos to Lynda Stockton for her leadership on this issue and her sensitivity to the needs of all children who live with diabetes. Canada's children deserve to attend school knowing that their health needs will be safely and properly accommodated.

* * *

● (1415)

JUSTICE

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, I would like to take this opportunity to remind Canadians that this government is taking action on tackling violent crime. Bill C-2 is our comprehensive legislation that will finally get tough on crime.

The proposed bill will impose mandatory jail time for serious gun crimes. It will toughen bail rules when a gun is used to commit crimes. It will increase the age of protection. The bill cracks down on drug-impaired driving. It ensures that dangerous offenders face tougher sentencing.

Liberals pretend to support this legislation, but the Liberal-dominated Senate is stalling, delaying and obstructing this much needed legislation, and the Liberal leader does nothing. It is time he got up off his hands and stood up for something. He does not listen to the Liberal Premier of Ontario. He does not listen to the people of Canada. His concerns about crime are all smoke and mirrors. It simply—

The Speaker: The hon. member for Rimouski-Neigette—Témiscouata—Les Basques.

* * *

[Translation]

ALZHEIMER AWARENESS MONTH

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, Ind.): Mr. Speaker, January is Alzheimer Awareness Month, and I would like to focus attention on the realities facing the friends and relatives of people suffering from this devastating disease.

Forgetting is a terrible thing, but being forgotten—suddenly realizing that we are no longer part of the memory of a person who has shared much of our life, a person who made us who we are—is even more difficult to cope with. When it is no longer possible to hear echoes of shared joys and pains in quiet moments together, it is hard not to feel unfairly rejected.

Day by day, as our loved ones slowly distance themselves, they begin to live lives in which we no longer play a role. As doors close day after day, the sense of loss deepens.

I would like to thank those who have been working so hard to understand Alzheimer's disease so that one day, it can be treated. They offer hope to those confronting the loneliness, confusion and uncertainty that accompany this terrible disease.

ORAL QUESTIONS

[*English*]

AFGHANISTAN

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the Prime Minister allowed his government to mislead Canadians on an issue as serious as torture. Conservatives even blame the military for their own failure of leadership. This is completely unacceptable.

Why will the Prime Minister not do what he should have done months ago: stop blaming others and take responsibility for his own decisions?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I am not sure what the hon. member is even talking about. We have one credible allegation against Afghan authorities in terms of prisoner abuse, an allegation that this government revealed publicly in the House of Commons.

In two years there have been all these attempts to write the Canadian Abu Ghraib story. The fact is there has not been a single credible allegation made against any member of the Canadian military, and that is something of which we are proud.

[*Translation*]

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, we have the utmost respect for the judgment of our officers in the field. The issue of whether or not to transfer detainees to a system where they might be tortured does raise questions of operational security, but it is first and foremost a human rights issue. It is a matter of principle, and responsibility for this ultimately rests with the Prime Minister himself.

Will he promise that, from now on, he will make such decisions himself and be accountable for them in this House and to Canadians?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, that is the reason this government created a new agreement with the Afghan government to monitor our prisoners and meet Canada's international obligations.

As we said, we have one credible allegation of abuse of a Taliban prisoner, an allegation this government revealed in the House, but

Oral Questions

there have been no allegations against Canadian soldiers in two years, and we are very proud of that.

• (1420)

[*English*]

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, when will the Prime Minister realize the buck stops with him on the leadership of this mission? He cannot scapegoat the military. This is completely unacceptable.

The Prime Minister announced the transfers would resume at some unknown time. What steps is he putting in place then? Does he even have a concrete plan to ensure that when the transfers resume, the torture will stop?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as I said earlier, we have a prisoner transfer agreement with the Afghan government that allows us to fulfill our international responsibilities to do surveillance, to ensure that there are inquiries when there are problems and that action is taken. That is what has happened.

The government has not attempted to scapegoat the military for anything. There is nothing to scapegoat the military for. Members of the military are doing a tough and dangerous job in Afghanistan. They are doing it in our interests. They are doing it with a United Nations mandate and in the interests of the Afghan people. They deserve to be congratulated for everything they have done.

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, yesterday the Prime Minister said that he accepted the broad recommendations of the Manley report. I wonder whether he accepted the scathing criticism of his leadership.

The Afghan mission cannot be delegated to an assistant deputy minister, no matter how hard he works. When will the Prime Minister address this failure? Specifically, when will he grab hold of the mission, show prime ministerial leadership and end the departmental dysfunction that has plagued this mission on his watch?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the report of the former deputy prime minister was a strong and balanced report. It does lay out some criticisms of all the governments that have handled this mission. However, it does point out also that on all these various things governments have been making progress under very difficult circumstances.

Obviously the prime minister is ultimately responsible for everything in the government. However, let me assure the hon. member that not only ministers and officials at all levels, but literally hundreds of thousands of Canadian government officials and military people are involved in making this mission a success. That is what we are going to continue doing.

[*Translation*]

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, the Manley report criticized the Prime Minister's lack of leadership on Afghanistan. We have noticed the same thing from the start: ministers contradicting each other, confused messages, management chaos.

Oral Questions

What specific changes in managing the mission will the Prime Minister propose in order to respond to these specific criticisms of his lack of leadership?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the Manley report is a very balanced report that recognizes not only the difficulties of the mission, but also the progress that has been made on many fronts.

I can assure the hon. member that the government intends to continue working alongside its allies to achieve success in Afghanistan.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the government has already developed new strategies for getting around the problem of transferring Afghan detainees. In some cases, detainees captured by the Canadian army will be held at the base in Kandahar, and in other cases, the Canadian army will let the Afghan army capture the Taliban. The Canadian army has officially stopped transferring detainees to Afghan authorities on suspicion of torture.

Will the Prime Minister admit that by allowing the Afghan army, instead of the Canadian army, to capture the Taliban, the result is the same, in other words, the risk of torture remains and Canada is washing its hands of it?

• (1425)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I cannot comment on the details of this report. I can say that this report states that I had a telephone conversation with General Hillier last week, when in reality, I have not received any telephone calls from General Hillier in the past few weeks.

One must be careful in assuming that these anonymous allegations are true. We are training the Afghan forces to assume responsibility for their country, as the Bloc asked.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, they are not being trained; they are being allowed to do as they please. The Canadian government has suspended the transfer of detainees to Afghan authorities because of a risk of torture, which goes against the Geneva convention. The government said so; it cannot deny it now.

Does the Prime Minister realize that by making the Afghan authorities responsible for the detainees, under the pretext that he is showing them how to handle detainees, he is being complicit and is violating the Geneva convention since there is a risk of torture because of the suspension of official transfers and leaving the authorities unchecked?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, obviously as the Afghan forces assume more and more responsibility in the mission in their country, they are also taking responsibility for various aspects of the mission. That is the opposite of what the leader of the Bloc said.

The Canadian Forces have always respected their international obligations under the agreement we signed with the Government of Afghanistan. We should be congratulating the Canadian Forces for their performance in fulfilling these obligations.

Mrs. Vivian Barbot (Papineau, BQ): Mr. Speaker, it is interesting to see the reaction of the Conservative government regarding the transfer of Afghan prisoners. First, they did not know.

Then they knew, but they were hiding it. Now, we learn from a government lawyer, apparently acting on his own, that there have been no transfers of prisoners since November 5.

Just like what happened in the United States with Bush's 534 lies about Iraq, is this not a campaign to fool Quebeckers and Canadians about the true fate of Afghan prisoners?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, that is untrue. The government never hid information about the mission in Afghanistan. The Minister of Foreign Affairs provided information to the House of Commons about an allegation against an Afghan prison representative. We provided this information immediately.

It is true to say that the processes and agreements are working. They are working for us, for the protection of the armed forces and for the prisoners.

Mrs. Vivian Barbot (Papineau, BQ): Mr. Speaker, can the Minister of Foreign Affairs stand up and tell the House that the Canadian armed forces have never, since transfers stopped, been complicit in letting the Afghans take prisoners who risked being tortured? Can he guarantee that the spirit and the letter of the Geneva convention have been respected at all times and will continue to be respected?

Hon. Maxime Bernier (Minister of Foreign Affairs, CPC): Mr. Speaker, as I told the House yesterday, when we uncovered a probable instance of abuse, we informed the House. We took action. My department's officials took action and the Afghan government took action.

In fact, the Afghan government is currently conducting a thorough investigation of this case. We have an agreement that is working, and the armed forces have the discretion to apply this agreement in the field.

[English]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, Canadians know that the British have 127 detainees, that the Dutch have 59 people that they have captured. We know how many the Americans have. How do we know these things? Because their governments make it public.

What does our government do? It hides the information. The Prime Minister says that it would imperil national security. Is he saying that the British, the Dutch and the Americans are imperilling their national security by releasing information about their detainees to their public? Is that what he is saying?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I guess what it means is that Canada makes its own policies.

These are operational matters of the Canadian military. If the Canadian military choose to reveal that information, that is their decision, but the government certainly is not going to reveal it on their behalf.

Oral Questions

● (1430)

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, it is an outrage that the government will not come clean and tell the truth about what is going on in Afghanistan when the governments of other countries will do so for their citizens.

For example, we learned that the detainees are being kept on the Kandahar airfield, not from our government but from anonymous news sources through newspapers. It is simply not acceptable.

The Prime Minister said that he supported the Manley report. Is that so? Here is what it says. It wants a communication strategy of open engagement with Canadians.

When can Canadians expect the Prime Minister to start to be truthful about what is going on?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the leader of the NDP could do better than rely simply on anonymous sources to ask his question. For instance, these anonymous sources say that I had a telephone conversation on this subject with General Hillier last week. In fact, I have not had any telephone conversation in the last several weeks with General Hillier.

I did talk to General Hillier last week, not about prisoners, but about the Manley report and also to wish him well on the well-deserved vacation with his wife in the Caribbean. He deserves it.

Mr. Speaker, I also want to take a moment to congratulate you—

The Speaker: The hon. member for Bourassa.

[*Translation*]

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, he seems to be digging himself deeper and deeper into the hole. We now know why we saw a different version last Friday, when his director of communications said she was mistaken.

General Hillier called the Prime Minister because, with good reason, his own Minister of National Defence is not there to protect the troops. Once again, our soldiers have become the scapegoats in this affair. It is time to assume some responsibility and stop blaming others.

First of all, have we had any prisoners since November 5? Second, why did the Prime Minister fail to tell Canadians that his government prefers that our soldiers circumvent the detainee agreement and allow the Afghan national army take care of its own prisoners?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, the Government of Canada has not changed its position. I have not changed my position.

[*English*]

There is a change, however, when it comes to the position of the member opposite. He now appears to be quite interested in protecting the reputation and well-being of General Hillier, but it was just a short time ago that he said, “I never thought I would see the day when the general and the Canadian army would be a prop for the Government of Canada”. That is what he said.

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, from Mr. Scapegoat we deserve better.

Our military men and women put their lives on the line every day for our country but Canadians cannot get the truth from the government. That is the issue.

Yesterday the Prime Minister said the transfer would resume, but he gave no details. Maybe he could tell Canadians, is it now the practice of Canada to sidestep the transfer agreement by allowing the Afghan national army to take prisoners directly and avoid transfers?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, quite simply, no, that is not the practice of the Canadian army. Again, these decisions are made at an operational level within the chain of command in Afghanistan. We, of course, set the policy. The government relies heavily on and supports the decisions made by generals and those in command in Afghanistan.

What we will not do is take lessons on patriotism or military operations from a man who made up his mind about the mission, went to Afghanistan and hung out at Tim Hortons.

Some hon. members: Oh, oh!

The Speaker: Order. If members want to carry on discussions at Tim Hortons, go ahead. We do not need them in here. We need some order. The member for Kitchener Centre now has the floor. We have moved on.

* * *

NATIONAL DEFENCE

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, leadership requires honesty. Yesterday, the Prime Minister stated that the medium lift helicopters and the unmanned aerial drones were already on order.

If the Prime Minister is telling the truth to Canadians, will he table here in the House today the contracts that the government has already signed to obtain the equipment?

● (1435)

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, the Government of Canada, the Department of National Defence in conjunction with the Department of Public Works as well as Industry Canada are working at an accelerated pace to secure this important information on unmanned aerial devices as well as Chinook helicopters. We have already well begun the procurement process.

We hope, in keeping with the recommendations of the Manley report, to have that equipment soon. I can assure the House that this process is well under way.

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, we know for a fact that neither contract has been signed. We also know that there is no agreement in place to obtain the helicopters' unmanned drones for our soldiers in Afghanistan.

Leadership requires honesty. The Prime Minister is failing Canadians.

Oral Questions

Why did the Prime Minister tell Canadians that the helicopters and drones were already on order when he knew this was not true? When will Canadians get the simple truth from the government?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, here is the simple truth. We have budgeted for these items. We have budgeted for UAVs. We have budgeted for the necessary helicopters. As I said, the procurement process is well under way.

Here is the other simple truth. The party opposite when in government starved our military. We saw our military rusting out and caving in. We saw members leaving because of the neglect and the absolute ignoring of their needs by the party opposite when it was in government. That is the simple truth.

* * *

[*Translation*]

MANUFACTURING AND FORESTRY INDUSTRIES

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, yesterday, the Premier of Quebec demanded increased assistance for the manufacturing and forestry sectors. I quote: “—this federal payment should be introduced into Parliament immediately and not be subject to the approval of a federal budget”.

Following his economic statement, the Minister of Finance did not wait until the next budget to try to pass his tax measures. Since there is nothing to stop the government from taking immediate action, especially considering the \$11.6 billion surplus expected this year, what is the Minister of Finance waiting for to introduce a bill to immediately implement a better assistance plan, which the manufacturing and forestry sectors so desperately need?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the hon. member asked a question about a community development trust. The government has no reason to delay granting this money.

However, we are currently in the process of signing agreements with the provinces. With those signatures, the conclusion of those agreements and the support—I hope—of all parties of the House, we will be able to move forward.

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, during his announcement, the Prime Minister made unacceptable links between that announcement and the budget vote.

Does he now reject that position? Will he have more sympathy from now on for the tens of thousands of workers in the regions hardest hit by the crises in the manufacturing and forestry sectors? Will he introduce this improved assistance plan proposed by the Bloc Québécois without further delay? The government must not wait until budget time to free up the money that the regions need immediately.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, quite simply, the Bloc Québécois was asking for this assistance for this sector. The government fulfilled its obligations set out in the throne speech to provide this assistance.

The only decision still left up to the Bloc is whether to support or oppose this assistance. I hope it will support it.

* * *

EMPLOYMENT INSURANCE

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, today Statistics Canada reported that manufacturers themselves plan to cut back their production and increase layoffs in the next three months. The crisis is worsening and thousands of workers will lose their jobs.

The government has a number of options, including modernizing the employment insurance program and creating a special \$1.5 billion reserve to counter the anticipated recession.

Does the government intend to follow up on these suggestions and improve the existing employment insurance scheme?

[*English*]

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, I think every member in the House is concerned for the well-being of workers who are facing layoffs around this country, but the good news is that overwhelmingly the economy is extraordinarily strong. Jobs are being created.

That said, we did commit in the budget to improving the governance and management of the EI account. I point out that last year we spent \$4.4 billion through employment insurance in Quebec. We have supplemented that with all kinds of new training arrangements, with \$3 billion in new training arrangements across the country and \$800 million a year more in support for post-secondary education so people can get skills.

* * *

● (1440)

[*Translation*]

OLDER WORKERS

Mr. Yves Lessard (Chambly—Borduas, BQ): There is a problem that education and retraining will never be able to handle: the case of older workers, with little education and for whom existing programs are of no use. In recent months, the tabling of a report has been delayed at least twice. These older workers have been waiting long enough.

Will the minister take responsibility and establish a real income support program for older workers, commonly known as POWA?

[*English*]

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, I am shocked at how little faith the member has in the people of Quebec. The truth is that these training arrangements are put in place so that people who do not necessarily have the skills can get the skills and step into other jobs or other sectors.

Oral Questions

The good news is that this is exactly what they are doing. In Quebec they are enjoying extraordinary success. Older workers made up more than 50% of all the successful job applicants in the last year. I say to the member that he should have some faith in the people of Quebec. This government does.

* * *

CHALK RIVER NUCLEAR FACILITIES

Mr. Omar Alhabra (Mississauga—Erindale, Lib.): Mr. Speaker, the Conservative government has the AECL fiasco backward. The Conservatives fired the nuclear safety regulator for doing her job and protected the minister for failing to do his job.

Now the Minister of Natural Resources wants the nuclear safety regulator to have the commercial success of the companies he or she is regulating trump nuclear safety, so I have a question for the minister. In his fantasyland, who is responsible for nuclear safety: is it the minister, or is it the Prime Minister?

Hon. Gary Lunn (Minister of Natural Resources, CPC): Mr. Speaker, I want to stress that all of my actions were completely within my authority, in concert with officials in my department, to resolve this issue. The facts are that the former president did not want to use her executive powers to resolve this, and ultimately put people's lives at risk.

Ultimately we had to bring a bill before Parliament, which every single member in the House supported, to ensure that Canadians did not need to die. That was not something the government was prepared to accept.

Mr. Omar Alhabra (Mississauga—Erindale, Lib.): Mr. Speaker, Canadians are still waiting for that minister to drop his rehearsed line and answer the serious questions.

Last night on television, Brian McGee, who is a senior official at AECL, said, "I'm accountable and responsible for this". It is a breath of fresh air that the minister can learn from.

Now AECL is admitting responsibility. The minister himself said that in a phone conversation with the regulator on December 5. When will the government practise true accountability rather than seek scapegoats?

Hon. Gary Lunn (Minister of Natural Resources, CPC): Again, Mr. Speaker, the facts are very clear in this situation. We had to act. The former president had a number of options available to her to resolve this issue. She chose not to act. Those facts were clear.

This matter was brought before Parliament and ultimately it took this Parliament, every party and every single member, to support Bill C-38 so that the reactor could resume operations and Canadians' lives did not need to be put at risk unnecessarily. This government acted and did what it had to do.

* * *

GOVERNMENT APPOINTMENTS

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, there is a chilling pattern developing in this Conservative government: the nuclear safety president, fired; the president of the Canadian Wheat Board, fired; the ambassador for the environment, fired; the Law Commission president, fired; and the ethics commissioner, fired.

What do all these people have in common? They were fired by the Conservatives for applying the law. My question for the Prime Minister is very simple: who is next?

• (1445)

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Really, Mr. Speaker, there was a higher authority making the decisions two years ago in January: the Liberal Party was fired.

[Translation]

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, the list is getting longer. The former Chief Electoral Officer was fired. The Ombudsman of the Department of National Defence and the Canadian Forces, the Information Commissioner, and the Chairman of the Immigration and Refugee Board were all forced to resign.

The current Chief Electoral Officer and the Commissioner of Official Languages have taken the Conservative government to court. Will they be next to be blackballed by the Conservatives?

[English]

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, Jean Pelletier was fired. Chuck Guité was fired. Alfonso Gagliano was fired. All of them were fired.

* * *

[Translation]

PUBLIC SAFETY

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, as we can see, the Liberals talk a good talk, but they do not walk a good walk when it comes to fighting crime in our country. As for the Bloc Québécois, it is going around empty handed of course and unable to do anything, because it will forever sit on opposition benches.

By contrast, our Conservative government is working in the best interests of Quebeckers and all Canadians. It is showing leadership and it is taking concrete measures to prevent criminal acts.

Could my colleague, the Minister of Public Safety, explain the concrete measures that the Canadian government is taking to prevent criminal acts in our communities?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, our government is indeed taking concrete measures to ensure that our communities are safe. The measures announced today target people who are at risk, particularly young people.

We are going to give our support to 5,000 young people who are at risk, so that they can make the right choices, the choices that will prevent them from engaging in criminal activities.

Oral Questions

[English]

CHALK RIVER NUCLEAR FACILITIES

Ms. Catherine Bell (Vancouver Island North, NDP): Mr. Speaker, a world-renowned academic who studies supply management of nuclear products has told the NDP that several reactors were able and willing to supply Canadian doctors with the isotopes they needed.

Dr. Alan Kuperman at the University of Texas says that a reactor in Belgium was operating at only 40% capacity and that South Africa also had additional capacity to produce the isotopes the minister claimed were nowhere to be found.

When was the minister aware additional capacity to create medical isotopes was available to Canada and why did he not tell the House during committee of the whole?

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): In fairness, Mr. Speaker, just as I answered her question at committee just a few minutes ago, in fact we were in contact with all the additional suppliers of radioisotopes.

The problem was that the European suppliers could only add 10% to 15% more to supply and then only at the end of December. We had to act in early December. We had to pass this legislation in mid-December to protect the lives and safety of Canadians. We did the right thing.

Ms. Catherine Bell (Vancouver Island North, NDP): Mr. Speaker, it is unfortunate that the government did not act sooner.

Dr. Kuperman is senior policy analyst for the Nuclear Control Institute in Washington. He and other sources say the facts are clear: at least two reactors, one in South Africa and one in Belgium, could have prevented a critical shortage of medical isotopes. In fact, both reactors stepped up production due to the Chalk River shutdown.

When was the government aware of the available isotopes? Why did it not purchase a supply? Why was the fact that Belgium and South Africa were ready to help not presented to the House of Commons?

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, as I said during committee, we did contact the Belgians. It was in fact clear. We contacted them on December 7 and December 10. We had a conference call with all of the European suppliers. It became clear that they could not supply Canada with the radioisotopes in the quantities we needed. The hon. member mentioned South Africa. South Africa's reactor was closed during this crisis.

We left no stone unturned to protect the health and safety of Canadians. It became clear that the only way to react, the only way to save the lives of Canadians, was to restart the NRU reactor. We acted. We showed leadership. We did it for the health and safety of Canadians.

● (1450)

FORESTRY INDUSTRY

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, for two years the Conservative government did nothing to help the forestry sector despite closures, layoffs and crises. The only action it took was to scrap the Liberal forestry fund, only to replace it two years later with a smaller fund aimed at covering all industries.

Will the government immediately reinstate the \$1.5 billion Liberal forestry fund to help give real hope to forestry workers and their communities?

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, it is not correct to say that the government has taken no action. That is simply not the case. This government, from the time that it has come to office, has been in action with respect to Canada's fiscal framework and with respect to our competitiveness.

We have lowered personal income taxes. We have lowered corporate income taxes. We have lowered punitive income taxes on investment. We have lowered consumption taxes. We have reduced government debt. In particular, the targeted initiative for older workers has special application, with \$72.5 million for the forestry sector. We appreciate the difficulties of individuals in the forestry sector and we are taking action.

[Translation]

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, yesterday, the Minister of Industry said that it was not his responsibility to help workers who lose their jobs.

According to the minister, it is merely a matter of "structural adjustments". What arrogance. What ruthlessness.

Will the minister apologize for his arrogance to the millions of workers in the manufacturing and forestry sectors who have lost their jobs?

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, we announced a \$1 billion community development trust fund.

[English]

We continue to work on all of the issues that affect the forestry sector. The softwood lumber agreement in particular has provided a framework to get on with developing the lumber industry. We continue to work on all of the other areas I have spoken about. This industry will be strong in the future of our country.

* * *

INDUSTRY

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, the Conservative government's plan for troubled industries is pathetic. Workers will not receive any assistance until they are permanently laid off. This is a brutal failure of leadership. The Conservatives are simply giving up on industries and killing off communities.

Will the government set out a clear strategy to renew industries such as forestry, fishing, livestock and manufacturing? Or will it just continue with its laissez-faire attitude of “I don't care”?

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, there is not a parliamentarian in this House who is not concerned when a Canadian worker loses his or her job.

Last week, for example, I was on the floor of factories across this country talking to Canadians who take pride in the work they have and who take pride in the opportunities they have. They know that if Canadians have the opportunity to compete we can succeed.

The government has been focused on creating a strong economy for Canadian jobs and that, frankly, is why we differentiate ourselves from some of the other countries that face difficulties as the American economy begins to slow.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, the Conservative government is playing politics with workers' livelihoods. It threw together a half-baked measure without consulting any of the provinces or a single industry.

Now it is blackmailing Canadian workers because the promised money will flow only if the budget passes. This is a total fraud. There is no such legal or parliamentary requirement. Why will the government not introduce its legislation right now, today?

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, as was indicated yesterday in the House and as the Prime Minister indicated today, we will continue to work on the community trust development. We will continue to put in place the agreements across Canada with all of the premiers so that these dollars can be expended to aid workers and to aid communities that are in transition. That is the purpose of the fund. The government is listening to Canadians. It is listening to workers who need help.

I would encourage the Liberals to show up when some of these financial measures are voted on in the House.

* * *

[Translation]

TRANSPORT

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, for two months every winter, Magdalen Islanders are cut off from their ferry service. The department has known about this problem for several years now, so the current Minister of Transport, Infrastructure and Communities cannot plead ignorance. Last week, the minister refused to act, claiming that there was no money to do anything, and yesterday, he said it was too late to do anything about it this year.

How will the minister, who has been on the job for two years, explain to the Magdalen Islanders that once again, they will have no access to a maritime link for two long winter months? He must take action now.

• (1455)

Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I would like to thank the member for his question. As a matter of fact, we have taken action. In June, I met with municipal officials from Cap-aux-Meules, and we agreed to implement a work plan. The member knows that.

Oral Questions

Reports were completed in September, and the final report was submitted in December. In my correspondence with the mayor, Mr. Arseneau, I indicated that the government intends to go forward with this issue and to be in a position to offer a service beginning next year as a pilot project.

* * *

THE ENVIRONMENT

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, by refusing to provide the raw data from two studies on soil contamination, in Shannon, by the noxious solvent TCE, the federal government is obstructing the class action brought against it by citizens aggrieved because of its negligence.

Will the Minister of National Defence recognize that his government's attitude to this issue is totally unacceptable and, in the name of transparency and justice, will he commit to provide the plaintiffs with the documents they need to prepare their case properly?

I hope this question is not a matter of official secrecy for the minister.

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): First of all, Mr. Speaker, this is no laughing matter; it is a very serious issue.

Second, I have met the mayor of Shannon together with my colleague, the hon. Minister of Canadian Heritage, Status of Women and Official Languages.

Finally, we have a clear understanding of the situation. There is a plan in place, which is to continue to work with the community in Shannon and work toward a solution to this issue with the water.

[English]

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, the Prime Minister's failure to provide national leadership on climate change is staggering. It is bad for the environment, bad for business and bad for Canadians.

Just last week the Government of Alberta said that it would allow emissions to rise until at least 2012, while Quebec, B.C. and Ontario's overtures to partner with our national government were rejected out of hand. Now Tom D'Aquino says that businesses are being badly hurt because the Conservative government is missing in action.

Is the minister now hiding, as he did in Bali, or is he intentionally dividing our country to cover up the fact that his plan is now completely discredited?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, the challenge of global warming requires action from federal and provincial governments. It requires action from all Canadians, from industry alike. We are committed to working constructively and to bringing forward national regulations to require that emissions be reduced. We want to see an absolute reduction of 20% by 2020.

Oral Questions

We are working hard to get the job done, something that did not happen over the many years that the Liberal government was in power.

* * *

HUMAN RIGHTS

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, Canada has already withdrawn from the conference on racism scheduled for Durban in 2009.

Unfortunately, the last conference degenerated into controversy and disappointment, with open displays of anti-Semitism and anti-western rhetoric. Sadly, Durban 2009 appears to be headed in the same direction.

Canada, meanwhile, will seek full membership on the international Holocaust task force. In the past, Liberal governments paid for NGOs to travel to the Durban conference.

Could the Secretary of State advise Parliament as to whether Canadian taxpayers will be subsidizing NGO travel to the misguided Durban initiative?

Hon. Jason Kenney (Secretary of State (Multiculturalism and Canadian Identity), CPC): Mr. Speaker, the government was proud to announce last week that Canada will not be participating in the racist Durban process. I am further pleased to confirm today that we will not subsidize NGOs to attend the Durban conference.

I want to know what the real position of the Liberal Party is on Durban because its foreign affairs critic endorsed the government's principled decision but its justice and public health critics opposed it and said that we should be at the table in Durban.

The organization formerly headed by the member for Mississauga—Erindale viciously attacked our decision to pull out of the racism conference in a news release that spoke of “the racist Israeli government”. What is the Liberal Party's real position?

* * *

MANUFACTURING INDUSTRY

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, new Statistics Canada data released today confirm another hit for middle class working families. Fully one-third of the manufacturing sector is planning to reduce production while one in five employers will kill jobs. This is on top of the 200 jobs lost each day in the manufacturing sector, but the government is forcing communities to wait.

If the government cared half as much for hard-working families as it does for the banks and the oil companies, why would it not bring forward the community development trust today and let Parliament get relief into communities now?

• (1500)

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, thanks to the almost two years of a Conservative government led by Prime Minister Harper, Canada has very strong—

Some hon. members: Oh, oh!

Hon. Jim Flaherty: —economic fundamentals. These fundamentals are vitally important in terms of job creation in Canada. We

have had solid job creation in every region of Canada over the course of the past two years.

Yes, there is an economic slowdown in the United States but we anticipated that slowdown. We were ahead of the curve last year with the accelerated capital cost allowance in March 2007, and over the course of the next two years 100% writeoff for new machinery and equipment.

* * *

AUTOMOTIVE INDUSTRY

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, Ford Motors is warning that the opportunity in Windsor is fleeting unless action is taken now. To get the Essex engine plant up and operating, it will need a partnership with the federal government. The Minister of Finance says no but the Minister of Industry says that the money is in the blackmail billion.

Let us get this straight. They are willing to fund the project after it is lost. I am sure that when the plant is developed in China, they will probably get an invitation to the ribbon-cutting ceremony.

It is important to note that the Conservative tax cuts have not worked. What has happened is that industry leaders and unions have called for action right now. When will the government take action to prevent these job losses and have investment in our country as opposed to losses?

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, the NDP, of course, is all strategy and no action.

The government has been taking action. The government has been working together with the auto industry with respect to the assembly industry and the parts industry, very serious work with respect to infrastructure, the Windsor-Detroit bridge crossing, work on regulatory harmonization, work as well on fuel consumption standards and smart fiscal policy.

Those are the kinds of initiatives that will make this industry competitive so that Canadians can continue to do what they have always done, which is to be exceptional in the assembly of automobiles.

* * *

[*Translation*]

THE ENVIRONMENT

Hon. Diane Marleau (Sudbury, Lib.): Mr. Speaker, all those who have reviewed the Conservatives' climate plan say that it will not achieve its targets, which are already low. Canadians are disappointed and worried. The Conservative government is showing cowardice by failing to carry out its responsibilities.

When will it listen to experts, to premiers and to Canadians? When will it show some leadership regarding the environment?

[*English*]

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, we are committed to taking real action to fight global warming because it is tremendously important, but to do that we need to work constructively with the provinces.

One provincial premier, Gary Doer of Manitoba, said that it was significant to have a federal partner.

Another premier, in a letter to the Prime Minister, said, "I would like to thank you for the important steps you have taken to address climate change by supporting provincial efforts". Do members know who said that? A Liberal member for Ottawa South by the name of D. McGuinty, the Premier of Ontario.

* * *

ABORIGINAL AFFAIRS

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, in just two years our government has made significant improvements in the lives of first nations people. We are moving to reduce the backlog of specific claims. We are moving toward a fair and lasting resolution for former students of residential schools. We also are moving to ensure that first nations have the same human rights all Canadians enjoy, but sadly, that is being blocked by the opposition.

The national chief and other aboriginal leaders have told us that water is a fundamental issue that needs addressing and yet, after 13 years in government, the Liberals did not get it done.

What will the Minister of Indian Affairs do to improve drinking water conditions on first nation reserves?

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, in 2006 this government announced the plan of action for drinking water and I am pleased to say that we are seeing real results.

After 13 years of Liberal policy, we inherited, shockingly, 193 high risk drinking water systems and we have already reduced that to 85, which is more than half. We also inherited 21 priority communities that were desperate and we have already taken 15 of those communities off the list.

We have also put in place a protocol for safe drinking water with mandatory training and oversight for certified operators. In fact, even my critic, the member for Winnipeg South Centre, said that she was pleased that the government was making real progress on water. She is right. After years of neglect, we are getting it done for the first nations.

• (1505)

The Speaker: The hon. member from Mississauga—Erindale is rising on a question of privilege arising out of question period and I will hear him now.

* * *

PRIVILEGE

ORAL QUESTIONS

Mr. Omar Alhabra (Mississauga—Erindale, Lib.): Mr. Speaker, we know the Conservative government has a pattern of smearing members of Parliament. We know this junior minister has a particular pattern in smearing and stereotyping communities.

In his response to a question that was directed to him in question period, he associated me with a statement. I do not know where he

Privilege

came to the conclusion that I had anything to do with this statement. This was a racist statement with which he associated me.

I am sure, Mr. Speaker, you do not accept such statements being said in the House without evidence or justification. I would ask you to ask the member to provide evidence why he is associating me with that statement in this House.

Hon. Jason Kenney (Secretary of State (Multiculturalism and Canadian Identity), CPC): Mr. Speaker, I am entirely certain that the blues will reflect that what I said was that the organization formerly headed by the member for Mississauga—Erindale viciously opposed this government's decision to withdraw from Durban. I went on to cite part of the press release issued by that organization. It is called the Canadian Arab Federation and the operable statement says:

We would also like to remind [the secretary of state] that he is a Minister of the Canadian government, not the racist Israeli government—

I understand that the member opposite was a president of this organization. If I am mistaken, I would be happy to withdraw my statement, but I believe it is a matter of fact and I will not retract facts.

The Speaker: The hon. member for St. Paul's is rising on the same point or another one?

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, it is a different one, but it is the same parliamentary secretary I am afraid.

He has again misled the House in terms of my position on the government going or not going to the prep meetings for the Durban conference.

It is quite clear that I appeared on television conflicted and repeating the good work that the minister had done in Durban in 2005 in terms of moderating the panel. I then clarified it in my blog that afternoon in terms of admitting that it was a very difficult decision, but I agreed with our leader and the foreign affairs critic. I would expect the parliamentary secretary to withdraw his comments.

Hon. Jason Kenney (Secretary of State (Multiculturalism and Canadian Identity), CPC): Mr. Speaker, it sounds like it was the member for St. Paul's who had to withdraw her comments after she made them. I know the member for Wascana gets a little concerned whenever I cite anything from my BlackBerry, so I am—

Hon. Ralph Goodale: Table it.

Hon. Jason Kenney: There we are, Mr. Speaker.

I am trying to produce a hard copy just to satisfy the distinguished opposition House leader, but I do have here a transcript of the member for St. Paul's appearing on the Michael Coren show last week in which she said, "And if we are not there, how do we stand up?"

I reasonably inferred from that, that she thinks we should be there and that is presumably why she had to clarify the matter on her blog.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, the Secretary of State for Multiculturalism in the same statement where he impugned the integrity of two Liberal members here also made mention of the justice critic.

Speaker's Ruling

When he referred to the justice critic, was he referring to me because I held that position right up until Wednesday of last week? I can assure this House and all Canadians that I have never disagreed with the decision of the current government not to participate in Durban II.

I have been a vocal critic of Durban I, precisely because of the racism that took place there. I am a former chair of the Canada-Israel parliamentary committee. I am a former vice—

Some hon. members: Oh, oh!

• (1510)

The Speaker: Order. I think the question was whether she was the one referred to by the secretary of state and I do not think we need to go through all the details of every case here.

In fact, I am not sure these are questions of privilege at all. I can see obviously some members may feel they have been misquoted, but heavens, that does happen from time to time. The hon. secretary of state may wish to clarify this point and then I think we are going to move on.

Hon. Jason Kenney (Secretary of State (Multiculturalism and Canadian Identity), CPC): Mr. Speaker, I referred to the Liberal justice critic who I understand is the member for Beauséjour. I was on a panel with him last week where he said that Canada should be at Durban. What we really have here is a party that likes to send different messages to different people. Right now, they are being hoist on their own petard.

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I have a very important point of order arising out of question period.

Mr. Speaker, today is a very significant day. I know that the Prime Minister was cut off when he was attempting to congratulate you on your seventh anniversary of your service as Speaker. I know in your humble way you were embarrassed and wanted to cut him off.

However, I want to convey on behalf of all members of the House our congratulations to you on that occasion.

Some hon. members: Hear, hear!

The Speaker: I thank the government House leader for his kind remarks.

I cut the Prime Minister off because his time had expired.

[*Translation*]

Does the hon. whip of the Bloc Québécois wish to make a speech or say something now?

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, I do not wish to make a speech but, rather, to rise on a point of order. Earlier, during oral question period, when he was replying to a question, the Minister of Finance called the Prime Minister by his name. Considering his experience in this House, not to mention the fact that he also sat at Queen's Park, he should know that it is prohibited in this House to call members by their surname.

I would ask the Minister of Finance to apologize for this blunder.

The Speaker: The hon. whip of the Bloc Québécois is absolutely right, but I have already indicated to the minister unequivocally that he made a mistake. While it was a minor one, I hope he will not make it again.

[*English*]

I can see that the whip of the Conservative Party has spoken to the Minister of Finance and you can almost see the lashes on his back, but I do not think this is going to be a problem.

However, I thank the member for raising the issue. I am sure the minister will behave in future.

Is the hon. member for Winnipeg South Centre rising on a point of order also?

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I have a question of privilege.

While we are dealing with issues of misleading the House with false quotes, I want to read into the record the correct quote as stated by the Minister of Indian Affairs and Northern Development:

[The] Liberal Indian Affairs critic said she's pleased to see the government is making progress on water issues. However, she reiterated her party's concern that the Conservatives have made water a priority at the expense of other pressing on-reserve needs, such as housing and schools.

I can read on, but it is again another quote out of context.

The Speaker: The Chair is not entirely convinced that members being misquoted are questions of privilege. They are certainly matters of debate. Heaven knows it does happen from time to time in the House, dreadful as it may sound.

I encourage hon. members, of course, to check the documents they are quoting from to make sure that the quotes are accurate and that they are attributed to the right person. Sometimes even the Chair gets mixed up on who should have been recognized and who has not.

* * *

[*Translation*]

POINTS OF ORDER

BILL C-3 — IMMIGRATION AND REFUGEE PROTECTION ACT — SPEAKER'S RULING

The Speaker: I am now prepared to rule on the point of order raised on December 13, 2007 by the hon. member for Joliette concerning a proposed report-stage amendment to C-3, An Act to amend the Immigration and Refugee Protection Act (certificate and special advocate) and to make a consequential amendment to another Act.

I thank the member for Joliette and the Parliamentary Secretary to the Leader of the Government in the House of Commons for their interventions. I am aware of the particulars of this case, since the hon. member for Marc-Aurèle-Fortin was courteous enough to inform me of them in a letter that he wrote to me earlier, in December.

Privilege

● (1515)

[English]

Let us review the events that have brought us to this point today. The hon. member for Marc-Aurèle-Fortin proposed the amendment in question during clause-by-clause consideration of the bill in committee.

The amendment was ruled inadmissible by the committee chair on the grounds that it was beyond the scope of the bill. It was contended that on the contrary his amendment was within the scope of the bill because it simply expanded the appeal provision already contained in the bill.

The hon. member therefore appealed the ruling which was however sustained by a majority of the committee members.

[Translation]

As the hon. members know, at report stage, the decision with respect to the admissibility of motions rests with the Speaker of the House. Therefore, when the hon. member for Marc-Aurèle-Fortin submitted the same amendment to Bill C-3 at report stage, I too had to consider the matter of admissibility. With regret, I had to inform the member that, in my opinion, the amendment was indeed inadmissible on the same grounds, namely that it was beyond the scope of the bill.

I would like to take a moment to explain the reasons that led me to that conclusion. In essence, what we are dealing with is the distinction between the principle of the bill and its scope. The principle refers to the purpose or objective of a bill, while the scope refers to its legislative scheme or the mechanisms that will give effect to the principle, purpose or objective of a bill. In the case of Bill C-3, the principle with which we are concerned is the right to appeal. The scope of this right to appeal is set out in clause 4 of the bill, more specifically in lines 35 to 39 of page 3, where we read the following:

An appeal from the determination may be made to the Federal Court of Appeal only if the judge certifies that a serious question of general importance is involved and states the question.

Admittedly, the hon. member's amendment deals with this same principle, namely the right to appeal, but where it goes beyond the scope of the bill is in relation to the conditions under which the appeal may be made. More specifically, the amendment would allow the appeal to be based on a question of law, a question of fact, or both. In my opinion, this goes beyond "a serious question of general importance". I would point out that the hon. member for Marc-Aurèle-Fortin himself has stated that the effect of his amendment is to expand the principle of the right to appeal. Consequently, even if the principle remains the same, its scope is clearly expanded.

[English]

Last, I refer the hon. member to page 654 of *House of Commons Procedure and Practice* which states:

An amendment to a bill that was referred to a committee *after* second reading is out of order if it is beyond the scope and principle of the bill.

[Translation]

I appreciate that this is a matter of some importance to the hon. member, but for the reasons just given, I am not able to accede to the hon. member's request.

[English]

I believe the hon. member for Scarborough—Rouge River has a submission to make on a question of privilege that was before the House earlier today.

* * *

PRIVILEGE

ALLEGED IMPEDIMENT IN THE DISCHARGE OF A MEMBER'S DUTIES

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I will be quite brief because you have had the benefit of some comments earlier.

The member for Mississauga South raised a matter of privilege this morning concerning an apparent process within a minister's office that diverted or re-channeled inquiries from members of Parliament. In that process, the member referred to a prior question of privilege which was ruled on by the Speaker and which was found not to be a question of privilege.

The earlier question raised by the member for Skeena—Bulkley Valley involved a person allegedly assuming or arrogating the functions of an MP in a particular area on behalf of the government. In the bare facts of that case, you found that it was not a matter of privilege.

In this particular case, the MP himself actually uncovered within a department a process whereby when an MP makes an inquiry, it is not dealt with by the department but it is apparently sent elsewhere and that involves written or verbal inquiries.

I am suggesting to you, Mr. Speaker, that no matter what you call that process, whether it be diverting or diversion, re-channeling, punting, referring, proceduralizing or delaying, that process which appears to have been built into that department—and I have come across another case in another department—does involve a tangible material delay. That delay, in my view, and I suggest to you, Mr. Speaker, constitutes an obstruction in what is for most of us in this House a very routine piece of work.

If a member of the public were to call in the manner suggested by the MP, the civil servant would have answered the question, but because it came from a member of Parliament, and in his case he described himself as an opposition member of Parliament, and his office staff was asked if it was an opposition member of Parliament, the answer was not given and had to be sent elsewhere. If the constituent himself or herself had phoned the department to ask the same question, the constituent would have had the answer and it would not have been sent on to the minister's office.

Government Orders

I am suggesting that in that context, the procedure adopted by the department, whether it intended it to be this or not, constitutes an obstruction in the routine work of MPs in the way we normally pursue our work in this place. Not only does it create an obstruction and a delay, but it also offers the perception of obstruction. If the constituent were told of this procedure, he or she would say, "I do not need the MP; I am actually better off to do it myself. If I use an MP, it gets diverted and I do not get my answer".

I personally attempted to get information from a different government department. It was the Department of Foreign Affairs and International Trade. I contacted the person and asked the question. The person said, "I am afraid I cannot give you the answer. I have got to give it to the minister's office". I spoke a little while longer and finally the person in the department said okay, and gave me the answer. I was able to finesse the answer. The civil servant was good enough to give me this very routine answer to a question, but apparently the department was under instructions to refer the matter elsewhere within the department.

I think we have developing here a potential problem in relation to the privileges of members of the House. In connection with this, in the event you find that this is a matter of privilege, and I certainly will not prejudge that, but if you do, and if there is a motion to deal with it, then I would suggest that the motion include an order requiring the delivery from the department of the forms that are being used to deal with this procedure inside the department.

• (1520)

Maybe the minister himself in this case will be able to table the form if he wishes, and maybe this issue can be dealt with between the department and the House before it becomes a matter of privilege, if it does become a matter of privilege.

I simply would anticipate, although it perhaps is not my role, that in the estimates procedure coming up with respect to the Standing Committee on Health, I cannot imagine members would be very happy voting money for a department that at least on the surface appears to be impairing or diverting inquiries from members of Parliament.

• (1525)

The Speaker: I thank the hon. member for Scarborough—Rouge River for his intervention in this matter. As I indicated earlier, this matter is now under advisement and I will consider his remarks before coming back to the House with a ruling.

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-27, An Act to amend the Criminal Code (identity theft and related misconduct), be read the second time and referred to a committee.

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, it is an honour today to rise on Bill C-27, an bill that seeks to protect Canadians from identity crime.

At the outset of my speech, I do want to particularly thank the Minister of Justice, the Parliamentary Secretary to the Minister of Justice and the entire department for all their work on this issue. I had an opportunity to work on it with respect to a private member's bill that was unanimously adopted by the House in the last session. I was very pleased that the government did bring forward a much more comprehensive piece of legislation on identity theft in general.

The reality is that technology has made financial transactions virtually instantaneous, but it has also made personal information more vulnerable to misappropriation and misuse. Identity information has in reality become a commodity. It is easily acquired and can be instantaneously transferred from one person to another.

Identity thieves can use stolen personal information to open credit card and bank accounts, redirect mail, rent vehicles, obtain government benefits and even secure employment. When this happens, unsuspecting victims are left with unpaid bills and bad credit. Thousands of Canadians are victims of identity theft every year. Many of them contacted me in the course of preparation and adoption of my private member's bill.

In November 2006 an Ipsos Reid survey indicated that 73% of Canadians are concerned about becoming victims of identity theft and 28% said that they or someone they know has already been a victim of identity theft. In 2006 almost 8,000 victims reported losses of \$16 million to PhoneBusters, the Canadian anti-fraud call centre. Many more cases are thought to go unreported. The PhoneBusters numbers likely represent only the tip of the iceberg as they do not include reports made directly to local police agencies, or all the incidents that go unreported for one reason or another, nor do they include identity thefts that have not yet been detected.

The Canadian Council of Better Business Bureaus has estimated that identity theft may cost Canadian consumers, banks and credit card firms, stores and other businesses more than \$2 billion annually.

Credit card losses in Canada were reported by the Canadian Bankers Association to have reached nearly \$300 million in 2006. Losses from debit card fraud approached \$100 million in 2006 according to the Interac Association.

It is already a crime to fraudulently use another person's identity information and Bill C-27 strengthens the protections against identity fraud. But Bill C-27 also gives the police, prosecutors and courts new tools to catch, prosecute and punish those who commit identity crime by creating new offences that allow the police to intervene at an earlier stage of criminal operations before identity fraud or other crimes that actually cause financial or other harms are attempted or committed. These provisions will help stop criminal activity before Canadians fall victim to identity fraud.

Government Orders

Let me explain how the bill will accomplish its objectives. There are two phases to identity crimes. The first is in preparation where identity thieves gather and exchange personal information about others for later fraudulent use. The second phase is where identity thieves actually use that information to commit identity fraud.

Until now, only the second phase, the actual identity fraud, is a criminal act. Bill C-27 criminalizes the first stage by creating new offences for identity theft. These new offences will let the police intervene at the earliest stages when identity information is collected and transferred for the purpose of committing identity fraud. In this way, criminalizing identity theft will help prevent identity fraud and the victimization that ensues as a result.

Bill C-27 criminalizes identity theft because identity theft enables identity fraud. Before someone can commit identity fraud, he or she must obtain another person's identity information. This information, such as a credit card number or bank account number, is not considered to be property within the meaning of the theft provisions in the Criminal Code currently. For example, an unscrupulous salesperson who surreptitiously retrieves the information from a bank card or credit card during a purchase, a process which is known as skim and clone—something that happened to me—cannot be charged with theft because no physical object was stolen and the card holder has not been deprived of anything other than the ability to control the flow of the information. This is not subject to the current law on theft.

Other common ways of collecting identity information are going through another person's garbage, a practice known as dumpster diving, or catching a glimpse of account numbers or personal identification numbers of the person next to them, a practice known as shoulder surfing.

• (1530)

Another way for identity thieves to gather information is called “phishing”. Identity thieves send unsolicited emails that look like they are from a bank, credit card company or other merchant. The unsuspecting recipient is asked to provide his or her account numbers and passwords. The information is then sent straight back to the identity thief.

It is important to remember that identity information is not always obtained clandestinely. Identity thieves can get a potential victim's name and address from the phone book. They can browse social networking sites like MySpace or Facebook or gather other personal details that have been posted by users.

Social networking sites encourage users to share their birthdates, hobbies, interests, friends and addresses. In the wrong hands this seemingly harmless personal information can be used to perpetuate identity fraud.

Identity theft is a necessary step on the road to identity fraud. That is why Bill C-27 proposes to get tough on those who traffic and possess identity information for the purposes of later committing an offence involving the deceptive use of someone's identity. To this end, it creates three new offences.

First, Bill C-27 would make it an offence to possess or obtain, without lawful excuse, certain government issued identity documents. This new offence targets those who have official government

documents with false information or who, without excuse, have the official documents of another person.

Official government documents are particularly useful to identity criminals because they are used to obtain other identification and access to government services. Criminalizing the simple possession of official documents, without lawful excuse, is at the outside of the criminal law power. However, the danger of having these documents fall into the wrong hand warrants these steps to protect them. It will be clear that people who hold these cards on behalf of family members or for legitimate business purposes are not committing an offence. Only where there is no lawful excuse for the possession will an offence be made out.

It is not only government documents, however, that need to be protected. Bill C-27 would create two offences that would target unlawful conduct in relation to identity information, whether or not the information was captured in an official identity card or document.

The first of these offences prohibits the obtaining or possessing of another person's identity information with the intent to perpetuate identity deception. Identity information is defined very broadly and includes anything that can identify an individual.

In addition, it explicitly includes a range of key pieces of information, such as name, date of birth, biometric information, financial account numbers, crucial alphanumeric identifiers issued by a range of authorities. This new offence targets those who have information about others, but who intend to use it to commit an offence that involves fraud, deceit or falsehood.

The second new offence also targets the illegal flow of identity information. This offence, however, goes after those who profit from supplying identity information to others, but do not themselves use it to commit offences. This offence prohibits trafficking in identity information, where the person knows or is reckless as to whether the information would be used to perpetuate an offence.

Each of these three new offences targets a separate aspect of the early stages of identity fraud. They are all dual procedure offences and punishable by up to five years in prison.

One concern in criminalizing the deceptive use of identity is to ensure that we do not inadvertently prohibit the use of undercover identities by police and other agencies. Toward this end, Bill C-27 contains two exemptions for the benefit of law enforcement.

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The first exemption allows police officers engaged in undercover work to obtain and use forged documents in the course of their duties. The second permits document issuers, who sometimes are called upon by various government agencies to produce false documents for use in undercover operations, to continue to produce those documents without fear of prosecution for forgery. These two exemptions ensure that the new protections against identity crime will not hinder the legitimate work of law enforcement.

Bill C-27 would make other amendments to existing offences in the Criminal Code. All of these either supplement existing offences or clarify or expand their scope.

Additional Criminal Code amendments will create a new offence of fraudulently redirecting or causing redirection of a person's mail and a new offence of possessing a counterfeit Canada Post mail key. There are already certain Canada Post and mail related offences in the code, but the addition of these two new offences to complement the others are necessary because mail fraud continues to be a technique commonly used by identity thieves to get valuable personal information.

The bill would also create new forgery offences to complement those already in existence. Currently, it is a crime to make a forged document and to use a forged document as if it were in fact genuine. The bill would add to these new offences of trafficking in forged documents or possessing forged documents with the intent to either traffic or use them. These amendments should cover off all possible situations in relation to the handling of forged documents so there should always be a chargeable offence.

● (1535)

The legislation also proposes a few clarifications to the personation offence. We are proposing to rename the personation offence "identity fraud". Personation is somewhat of an historical term that seems out of place in our modern world. More important, there is a great deal of confusion and uncertainty over what the terms "identity theft", "identity fraud" and "identity crime" mean from one context to another. By renaming personation as "identity fraud" and by introducing preparatory offence for "identity theft", we hope that this would at least bring some uniformity to the discussion about these issues in the Canadian criminal law context.

A few other more technical amendments will clarify that the offence of unlawfully possessing or using debit card data includes the PIN, or personal information number, of the bank card and will clarify that it is a crime to possess instruments for copying debit card information, devices known as "skimming" machines.

Bill C-27 gets tough on identity criminals, but we must not forget that thousands of Canadians are victims of identity crime.

Bill C-27 would allow a judge to order that a person convicted of identity offences be required to provide restitution of reasonable costs associated with the rehabilitation of the victim's credit rating and identity. This restitution power would supplement the existing restitution provisions, which allow for an order of restitution in respect of actual financial losses. It would help victims recover the costs associated with restoring their identities, in addition to whatever direct financial losses they suffered as a result of a fraudulent use of their identities.

I am sure all members of the House are concerned about the growing threat of identity crime. I know that I certainly am. That is why I introduced my private member's bill, Bill C-299. I want to thank all members for unanimously supporting that bill to go to the Senate, where it currently is.

I am very pleased that Bill C-27 would create new offences for possession and trafficking in identity information.

Bill C-27 would get tough on those who perpetrate identity crime. The government is responding to the demands of Canadians to do more to combat this problem. However, the identity theft problem will not be solved by government action alone. There are simple precautions that all Canadians can take to minimize the risk of falling victim to identity crime.

Prudent Canadians should take steps to protect their identity information. Experts of all types suggest: shredding all documents with personal information before putting them in the recycling or garbage; not clicking on links in unsolicited email messages; using automatic bill payments or secure online banking sites; only carrying essential identity documents in a purse or wallet; carefully reviewing all bank card and credit card statements and following up promptly on any unusual or unfamiliar charges; and contacting Visa or Mastercard or whatever institution with respect to travelling overseas that might result in payments. All these steps should be taken by Canadians in order to be prudent in the protection of their information.

Finally, some Canadians may want to take advantage of credit monitoring services that watch for signs of identity theft. Early detection of identity theft is crucial for minimizing the repercussions of the crime.

Identity theft and identity fraud are serious crimes. By tightening the identity fraud provisions of the Criminal Code and introducing new identity theft provisions, the bill would provide police, prosecutors and the courts the tools they need to combat identity crime.

Certain elements of the legislation are rather technical and complex. The criminal law has never before criminalized the acquisition of information that is, in many cases, in the public domain and widely and freely shared by millions of Canadians. The criminal law must ensure that this information is not used fraudulently to the detriment of others.

I believe all members are equally concerned about these problems. I also believe all members will be supportive of the approach we have taken. I ask all members of the House, as I did for my private member's bill, to stand in unison, support the bill and ensure that there is greater protection for Canadians with respect to their personal information and take some real action on identity theft.

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• (1540)

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, I want to thank the hon. member for his thorough knowledge of this issue, which is important to all Canadians.

I also recognize and applaud the member for his work in the past. I am not so sure about the question of having his credit card skimmed, but the idea of cloning that member of Parliament is a rather scary thought. I know his good work as chair of the industry committee. It is not by accident that same member has been able to receive a number of unanimous reports on that committee. That committee would not function as successfully, and perhaps most successfully of all committees, were it not for his leadership.

I support the legislation. I recognize that part of the legislation may be somewhat reactive in the sense of providing greater penalties and predictability in terms of those who offend or those who try to fraudulently take the name of somebody else for commercial purposes or otherwise. I wonder if there might be some consideration given, not necessarily in our committee but on the public safety committee where the bill will be referred, as to the issue of credit checks and whether credit companies will be required to provide greater burden of verification of people who make inquiries as to someone who may not very well be the person who has called.

Should there be a greater obligation on companies that lose information? One thinks of Winners in the United States last year. It lost millions of records that may have imperiled or unlikely put the information in the hands of criminals.

Could the committee perhaps deal with the whole question of mortgage fraud, which was a big issue for many of us in larger cities, where people had their identities taken from them and mortgages registered against them without their knowledge?

I expect the hon. member may not be able to opine on the three points I have raised, but it is important that we have strong penalties and sanctions for those who engage in this. We would be modernizing our instruments of legislation while at the same time holding to account organizations that have a higher responsibility to protect public information.

Mr. James Rajotte: Mr. Speaker, I thank my hon. colleague for his comments. I share the credit in terms of our committee working very well, thankfully in part to an entire group of people, but especially to that member in his role as vice-chair.

I know my colleague is quite concerned about cloning me. In the next Liberal-Conservative hockey game he might get 6 goals scored on him instead of the 3 that were scored last time. We will leave that for another day. That may be something he will address in his supplementary.

My colleague raised some very serious issues and serious questions, which I am sure the committee will address. I will perhaps offer some comments on each of them.

With respect to a company losing personal information, it is my understanding that would be captured more within legislation dealing with the protection of privacy. The committee might well look into it in the context of this bill or look at it separately, as the

Privacy Commissioner has suggested, in terms of beefing up legislation surrounding the protection of privacy.

During the course of the discussion on my private member's bill, the justice department and all members on the justice committee strongly advised me to focus on intent, the fact that people were gathering identification information with the clear intent of misusing that information. That is how identity theft is described. Stuff that accidentally falls into someone's hands would be captured more within privacy legislation. That is my general understanding, but it is one of the issues I do want to clarify at committee.

With respect to the mortgage fraud case, my understanding is this legislation will strengthen the provisions dealing with a situation like that. I encourage the committee, whether it is public safety or justice, to examine that in more detail.

I appreciate the member's comments. I also appreciate his support for the intent of this legislation.

• (1545)

Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, the legislation is relatively new and certainly needed. Times have changed with respect to credit cards and many other forms of our cashless society. The police community will embrace the legislation. It is valid, it is good and will help in investigations.

I heard my colleague say earlier that he had been a victim of identity theft. Could he enlighten the House about what it means to be a victim of identity theft and what it means to try to get back all those things that once were secure but now are held by someone else? There are provisions within the bill for restitution to a victim, but could he illustrate what he has heard and what he knows about what it really takes to get all of one's identity back in place?

Mr. James Rajotte: Mr. Speaker, I very much appreciate the question from the member for Oxford. I appreciate his work on the public safety committee in addressing some of these issues and a lot of the broader issues dealing with counterfeit and intellectual property in general.

With respect to my own situation, I purchased something and ran my debit card through twice. Unbeknownst to me, someone obtained that information. Someone saw me put in my PIN number. When I went to the bank later, I realized that over \$1,000 had been withdrawn, money that I did not withdraw.

To its credit, the financial institution, by recording all those who go to the bank machines, was able to pinpoint the time it was withdrawn and ensure that I did not make the withdrawal. The money was quickly replaced. I should credit the financial institution in that situation. As well, the Canadian Bankers Association and other organizations have shown a lot of leadership on this issue.

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Also, a dear former employee of mine had her identity stolen. This is heartbreaking. Someone somehow obtains a person's information and that person does not know how. Credit card statements come in loaded up with items the person did not purchase. When this happens, people have to replace all of their personal cards and personal information and cancel their credit cards. In this case, a person would have to change phone numbers all through one's entire life because someone else has stolen the person's identity information. It is absolutely heartrending. It is exceptionally hard on people. That is why this legislation addresses it from a criminal point of view but also tries to provide something with respect to restitution.

As the member mentioned, police services are very supportive of this. So are people my parents' age. They are seniors who do an awful lot of travelling. This is the group identity thieves focus on most of all. They phone seniors or send emails trying to obtain their information. It is absolutely despicable behaviour. That is why I am so pleased that the government today is putting forward this bill and introducing legislation that will address this problem in a meaningful way.

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, recently a constituent of mine was defrauded of a great deal of money, over \$100,000, in fact, because he foolishly visited one of these websites where somebody from Africa said that she was a poor orphan girl, her family got killed and she had all this money but was asking for help in getting it. He bought into that.

I am wondering whether this legislation does anything at all to address that issue with international groups that are scamming people, that are trying to suck them in, get information from them, get them to advance money to them and so on. Is that issue addressed by this legislation or is that another issue?

Mr. James Rajotte: Mr. Speaker, the issue in and of itself is in fact addressed in this legislation. I am very glad about that, because this way of gaining this information is becoming much more active. Obviously if it originates from another country there are limits in terms of what can practically be done, but that type of activity in terms of obtaining information to use it fraudulently is addressed within this legislation.

• (1550)

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I am glad to have the opportunity to comment on this important piece of legislation.

It seems that as fast as we lawmakers create laws and rules and all the rest of it, the folks out there who have criminal minds are able to find ways around everything we try to do. Introducing Bill C-27 is a step in the right direction. I would expect that after it has some time at committee it will come back as a much stronger, more effective piece of legislation after all of us have had chance to comment, to try to beef it up and to stay one step ahead of the bad guys who are clearly out there trying to cause problems.

The proposed legislation would create three new offences. All of them will be subject to five year maximum sentences, including the following: to obtain or possess identity information with intent to use it to commit certain crimes; trafficking in identity information with knowledge of or recklessness as to its intended use in the

commission of a certain crime; and unlawfully possessing and trafficking in government-issued identity documents.

In discussions with local police departments and others, they tell us that it is one of the fastest growing crimes around the world and that no one is safe from it. It is so easy to have our documentation copied and returned back into our wallet. We do not even know that someone has stolen it. By the time we find out, who knows if we have a mortgage on our house that we did not have before? A variety of other things can happen too.

However, we need additional Criminal Code amendments that would help to create new offences of fraudulently redirecting or causing redirection of a person's mail, possessing a counterfeit Canada Post mail key, and possessing instruments for copying credit card information. We need these in addition to the existing offence of possessing instruments for forging credit cards. It is so easy to copy any of those keys and get into someone else's mailbox and clean out that mail, including cheques or any other documentation that would give credibility to whatever the thieves have in mind.

While our party supports the efforts to combat identity theft, we feel this legislation could be stronger. At the end of the day, it comes up short, which is why I welcome the fact that this is going to committee. Each and every one of us will have an opportunity to strengthen this and to work together on something that all parliamentarians clearly care about.

The key problem I have with the legislation is that it does not do anything to prevent identity theft. As I said earlier, it is very easy for people to copy documents. The question is, though, how do we prevent it? New technology on our driver's licences and on a variety of other documents means that they are getting harder to copy. The legislation does not talk about prevention, but I would hope that by the time it comes back from committee it would cover off the issue of prevention and make the bill a better bill.

Law enforcement agencies all across Canada have been very clear on this issue for some time. They need modern tools to deal with what is a growing concern for Canadians. They need the tools of the 21st century. Unfortunately, we are always slower at doing that than the criminal minds are.

However, to respond to some of these concerns, my Liberal colleague from Notre-Dame-de-Grâce—Lachine has introduced a private member's bill, Bill C-416, Modernization of Investigative Techniques Act, which would actually provide law enforcement with the tools necessary to combat and prevent identity theft. My colleague across the way has also introduced a private member's bill. I hope that with all of these things combined we will be able to give the law enforcement officers the tools they need. They clearly will know how important the issue is for all of us.

As important an initiative it is to catch the criminals, we need modern new laws, especially to protect the most vulnerable in our society, children and seniors. A week does not go by that we do not read or hear a very sad story about a senior who found out that he or she now has a \$400,000 mortgage on a home because someone was able to steal his or her identity. We can just imagine the stress that individual would be under. He or she would be feeling very vulnerable and needing help. We are just catching up to try to do that.

• (1555)

To do that, a Liberal government would make the following changes to the Criminal Code, which again would strengthen our tools.

To protect Canadian children, we will strengthen the laws that prevent Internet luring, something that is of concern to all of us in this House and which we are all working on in a variety of ways. The previous Liberal government passed laws that helped protect children from Internet-based predators, but more needs to be done. New laws are needed to address explicit online conversations initiated by adults with the intention of gaining the trust of a child and luring him or her into being abused.

To protect our precious Canadian seniors, we need to act on the recommendations of the Privacy Commissioner to address the problem of identity theft. There were almost 8,000 reports of identity theft in the past year, resulting in more than \$16 million being lost, much of it taken from vulnerable seniors.

Let us think for just a moment about seniors who get statements in the mail telling them they owe \$70,000 to some company they do not even recognize. Let us just imagine the panic that would set in for those individuals. We can imagine what it is like when someone suddenly finds out there is a \$400,000 mortgage registered against his or her house but has never seen any of that money and knows nothing about it.

All of us should think for a few minutes about how we would feel upon being notified of that and finding out that someone has stolen our identity. All of these things are carried on in ways that have created huge problems. People have to get a lawyer. Their children are upset. All of these problems are caused by what has happened and a lifetime of hard work and savings can vanish in an instant when someone's identity is stolen.

We need tougher laws to prevent this kind of crime. That is where I believe we are all heading in the House with this bill and the others that we are all concerned about.

However, we also need to change some of the private sector privacy laws so that companies are forced to notify customers whose personal information gets leaked. We continually hear about how easy it is to have a credit check done on someone. Once people are doing that, they have our social insurance numbers and our driver's licence numbers and it is very easy to make a phone call and find out more information about us and to build a case to move into stealing our identities.

If our personal information gets into the wrong hands, we deserve to find out about it so that we can avoid becoming victims of identity theft. When a credit agent gets a phone call, he or she should call

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back and confirm the identity of the person calling for the information and probably should get some photo ID from the caller. The information should not just be given out over the phone. That is extremely unsafe. This kind of change would finally cause businesses to take the security of their customers more seriously.

Often when giving a Visa card in a store, customers are very sloppy about it. They will sign the invoice and leave it sitting on the counter. Someone easily can take that Visa or Mastercard number and go about building themselves that identity to use for their own purposes. Businesses also have a responsibility here.

We also need to look at implementing recommendations of the federal task force on spam, recommendations that so far have been ignored. Spam is clearly the weapon of choice for identity thieves, who use phony emails to trick people into revealing personal information.

We heard one of our colleagues make mention of his office receiving an email confirming a purchase that he had made online and confirming his credit card information. He did not have a credit card with that particular company. Clearly it was just a trap. An innocent senior or someone who is vulnerable could call in to say that the card number was not real and then could give out the correct number. There are all kinds of ways of tricking people into giving out information. It certainly is the weapon of choice.

Canada is the only G-8 country without anti-spam legislation. A Liberal government clearly would change that. Unfortunately, this should have been done already, and we all recognize that, but it is hard to make changes as fast as is necessary in order to stay one step ahead.

• (1600)

We all know that the Conservatives' crime policies are more about scoring political headlines than making our streets safer.

That being said, I am very happy to support this bill to go to committee so that the opposition and all of us in the House can have the opportunity to strengthen and to work at improving this legislation.

We can only build a strong Canada if Canadians feel safe in their communities. It is not just about street safety. It is a about a multitude of areas that many people within our country feel vulnerable and are looking to us as parliamentarians to do a better job.

The Liberal goals of prosperity, social justice and sustainability are not achievable if people cannot be confident that they and their children are protected.

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, I am very happy to speak today in the House. This is the first time I have spoken since returning after the holidays. I hope that all my colleagues had a happy time with their families and took good advantage of it. I hope that 2008 will be a good year for all of us and for our fellow citizens and that it will bring us the wisdom we need to make the right decisions in Parliament and see this government take the major change in direction that is so badly needed.

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In regard to Bill C-27 on identity theft, we know already that the Bloc Québécois supports it in principle. In fact, identity theft is one of our particular concerns. This crime is becoming increasingly common, in part because of the advent of new technologies that make it easier and more attractive. Therefore we need to modernize the Criminal Code to take the reality of identity theft into account.

We in the Bloc think that it is not enough simply to amend the Criminal Code. Concerted action is needed by the various levels of government as well as prevention and public education activities. As is often the case with this government when it comes to legal issues, it seems to think that just passing a law and saying that something is bad and criminal and must not be done will be enough to reduce this kind of crime. We know, though, that everywhere in the world where this kind of approach has been taken, whether in regard to identity theft or crime in general, such as crimes committed with a firearm, just increasing sentences and changing the Criminal Code to create more serious offences is not enough, even though it is sometimes necessary and helpful.

Although we support this bill and consider it justified and appropriate, we want to emphasize at the same time that it does not suffice and that we need to work together with other governments. Although the Criminal Code is a federal matter, there are issues in the civil and commercial areas that are under provincial jurisdiction. Therefore, the government will have to work together with others.

Unfortunately, the current Conservative government has a rather disappointing history of not working together very well with the provinces. We need only think of its plan to help the manufacturing and forestry industries that was so criticized by the governments of Quebec, Ontario and several other provinces. It was developed without any consultations with them and without taking their requests into account.

Insofar as the reform of federal institutions and representation in the House and Senate are concerned, the government has succeeded in uniting everyone against it since virtually all the provincial representatives are opposed to what has been proposed.

There is also the example of the implementation of the Kyoto protocol. Here too, the Government of Quebec, among others, hoped to work together with the federal government on achieving its objectives, but the reality was quite the opposite.

We are very concerned, therefore, about this. We will continue to pressure the government and emphasize the importance of working together with the provinces. In contrast to what some Conservative members have implied, this legislation will not solve the problem. It is one more tool, which is a good start but will not solve the problem. More action will be needed.

By this I mean educating the public to reduce victimization and introducing regulations to better govern the management, storage, disposal and transfer of information between companies and individuals.

• (1605)

We are faced with new technologies and new realities, primarily because of developments in informatics. We will have to take them into account and put in place measures to achieve greater consistency and security in identity document issuance and

verification processes. As well, the federal government will have to set an example. Its record on protecting personal information and preventing identity theft is very poor. That must change. I would like to start by talking about this.

My colleagues have talked a great deal about the purpose and mechanics of the bill. I may come back to this later, if I have time. But first, I wanted to talk about how important it is for the federal government to set an example.

In my opinion, this is the best thing a government can do, and it is the least a government can do. It seems to me that when we are asking people and businesses to make an effort to protect Canadians' identity, we have to lead by example if we want to have any credibility and if we do not want those people to laugh at us.

I would like to point out some problems that already exist. With this bill, the government is proposing to penalize people who fraudulently use identity documents such as social insurance cards, the famous SIN we have talked about so much today. Yet this same government is not doing enough on this front.

In June 2006, the Auditor General said the government "had not done enough to safeguard and strengthen the integrity of the SIN". In June 2006, there were 2.9 million more social insurance numbers in circulation than the number of Canadians who qualified for one. This is extremely disturbing. There are 2.9 million too many social insurance numbers circulating in Canada at present, or at least there were in June 2006.

The bill makes it illegal to falsely impersonate a peace officer or public officer. We completely agree. Of course a person cannot impersonate a public officer or peace officer, especially for fraudulent purposes. However, in December 2004, the media reported that the Canadian Air Transport Security Authority, or CATSA, could not account for all of its uniforms, of all things. From January to September 2004, CATSA had given out approximately 75,000 uniform items to about 4,000 screening officers. Out of these, a total of 1,127 pieces were reported lost or stolen, including 91 badges, 78 shirts, 32 windbreakers and 25 sweaters, all of which had the agency's logo on them. To give you an idea, that is 1,127 pieces out of 75,000—almost 2% of the pieces for 4,000 officers, which comes out to more than one article for every four officers. We do not think this is a problem at the officer level in particular. It is likely an inventory problem.

According to the CBC, some of these uniform items were offered to the highest bidder on eBay, an online auction site. Imagine this: the legislators in this House pass an act to prohibit citizens from falsely impersonating a peace officer or public officer. That is all well and good, but at the same time, among the thousands of CATSA uniform items are the 91 badges, which are similar to the badges police officers show on television. They show a badge to identify themselves, but these badges are being sold on eBay.

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•(1610)

It is urgent that we plug these holes. We can pass all the laws we want; however, if it is so incredibly easy for people to make false representations, we will not solve the problem.

An hon. member: For the bad guys!

Mr. Thierry St-Cyr: Right, for the bad guys.

We have many examples of the federal government's mismanagement of personal information.

In 2002, the RCMP investigated the theft of hundreds of forms from five Canada Immigration Centres and the unauthorized querying of a police data bank by Citizenship and Immigration Canada employees. This was reported in the *Toronto Sun*.

More than 2,000 employees stationed abroad were implicated or were investigated according to federal authorities. About 21% were fired, 29% were suspended, 25% resigned and 14% decided to take extended leave, according to the February 4, 2002 edition of *La Presse*.

Therefore, controls must be put in place right within the government.

I will provide another example. In September 2003, six computers—including a Compaq laptop, which I mention even though it is not necessarily germane to the debate—were stolen from the Laval offices of the Canada Customs and Revenue Agency. This laptop alone contained personal information about 120,000 taxpayers, both individuals and businesses, including 600 federal government employees.

The federal government wants the public to believe that it is taking the issue of identity theft seriously but its actions show that it is neglecting the problem. Consequently, the Bloc Québécois, which supports the measure before us, is urging the government to get serious.

As for the legislative framework, to help us in our approach and our discussions later in committee, I would like to talk about other legislative frameworks that could serve as a reference.

For instance, since 1998, the United States federal government and nearly all state governments have adopted a number of measures to address this phenomenon. In 1998, as part of the Identity Theft and Assumption Deterrence Act, Congress enacted a new criminal offence directed specifically at identity theft.

This identity theft offence prohibits the knowing use, transfer, or possession, without authorization, of a "means of identification" of another person with the intent to commit, or to aid or abet, or in connection with any unlawful activity that constitutes any offence under U.S. federal law or any felony under U.S. state or local law.

This is a very broad, comprehensive definition that clearly makes it an offence to use an individual's personal identifying information in order to commit an illegal act.

This might seem obvious. In Canada, for instance—and in the United States, prior to this legislation—this meant that illegal acts were obviously punishable. However, the act of stealing someone's

identity in order to commit that act was not illegal and the act of stealing someone's identity with the intention of committing an offence was even less so. In light of this provision adopted in the United States, the simple fact, for instance, of collecting information with the intention of committing a criminal offence or swindle someone became an offence punishable by law. Thus, offences linked to identity theft can carry significant criminal penalties.

•(1615)

Even a simple violation of section 18(28)(a)(7), without more, is punishable by a maximum of five years imprisonment and a US \$250,000 fine. If, as a result of the offence, any individual committing the offence obtains anything of value aggregating \$1,000 or more during any one-year period, the maximum term of imprisonment increases to 15 years. Several states, including Florida, Indiana, Montana and New York, have also enacted enhanced penalties laws for identity theft.

On July 15, 2004, the Identity Theft Penalty Enhancement Act became law. This Act establishes a new federal offence of aggravated identity theft to enhance penalties for identity theft-related criminal conduct. Under this new offence created in 2004, individuals found guilty of aggravated identity theft would receive an additional mandatory, consecutive two years' imprisonment over and above their sentences for the underlying offence.

The Act also expands the scope of the current identity theft offence by prohibiting not just the transfer or use of another's identity information, but also possession of such information in conjunction with the requisite criminal intent. In addition, it increases the maximum penalties for identity theft and includes a higher maximum penalty for identity theft used to facilitate acts of domestic terrorism.

It is clear that the United States has taken tough measures. Does that mean identity theft no longer exists in the United States? Of course not. There are still major problems, which shows that simply passing drastic and repressive legislation is not enough and more needs to be done.

I am running out of time but I would quickly like to give the French example, which is a bit different, where stealing identity is not an indictable offence, except in very specific cases, such as using false identity in an authentic document or an administrative document intended for a public authority or assuming a false name in order to obtain police clearance.

I will not get into the details of the French example, but I hope committee members will have the opportunity to go and compare what is happening in these two countries. The French law seems less strict and less harsh than the U.S. legislation. It would be interesting to compare identity theft data for France and the United States, to see if the severity of the law, in and of itself, makes a significant difference.

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Intuitively, one would be justified into thinking that it is important to have an act that includes provisions punishing this type of offences with a reasonable degree of harshness. Of course, if we want to deal effectively with this issue, we must have means to do so. Among other things, we must have the means to arrest and convict people before they commit offences, but this will not be enough.

In this respect, the Bloc Québécois is proposing that we go further than the bill does, by cooperating with the Quebec and provincial governments to put in place more effective measures, including as regards the civil code, which comes under the Quebec government's responsibility and whose evidentiary rules are less stringent than those of the Criminal Code. We must work to educate the public, to provide information on how to protect oneself from identity theft and, finally—and this was the main thrust of my speech—to lead by example as a responsible government, and to make all necessary efforts to protect our citizens' personal information.

• (1620)

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, this is my first time speaking since our return from the break. I am pleased to rise today to ask my hon. colleague a question about this file. In the short time I had in my riding during the holiday season, I learned about some citizens who discovered that their credit files had been changed because someone had used their identity inappropriately and fraudulently. As a result, our citizens want to see measures to punish and discourage the use of documents for committing fraud. Many of our citizens are concerned about identity theft.

In the United States, there is another piece of legislation with several provisions aimed at reducing these cases of identity theft. One such provision is intended to help the victims of fraud to re-establish their credit rating.

Can my colleague give us more information about this issue? I know the Bloc Québécois has analyzed the various systems that exist, particularly in France and the United States.

I would also like him to come back to the strategy proposed by the government that involves finding a solution to the issue of identity theft through the Criminal Code. During the May 8, 2007 meeting of the Standing Committee on Access to Information, Privacy and Ethics, we heard some information, or rather some recommendations from Jennifer Stoddart, who proposed modifications to proceedings on the civil side. I would like to hear my colleague expand on this.

Mr. Thierry St-Cyr: Mr. Speaker, I thank my colleague for her question, which dovetails very nicely with my speech.

In fact, she asked two questions, the first of which concerns credit. The world is changing, society is evolving and events can change our lives dramatically. There was a time when, if you needed credit, you could go see the manager of your bank—or your *caisse populaire* in Quebec—who knew you personally because he knew everyone in the area, the city or the town where he lived. He knew you were solvent and reliable and he would lend you money. That is how things worked.

Obviously, things do not work like that any more. How easily you get credit depends essentially, even solely, on your credit rating, which is available from credit agencies. In addition to the obvious

and striking short-term financial losses it causes, identity theft also hurts your credit rating. A damaged credit rating could continue to haunt you even if restitution is made or you are compensated for the offence committed against you.

For example, when someone sends in a false credit card application in your name, uses the card to make purchases and then disappears, the credit card company will call you one day to say you owe a certain amount of money. If you manage to prove you never applied for that credit card and you were the victim of identity theft, even if the credit card company does not require that you pay the money that was stolen fraudulently, you will have a blot on your credit record and will have to deal with that problem when you apply for credit cards in the future.

In fact, Canada does not have the best mechanisms for correcting your credit rating. My colleague is quite right. The United States has introduced provisions that make it extremely easy to correct your credit rating if you have been a victim of identity theft. One of these measures enables people to ask for and obtain their credit record free of charge. In many cases in Canada, you cannot even get your credit record from a credit agency free of charge. People have to spend money to find out whether or not they have a blot on their credit record because of a fraudulent transaction.

As for my colleague's second question on evidentiary rules, I am happy that she asked, since I did not have the chance to talk about this in my speech.

Obviously the Criminal Code imposes stiff penalties, but the evidentiary rules are very challenging. This is a good thing, of course, because when an accused is facing a very serious penalty, we must be confident and ensure that he is convicted beyond a reasonable doubt. That said, in cases where small amounts are at stake and the parties are essentially individuals, it can be very difficult for citizens to fight for their rights and invoke the Criminal Code.

We will have to work with the provinces to ensure that civil regulations are also amended. It would then be easier for a citizen to win their case. In Quebec, for example, a simple trip to small-claims court could resolve an issue. Now, the case must go before a federal court or another appropriate court so a judgment can be rendered in accordance with the Criminal Code.

This is worth pointing out, because I did not really dwell on it. The Bloc Québécois always defends provincial jurisdictions and believes that it is up to the provinces to pass legislation on this issue. However, it is interesting to note that the government is wrong in thinking that this simple bill will sort matters out.

• (1625)

The government is trying to give the public a false sense of security. It is another tool to get things done, but it is not enough. We must continue to work on fighting this scourge.

The Acting Speaker (Mr. Royal Galipeau): The member for Brome—Missisquoi has the floor.

He should know that there are two minutes left for both the question and the reply.

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Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I would like to put a question to the hon. member for Jeanne-Le Ber. My question is primarily about facts that he may have observed.

In my opinion, an act like this one can really be improved on by relying on actual facts, on cases of abuse. We can then ask ourselves if, in this or that particular case, the act will protect us.

I agree with the hon. member that the act must absolutely be complemented by other things, including, probably, a very good team that can follow-up on the legislation.

I wonder if my colleague could tell us about actual cases in his riding. He must surely have had some, because I did. We have all had such cases. In the riding of Jeanne-Le Ber, as is in my riding, the illiteracy rate is quite high, and there are also fairly old people.

Therefore, perhaps the hon. member for Jeanne-Le Ber could give us examples and, later on, share those with the committee.

• (1630)

The Acting Speaker (Mr. Royal Galipeau): There is 40 seconds left for the reply.

Mr. Thierry St-Cyr: Mr. Speaker, indeed, there is no doubt that seniors, among others, are often the victims of fraud involving the use of credit cards. This type of situation is rather frequent. I have heard about such cases in my riding office.

About a year and a half ago, I bought a house in my constituency. During the open house visits, I often discussed this issue with other future voters. Mortgage fraud is also a major concern for many people. The idea that one can own a house and not know that someone else may have taken a mortgage on that house, withdrawn the money and vanished, leaving the actual owner forced to repay that mortgage or else lose his house, scared a lot of people—

The Acting Speaker (Mr. Royal Galipeau): Order, please.

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 Gatineau, Federal Government Research Centres; the hon. member for Saint-Bruno—Saint-Hubert, Charter of the French Language; the hon. member for Thunder Bay—Rainy River, Agriculture.

The hon. member for Newton—North Delta has the floor.

[*English*]

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Mr. Speaker, I rise today to speak to one of the fastest growing criminal threats to Canadians: identity theft.

My constituents in Newton—North Delta and all Canadians have good reason to worry about identity theft. The cost of losing personal information can be crippling and can affect victims for years to come.

People can be repeatedly victimized before they know. They might not know they are a victim until they apply for credit or start receiving calls from debt collectors. However, by then it is often too late. Their credit has been destroyed and it is hard to restore it. Victims encounter many difficulties restoring their reputation and recovering their losses. Many are left traumatized.

Identity theft has many victims. When a person's identity is stolen, commercial and financial institutions may cover the losses and governments may be tricked into providing documents or benefits.

Identity theft can take many forms, from credit card abuse to fraudulent real estate transactions, even impersonating someone to commit a crime. Thieves can take over bank accounts, obtain loans, transfer land titles and more. They can gather personal information in many ways, from mail theft to high tech computer hacks. It is not hard to find websites offering credit card data for sale or even hard drives with personal information for sale on eBay.

Identity theft often leads to even worse crimes. Our police have seen a growing trend of identity theft being used to further other types of crime, from fraud to organized crime. Gangs like identity theft because of the low risk of detection and the chance of high rewards. New technology has made it even easier to collect personal information and for criminals to cover their tracks.

Identity theft affects more and more Canadians. Seventy-three per cent of Canadians are concerned about becoming victims of identity theft. Twenty-eight per cent say that they were or someone they know was a victim. Last year almost 8,000 victims reported losses of \$16 million and even more cases go unreported every day. Identity theft is estimated to cost Canadian consumers and businesses more than \$2 billion a year.

The Liberal Party is proud that it created cutting edge laws to protect consumers' privacy eight years ago. The member for Calgary Centre-North wrote that this legislation “continues to merit its long-standing reputation as a world-class model for the protection of personal information in the private sector”.

The idea is simple: criminals cannot steal from people what they do not have. By making companies collect only the information they need, their data is less valuable to thieves. We also required companies to adopt safeguards for sensitive information.

Unfortunately, companies do not always comply. There are too many stories of the over-collection of personal information and inexcusable security breaches. Worse, companies do not have to inform consumers if their data is compromised. Canadians may not find out that their personal information has been stolen until it is used for a theft.

As the representative of my constituents in Newton—North Delta, I am committed to fighting crime and the causes of crime. We have to both encourage people to obey the law and punish them if they do not.

I have spoken with seniors in my riding and they tell me that it is not enough to punish crime. They say that we need to stop crime before it happens. They have a better plan to fight crime than the government.

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Crime is a complicated problem and simplistic solutions do not get the job done. We need a comprehensive and effective approach to every aspect of fighting crime: prevention, catching criminals, convicting them and then rehabilitating them. We must put more police officers on our streets, more prosecutors in the courts, and more tools in the hands of the police.

• (1635)

I have been imploring the government to do more. The City of Vancouver has put more police on the streets of Vancouver than the Conservative government has put across this whole country. That is not enough.

To prevent identity theft, we must change private sector privacy laws to force companies to notify consumers when their personal information gets stolen. Breach notification will empower consumers. If a person's social insurance number gets into the wrong hands, the person deserves to find out about it so the person can avoid becoming a victim. This would also cause businesses to take the security of their customer's information more seriously. National breach notification would put Canada ahead of the United States where over half of all states have these laws.

Canada also needs to implement the recommendations of the federal task force on spam, recommendations that have been ignored by the present government. Spam clutters the mailbox of every Canadian and can trick people into revealing personal information. Canada has fallen behind. We are the only G-8 country without anti-spam legislation. Of the top 10 worst countries for originating spam, Canada is number six.

Bill C-27 would make it an offence to obtain, possess or traffic in other people's identity information if it is to be used in a crime. While there are already offences in the Criminal Code that cover the misuse of someone else's personal identity information, there are no offences to cover the steps that lead up to identity fraud: the collecting, possession and trafficking in identity information. Bill C-27 addresses this gap and I support this.

However, Bill C-27 does not do enough. It does not require data breach notification. It does not help the victims recover their reputations. It does not fight the growth of spam. It does not fix the rules on the collection of personal information by the government and private enterprise. It does not criminalize pretexting when a fraudster tries to obtain personal information about an individual by posing as him or her or someone authorized to have this information.

Experts agree that the government has not done enough. Philippa Lawson, the director of the Canadian Internet Policy and Public Interest Clinic, said, "if the government is serious about this issue, we expect to see much more in the way of law and policy reform. The Privacy Commissioner said that "the federal government must develop a broad-based strategy for tackling this type of fraud".

The government has not shown Canadians that it believes its own rhetoric and introduced better accountability and stronger systems to protect their personal information.

The way forward is clear. The police need more resources to investigate identity theft and capture criminals. We need more police devoted to white collar crime. Our police need more training to keep up with criminals. We need to fix the lack of coordination between

different government departments, the provinces, law enforcement and the private sector. We need basic education to teach Canadians about identity theft and how to avoid it.

Bill C-27 is a useful first step but if the government is serious about fighting identity theft it will need to do a lot more for Canadians.

• (1640)

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, it is my pleasure to rise today on behalf of the Bloc Québécois and speak to Bill C-27. I remind the House that the Bloc supports this bill in principle.

Identity theft is a very serious issue to us. The Criminal Code must be modernized—we are in favour of that—in order to take this reality into account. I am often obliged, as an MP, to wrestle with these painful cases that land in our offices. Often they involve people who do not know much about accounting, people who do not have the knowledge to detect the dangers lurking in a text or people who simply have difficulty reading.

Unfortunately, in my riding—and I assume in many others—there are a certain number of people who are illiterate. The government should put more emphasis on this issue so that these people have a chance to understand texts. Identity theft cannot possibly be completely prevented if we do not work on these other things, on society as a whole, and especially on illiteracy.

In fighting identity theft, it is imperative to establish a good working relationship with other governments at various levels. We need agreements with foreign governments, especially the U.S. and the Government of Mexico.

A case was reported to me in my riding of someone who had his identity stolen nearly a year and a half ago. It happened in the United States. This Canadian still has not got his papers back. It is a very complex case that leads me as well to say that it is imperative for the government to have some agreement procedures. We need places where these people can go and tell their story, be heard, and taken in hand by people who know how to help them.

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Turning to the police is not an ideal solution for these people. The police do not necessarily believe them and may think that they are hallucinating. At times, the stories are so incredible that we believe the individuals are making them up and have fantastic ideas. However, this is not the case. These are real situations. Something particular may have happened. It may not have been theft but it could be how the theft starts. The individual's identity is in another city where someone else is passing themselves off as that person. There are some fantastic stories and these people have to be able to turn to a public agency, set up by the government, that will listen to them and look after their cases.

In general, it is questionable whether the current Conservative government will enter into agreements with other governments. That is too bad because we need such agreements. Now that people travel a great deal and often own property in other countries—I am referring to the United States in particular—we cannot just pass a law that applies to our country and say that it protects our fellow citizens. We know very well that many of our seniors spend winters in the United States. When they spend six months down there, they run the risk of being cheated, of losing their identity and returning here to try to recover it. The Canadian government says that it does not have an agreement with the United States and that it cannot enter into one.

If we truly wish a law such as this one to protect all citizens it must provide for reciprocal agreements, particularly with the United States, and, in my opinion, also with Mexico. I wonder how this government will do that.

• (1645)

We absolutely have to have diplomatic meetings involving government officials—these things can be arranged—we have to bring in harmonized legislation and we need international cooperation between public entities.

In addition, we will have to inform—some people say “educate”, but I prefer the word “inform”—the people so that we can reduce the number of victims who are not even aware of the theft going on. We have to inform them of their rights and the dangers involved in signing papers, in their work habits and in buying things on the Internet. We know that more and more people are buying things on the Internet. I should add that this phenomenon is increasing greenhouse gas emissions because goods bought on the Internet are always shipped by air.

We also need to draft regulations that provide a better framework for how companies manage, store and use information. We have to ask companies to cooperate with us. Even if we come up with a very nice piece of legislation to deal with this criminal activity, without the cooperation of private enterprise, we will not be able to enforce it.

We will also have to come up with measures that enhance the uniformity and security of the processes involved in issuing and verifying identification. In other words, we should stop issuing identification left, right and centre. We really need secure identification that proves the actual identity of the holder and is very difficult for others to use. None of that is in the legislation. However, officials from the various departments should think of ways to do this, or else the legislation will be useless.

The creation of a single organization to deal with cases of identity theft could help people who need it. Such an organization should be created because it does not yet exist.

With respect to the bill, of course, one could point out that the federal government does not have a very good track record when it comes to managing its own personal data. That could do with significant improvement.

I would like to provide an overview of identity theft. Identity theft is the deliberate substitution of one person's identity for another's. It can also mean the sale of something that does not belong to the seller.

A moment ago, my colleague from Jeanne-Le Ber gave the example of houses, homes. In fact, the scope of the law should be broader, because we could also talk about selling cars or any kind of vehicle that does not belong to the vendor. This is even more common in the case of motor homes or recreational vehicles. We are not talking about small amounts here, we are talking about \$150,000, \$200,000, \$500,000 or even a million dollars, that will be handed over to someone who drives away in a vehicle on wheels that the person who sold it did not even own. In other cases, the vehicle may be lumbered with debts, but that detail is not known because the papers do not disclose it.

I have lived in England. Over there, the ownership history of a vehicle follows it for its whole life. In other words, I bought a 10-year-old vehicle and I knew who all the previous owners were, and I was going to know all its future owners until the end of the vehicle's life. That way, all of the owners were going to know that I had owned it for a period of time.

These kinds of things could and should be included in a bill like the one being proposed. When this one is studied by the committee, we will have to assess it from all these perspectives. And this is my opportunity to say that it will be important to examine what is done elsewhere.

• (1650)

I just gave an example that relates to England.

I know this, because last week I spoke with some parliamentarians from Japan when I was taking part in an Asia-Pacific parliamentary meeting in New Zealand. Japan has its own unique laws, precisely because that country has protected itself against crime, against petty crime. The Japanese have laws that we should take an interest in and that offer examples for us. They have worked on those laws.

Why would we not do a broader survey to observe what is done in the major countries in this area? All countries are currently asking themselves questions. We cannot say that Canada is in the vanguard in this kind of law. We might therefore look elsewhere instead of trying to reinvent the wheel, obviously, before saying that we will write our own law in our own little corner.

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Earlier, my colleague was talking about the American legal framework. I do not think that the Americans have the best laws, but you will note that they have laws that contain excessively harsh penalties. Imposing heavy penalties is an idea worth considering. I believe that the first offence is \$7,500 and the second rises to \$75,000.

But we still have to catch the fraud artists. We cannot get carried away with the size of the fines, without knowing whether we will find the resources or will have the support needed to actually identify the people committing the frauds.

The Royal Canadian Mounted Police is well-equipped. Sometimes it takes hours to find a person who has committed identity theft. Sometimes it takes years. It is not easy to catch these people. There should be organizations that can track them down more efficiently.

Like my colleague, I recognize that we should not rely solely on a law—that would be very narrow-minded.

We need to revamp the entire Criminal Code because the offences it covers were mostly defined back when people had a more traditional notion of right and wrong. As you know, several years ago, when a person's honour was at stake, people did not conduct dishonest transactions. It was also a matter of honour to keep one's word, which is not necessarily the case today.

Everything that has been done to make it easier for people to complete payment transactions has also made it easier for some to steal people's money and identity.

In France, people used to use cheques all the time. People used them a lot because they were difficult to forge. Here, people hardly ever use cheques anymore because they are not secure. Yet we know that credit cards have caused so many problems around the world. The law should force companies to make their credit cards secure because they have the means to do so. It would mean extra fees, but society as a whole would benefit tremendously. Credit card holders who are prepared to pay the price could demand secure credit cards. That would really help the market.

The legislation should be broadened so that we can really see the big picture and not rely solely on educating people, even though that is very important.

● (1655)

The government must also ensure that this legislation, if passed, creates agencies and rules that would require private enterprise to do something about truly minimizing this plague. The word “plague” is quite appropriate here to describe something spreading at a phenomenal rate. People are no longer sure how to use their identification. It has become too dangerous.

There are agencies that could help educate people. They may not be able to help in terms of detection, but they can help in terms of education. These agencies should receive help to educate the public. The target population consists of older persons and the illiterate. Certain groups of people are isolated and somewhat gullible. They could be reached through the community groups that represent them. This education should be available all across the society, not just in the schools. That is how we can fight back against this plague.

As I said, it is important for the measures to focus on enhanced security and standardization in the card-issuing process everywhere. And the number of identification cards in circulation could possibly be reduced. Every person carries around roughly 10, 15 or 20 cards with their name on them. If we want to halt this plague, then a card holder should be using no more than one or two multipurpose cards. That is something to consider for this legislation. We must not look at this legislation based on the past and on simple plastic identification cards. We have to think about the future. What is on the horizon for identification? We have to listen to people. There are experts who work in this field. If we do not know the whole story, we will not have legislation that is still current in five years.

This is very important because the rate at which secure identification cards are being developed makes us think that if we pass a law based on the present and the past, we will not have a law that will prevent future identity thieves from running rampant.

This will be very interesting legislation to review in committee because it is quite broad and applies to so many things, so many individuals and so many types of fraud. This is something that should provide a great deal of relief to the public.

We cannot rely on legislation and congratulate ourselves by saying now that we have good legislation the problem is solved. It is a rare case, but clearly one where legislation alone will not solve anything.

● (1700)

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, let me first of all thank my dear colleague for his comments. I am sure that all members of the House are very much concerned about identity theft. This bill to amend the Criminal Code is certainly important.

However, we, in the Liberal Party, want to support real efforts against identity theft. We are very much concerned about the quality of the bill, which does nothing to prevent identity theft. My dear colleague spoke with eloquence about this problem in our society. The loss of a person's identity is very serious.

Perhaps my colleague could comment on this bill. Perhaps we could amend it. I am very worried—and I am sure that my colleague is as well—because this bill does not include any preventive measures. Yet, it would be very important to have a bill which brings important remedies to the identity theft problem.

Mr. Christian Ouellet: Mr. Speaker, I thank my colleague for his excellent question. It gives me the opportunity to say how convinced we are that the bill, in its present form, is very primitive. This is just a sketchy bill. I am not sure that we will be able to add enough substance to it. As we know, the committee cannot change the essence of the bill. It can only improve it.

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To answer my colleague, I do not have any particular amendment to propose at this time. In my view, the bill requires a wide assessment. One cannot imagine that a few amendments will suffice to make it perfect. It is a very complicated bill. It should be clear, although it cannot be simple. In fact, it will need to be developed much more.

[*English*]

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, I want to thank my colleague across the floor for his presentation today. I listened to everything he had to say and agree with most of what he presented here.

Identity theft is a very serious issue. I have had my identity stolen and had credit card bills run up in my name which were not my bills. I understand what a personal affront this could be, and I am probably not alone in the House in having been through this experience.

We will also support the bill, but we agree that it needs to be strengthened, and hope that the committee will have the opportunity to do that.

The situation now is that the police can find individuals with multiple identifications in their possession and they are powerless to act. That is just ludicrous and is long overdue to be changed.

One of the issues I want to raise however is the fact that the government brought forward a voter ID act in the last session. In that bill the government insisted that the voters list would have personalized information published that would include a person's birth date and their residence. I believe this could be another avenue that the criminal element could use to steal identities and commit more fraud.

I would ask my colleague for his opinion on the voter ID act and whether or not I am correct that it would give criminal elements another opportunity or another avenue to pursue fraud, and whether or not that will be part of the committee's deliberation as well.

[*Translation*]

Mr. Christian Ouellet: Mr. Speaker, I thank my hon. colleague for this excellent question.

We do agree that providing information for the purpose of voting only expands the chain of information within the general public, and that this is dangerous. We are nevertheless of the opinion that voting ought to be made safer through the use of identification documents that cannot be copied. We are thinking ahead. That is precisely the example I gave earlier. Legislation is being developed based on past or current experience, but without thinking ahead. ID cards could be thought up that would not be subject to identity theft. It has to be stated in regulations that such cards will be required, because fraudsters will continue to be increasingly inventive in finding ways to steal people's identity.

I totally agree with what the hon. member has said. She is supporting my position about the need for legislation to be forward-looking, without creating new ways of spreading information.

I also appreciated the hon. member's remark about having herself been the victim of identity theft, because I have as well. Identity theft involving credit cards can be dealt with relatively easily. In my case, someone used my name to make a large purchase of truck tires. I

never made such a purchase; I did not even own a truck. This black mark on my credit report stuck to me for at least seven or eight years. I did everything in my power to have this debt erased from my report, but nothing could be done about it. Throughout America, the assumption was that I had bought ten or so very large tires and that I was responsible for that debt. We know that these are expensive tires. I was really stuck with that. It has taken a prolonged effort on my part to straighten things out, and it was a case of identity theft.

• (1705)

[*English*]

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, I have some concern about this very important issue of identity theft and what it might mean for people in my own riding. I did have a case that I dealt with early on in my career here.

It certainly was a concern how the theft happened in the first place, but it was how it was fixed in the end, how we got somebody to respond to the fact that there had been an identity theft, and that it should be taken seriously so that it would be acted upon quickly, so that the person whose identity had been stolen could feel comfortable in moving forward with her business.

I would ask the member whether the bill deals with the after-the-fact of the theft as much as it does with the before-the-fact?

[*Translation*]

Mr. Christian Ouellet: Mr. Speaker, my hon. NDP colleague has asked an excellent question.

Indeed, this piece of legislation must involve taking action before the deed is done. In other words, it must not be repressive legislation, since we know how hard that would be to enforce. The legislation should indicate how we must proceed and set out regulations to ensure that the private sector and other governments establish secure identification measures. Opportunities for stealing other people's identity must be limited as much as possible. It would be most unfortunate to create a piece of legislation based entirely on repression, one that simply says that anyone caught possessing the identification of five or six people will be fined. That is not the answer. We must be proactive and set out what is needed to reduce the instances of identity theft.

It would truly be a progressive, forward thinking piece of legislation. It would be to the government's credit to go beyond current practices for once and really move things forward.

• (1710)

[*English*]

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, when I listen to the discussion which has gone on with respect to this bill, one thing occurs to me. We have all had experiences. My colleague from the Bloc talked about his experience with the truck and the tires. He found that he was totally accountable and, beyond belief, had a blot on his credit rating and a number of other implications.

If were about that, in terms of protecting Canadians against that kind of impingement on their rights, it would be serious enough. However, I draw the attention of members to something that is far more serious than that.

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In the last number of years, we have become profoundly aware of how criminal intent preys upon the vulnerable, such as the elderly in our societies. No more is it made graphically clear that criminal intent is accelerated by the complexities of establishing identities. In particular, if it is a stolen identity, it can even go so far as taking a person's residence, having it transferred into another name and selling that residence from beneath the feet of the persons who have lived in that home for probably 20 or 30 years.

Very recently there was a court case. An elderly citizen's spouse had passed away. He had lived in his home for over 50 years. He woke up one day to find the home was no longer his. All the history associated with his home, his relationship with his neighbours, his long-time commitment to the community meant nothing.

The court case drew out the deviousness of those who had victimized that elderly man. They were so skilful in intercepting his mail and occupying his being. They knew the bank he dealt with and his bank account numbers. They knew the assessment office to which he paid his property taxes. They knew every single aspect of his life, which allowed them to walk into a bank and transfer title to this property. They were able to satisfy the manager and those who handled the account, a bank that he had done business for tens of years, that he had transferred the property to them.

This is an effort on my part, not to be overly dramatic about what we are involved in here, to give a very small indication of how clever and devious those who wish to victimize can be if they apply themselves and what harm they can do, given the complexities of the way that business is done today.

•(1715)

I had not seen how the bill implicated to this case until I listened to some of the members talk in the House. I started to wonder if we really were totally aware of those machinations of a criminal mind and how they could victimize Canadians.

The point has been made that the bill is reactive in the sense it deals with crimes that relate to the kind of circumstances I have given in my example, the obtaining and possessing identity information, the intent to commit certain crimes, as in stealing identity so one could take over the ownership of a person's home without them even knowing.

Incidentally in this case, the people who did that left the country and it was difficult for the court to bring them back to establish the facts of the case.

The intent to commit a crime is enumerated in the bill with respect to one of those three new offences, which would be subject to a five year maximum sentence. I do not think anyone in the House should disagree with that.

The intent to traffic in identity information and to use that knowledge recklessly in the commission of a crime will now be one of those three new offences as will possessing unlawfully government-issued identity documents. In the case I referred to the information used was municipal, but by the same token, the result of using that information caused irreparable harm.

To finish on the example, as I understand it, the court declared that the bank, which was the holder of the mortgage and had benefited

from many decades of business with that elderly citizen, had certain responsibilities, in a business sense, to do due diligence with respect to entitlement under ownership and so on.

That also brings us to the questions with respect to not just a responsive and reactive Criminal Code adjustment, but also to the tools that are required in today's very complex society. I point out that we have private member's Bill C-416, the modernization of investigative techniques act. The bill would give direction with respect to providing law enforcement agencies with the tools necessary to combat and prevent identity theft.

I do not know whether it has been cited before, but the reaction with respect to society's repugnance with what has happened has reflected very well by Nancy Hughes Anthony of the Canadian Bankers' Association. She said, "The fact that millions of Canadians must use and rely on personal identity information daily represents a gold mine for criminals". That is why it is so imperative we try to support our investigative agencies through the criminal justice system. Therefore, we will support the bill.

•(1720)

We also have made it clear, and I hope the government will take it as a serious notice of intent, that the subject of the private member's bill is equally deserving support.

As I indicated in my example of the elderly citizen who lost his home, it is not only the law enforcement agencies that need the support. It is a systemic problem that needs an institutional response to empower the municipal agencies, the post office, those involved in court proceedings in an attempt to protect those who have been violated by this kind of criminal activity. We need to put a very clear message out that we, as representatives of our public, know the extent to which people can have their identities violated and the implications of that. We need to let them know we will not stand idly by and allow this to happen, that we will implement the counter-measures that are equally up to the task.

The illustration I used is one of several that have happened across the country. They happen to Canadians who may not be as fluent in the letter of the law or the language. They happen to people who are elderly, as in the case that I related. However, the end result is always the same. We shake our heads and wonder how those things could happen. We ask if they would have happened 30 years ago when the community was much tighter, when we had a lower population and when we had a knowledge of each other. As many have said, we used to leave our doors unlocked and we knew exactly who was in our community. If someone looked suspicious for any reason, our neighbourhood vigilance was equal to assisting our neighbours and so on. Unfortunately, that is not the way in many communities today. We need to be very proactive.

I am very pleased to see this legislation. The government has acted in a responsible and responsive way. However, I only hope, when the private member's bill comes up, we give an equal degree of treatment, either through committee or through the bill itself when it is presented, to the kind of example I have used. The implications are so serious and the lives of so many people are affected at a time when they should be able to look with confidence to their retirement and to the equity they have in their homes. The example I have used is one where an elderly man was completely and inhumanely treated, with no compassion or empathy for his needs. He had his identity stolen and lost everything for which he, his wife and his family had worked for their whole lives. We must not let that kind of thing happen. The bill is a good step toward meeting that kind of challenge.

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, could the member comment on the fact that within the legislation there is nothing about compelling government or businesses to notify people when there has been identity theft through a chain store or when government information has been lost or somehow misplaced or stolen, and we have seen a number of examples? That is not included in the legislation and I am interested in the member's comments about whether businesses and government should be as compelled as anybody else.

• (1725)

Mr. Alan Tonks: Mr. Speaker, I would like to thank my colleague for that question because it is part of what the court case was all about in the example that I have used.

If there was any suspicion that the elderly person's identity was being misrepresented, it did not occur at the municipal agency, if it had any idea, and I am not sure whether it did, it did not occur when the land transfer took place. It did not occur most certainly when the individuals who had stolen the identity appeared before an official of the bank. If at any single stage someone had come forward and said, "There is something that smells in this transaction", then proactively some action could have been taken.

I am not as familiar with that part of the bill as the member may be, but if the bill does not apply that kind of mechanism, then it would be short-sighted.

What we are attempting to do is to put out a very clear message to people who have the intent to circumvent the law or to engage in a criminal act and are engaged in that by stealing identity in various ways. We are trying to make it clear to them that there is a very strong cause and effect and there is a very strong criminal result of that in terms of these three offences.

To be really proactive is to catch them before they hurt the people they are intending to hurt. If the bill is short on that, then I would certainly support a mechanism which would provide for the requirement to come forward with that information. If there is someone in the process who understands there is the intent to defraud or to engage in criminal activity, it should be incumbent on the official to come forward and report it to the police, for example.

I would certainly support that. I am not sure whether the bill does that, but I appreciated the question in order to elaborate on that.

Private Members' Business

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I would like to ask my colleague, who has a great deal of experience when it comes to Canadian municipalities—and large ones, at that—how Bill C-27 can be linked to the municipalities, especially the large municipalities.

Should there be a link? If so, what is that link?

[*English*]

Mr. Alan Tonks: Mr. Speaker, that question is an excellent one. Be they municipalities large or small, at many different levels there is a close relationship with local taxpayers.

It is related to the answer I gave to my colleague from the New Democratic Party. If there are officials within the assessment offices and so on who know of even a modicum of intent, then they should notify the police and there should be something in the bill to allow that to happen.

The Acting Speaker (Mr. Andrew Scheer): 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.

PRIVATE MEMBERS' BUSINESS

• (1730)

[*English*]

HALF-MASTING OF PEACE TOWER FLAG

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.) moved:

That, in the opinion of the House, in order to show respect and to honour Canadian Forces and other Canadian government personnel who are killed while serving in overseas peacekeeping, peacemaking or humanitarian missions, the government should lower the flag on the Peace Tower to half-staff for the day following their demise as a remembrance of their important service to Canada and Canadians and that a moment of silence to be observed in the House, if the House is sitting on that same day.

He said: Mr. Speaker, as I rise to start off the debate on this motion, I would like to make a couple of important points.

Much debate goes on in the House relating to Canadian missions abroad, the latest one being the mission in Afghanistan. While there are many points of view in the debate, be they on defence, development, diplomacy, what the length of stay of our forces should be, what the troop commitment should be, they are all legitimate. However, it is important that we, as members of the House, all recognize that there is absolutely no debate about all members of Parliament supporting our men and women in uniform and other officials who serve our country abroad.

That is very important, because there has been commentary about the ideas we are fighting for, the way we treat captured prisoners and we want to ensure that we embody them in the conduct of the mission. I want to make sure that going forward there will never be a question from anybody in any party about their commitment to the men and women who are serving overseas.

Private Members' Business

Just yesterday we observed a moment of silence in the chamber with respect to the tragedy that happened in New Brunswick to students of Bathurst High School and a teacher from Terry Fox Elementary School. Seven people lost their lives. To commemorate that event, the members of the House stood for a moment of silence.

Over my years in Parliament there have been moments of silence observed pertaining to any number of tragedies that have happened in Canada or around the world. It seems to me that when we deal with the untimely death of one of our people serving abroad, there should be no question that in the House we would have a moment of silence.

We have also had occasion, following the demise of one of our soldiers overseas, to lower the flag on the Peace Tower. Symbolically we do that because the decision to send people abroad on missions is made in this place. In my community or any community across Canada, on the death of a peace officer, the flag flies at half-mast at the city hall in that person's community.

In the case of RCMP officers who had been killed, we honoured them in the House. We commemorated the tragedy of their deaths. It seems to me that when we commemorate the deaths of soldiers or officials who are killed while serving their country, that would be a proper thing to do.

• (1735)

Let me refer to one of the motions moved in the house on the issue of lowering the flags to half-mast. In *Hansard* on Thursday, October 7, 2004, the member for Port Moody—Westwood—Port Coquitlam, a member of the Conservative Party, said:

Mr. Speaker, when I was walking to the office this morning I was actually saddened and disappointed to notice that the federal government has not recognized appropriately the tragic loss of Lieutenant Chris Saunders yesterday on the HMCS *Chicoutimi*.

Therefore, I am rising today to ask unanimous consent of the House for the following motion. I move:

That this House demand the Prime Minister instruct all federal government buildings to immediately lower all Canadian flags to half-mast to recognize the tragic death of Lieutenant Chris Saunders yesterday on the HMCS *Chicoutimi*.

That motion was unanimously adopted.

The flags have been lowered on previous occasions. As a matter of fact, for the most part, the policy of the previous government was that if a Canadian soldier died overseas, the flags would be lowered. That policy seems to have gone by the wayside.

There have been various controversies around the way we have dealt with soldiers who have died serving our country overseas. One of the controversies was about how we would deal with the repatriation of the body. Unfortunately, the government took the position that the media would not be allowed at those events.

We are talking about something that is very simple and very basic. We should be commemorating the passing of the soldiers who have been killed overseas while serving this country, soldiers who made the ultimate sacrifice. We should be commemorating their passing in this House and also lowering the flag on top of the Peace Tower.

We could deal with this issue expeditiously. All we have to do is let the debate collapse today. We have had representation made to this effect by all parties in this House. It would show our soldiers that

we are in solidarity with what they are doing overseas. We could have the necessary debate in this chamber when we set the policy.

There is no greater sacrifice an individual could make than to serve his or her country abroad. When a tragedy does happen, when a death does occur, we as a Parliament and we as a nation should commemorate it.

This does not have to be a controversial motion. Most members of this House would agree to this motion. I urge members of the House to expedite the passing of this motion.

Four soldiers have died this month in Afghanistan and we have had no commemoration of their deaths either in the House or by lowering the flags. Let us show the men and women who are serving abroad that in spite of any differences we might have in this chamber about the policy relating to the mission, they have our wholehearted and unanimous support, just as they have the wholehearted and unanimous support of all Canadians.

I am going to cut my time short because I really would like to see this debate collapse so we could proceed to a vote as soon as possible on an action we could take to show our solidarity with our men and women serving overseas. We should expedite it and make it happen as quickly as possible. There should be absolutely no question that we are behind them 100%.

• (1740)

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, we are all aware that this issue has been raised many times in a variety of different fora. I think we all agree that we need to honour the sacrifice of our brave men and women in uniform and that we do in fact mourn every death that we hear about. Our troops know that they have our wholehearted support.

There are some questions on the part of those who have served our country in many different ways in the past. When this issue came to our attention in April 2006, the veterans themselves spoke up. ANAVETS, the organization representing army, navy and air force veterans in Canada, said that the practice of lowering the Peace Tower flag insulted the relatives in memory of tens of thousands of past veterans who gave their lives for Canada but who were not granted this additional honour. Was their sacrifice any less important than those today?

Is the member aware that this motion, as it is worded, would fail to give the same honour to Canadian Forces personnel killed while serving at home in Canada as it would to those abroad? Would the hon. member explain the reason for that?

What clear criteria does the member use to define “peacekeeping”, “peacemaking” and “humanitarian missions”?

Is the member also aware that his motion fails to give the same recognition to the sacrifice of policemen or firemen who are killed in the line of duty in Canada as it would to government personnel killed on a humanitarian mission abroad?

Private Members' Business

Hon. Andrew Telegdi: Mr. Speaker, when I see or have seen a flag lowered on the Peace Tower because a soldier or somebody serving Canada abroad has died, I remember the sacrifices of all the previous soldiers who have died in the service of Canada. I have absolutely no problem with that. To suggest that this somehow is not respectful of the memory of people who died previously is just wrong.

I do not see this as an additional honour. I see this as being very mindful of what our soldiers are going through. Their sacrifices are no less than the sacrifices of current soldiers who might have died.

The other issue is in terms of police officers. If an OPP officer dies, the flag in the province of Ontario is lowered. If a regional officer dies, the flag in the region is lowered. These soldiers are employed by us.

If the hon. member wants to propose a motion to recognize those dying in the service of Canada within the military, I would be very supportive of it.

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I thank the member for bringing this type of private member's motion forward. Although I certainly support what he is trying to accomplish here in giving recognition to our fallen men and women soldiers, I do not see that this motion would do that adequately.

However, the member is absolutely right. I think everyone recognizes the important work that our men and women are doing abroad. All of us recognize that the troops who are serving are doing Canada very proud and we want to do the right thing.

That being said, the troops who are doing this recognize that the best way of supporting them is by giving them the resources they need to do the job.

I have one question arising from what the member for Kitchener—Waterloo brought forward. Most of the Legions and most of the ones who served before have asked that we not do this. Would it show respect to them if we went ahead and lowered the Peace Tower flag when those who have served, the veterans, are asking us not to do it?

• (1745)

Hon. Andrew Telegdi: Mr. Speaker, I belong to a Legion and many members in the Legion do support it.

The other issue that the member talked about was debating policy as to what kind of actions we should take in terms of defence diplomacy development. I want to underline again that there are legitimate points of debate and we must separate that from our total support for the service of the men and women in uniform who carry out the policies of this House.

Hon. Jim Abbott (Parliamentary Secretary for Canadian Heritage, CPC): Mr. Speaker, it is my pleasure to speak to Motion No. 310 on the topic of half-masting the Canadian flag, a topic that is of great interest and concern to Canadians across the country.

I, too, would like to thank the hon. member for Kitchener—Waterloo for providing us with the opportunity to begin open discussion about our flag. It is a topic that I myself have raised at the Standing Committee on Canadian Heritage on a number of occasions and it is a topic deserving of the careful study of the committee.

Since the formal adoption of the Canadian flag on February 15, 1965, it has become an important symbol of our country, uniting all Canadians. It is flown at schools, arenas, hospitals, museums and office buildings in municipalities all across the country. It is flown, displayed or hung in provincial establishments and federal government buildings. It is flown proudly on the top of one of our most significant buildings, other symbols of our values, the Peace Tower on the Parliament Buildings.

It is clear that the symbolism of lowering the flag is immense. It is a graphic visual reminder of loss. It is lowered with a great sense of respect and engenders a feeling of grief. It is an age old signal of a country in mourning.

Given the immense significance, the Government of Canada currently has a policy around when and under what circumstances it will be lowered.

The first policy was introduced in 1966 by the then Department of the Secretary of State of Canada. This early guide, general rules for flying and displaying the Canadian flag and other flags in Canada, provided guidelines on virtually every use of the national flag.

This early policy stipulated that the flag on the Peace Tower would be lowered in the following circumstances: first, death of the sovereign or a member of the royal family related to the sovereign by the first degree, that is, a husband, wife, son, daughter, father, mother, brother or sister; and second, death of the Governor General, a former Governor General, a Lieutenant Governor, a Canadian privy councillor, a senator or member of the House of Commons; and third, on Remembrance Day, November 11.

The 1966 policy also elaborates when the flag would be lowered on federal government buildings, airports and military establishments in the following circumstances: throughout Canada on the death of a sovereign, member of the royal family related in the first degree; the Governor General; a former Governor General; the Prime Minister; a former Prime Minister; or, a federal cabinet minister; throughout a province on the death of a lieutenant governor or provincial premier; within a riding on the death of a member of the House of Commons or a member of the provincial legislature; and, at the place of residence on the death of a senator or a Canadian privy councillor.

The rule also included a provision to lower the flag on federal buildings, subject to special instructions on the death of members of the royal family other than the sovereign or those related in the first degree to the sovereign, a head of a foreign state or some other person whom it is desired to honour.

As we can see there was no reference in those 1966 guidelines specifically for military, police or others who serve their country or community. There was no provision for designated days of national mourning other than Remembrance Day. There was a lack of clarity for many situations.

Therefore, since 1966, changes were made to the policy in an ad hoc manner until 2002-03 when a comprehensive review of the policy was conducted to modernize it so it would provide clear guidelines for different kinds of situations.

Private Members' Business

It was evident that Canadians wanted to see themselves reflected in this policy. It is important to mark the death of a leader but it is equally important to mark the death of ordinary citizens who take extraordinary risks or lose their lives as a result, or those who are lost in natural disasters or through terrible acts of violence. It became apparent that the half-masting policy needed to respond to these types of situation.

It was clear that Canadians wanted some sort of national commemoration where we could, as citizens, mourn together as we do for November 11. Therefore, over time, additional days of national mourning were added to the half-masting rules. These include April 28, Workers' Mounting Day, legislated in 1990. On this day the flag is half-masted on both the Peace Tower and on government buildings within Canada. This day commemorates workers who have been injured, killed or suffered illness as a result of occupational accidents and hazards.

December 6, National Day of Remembrance and Action on Violence against Women, was adopted by Parliament in 1991. The flag is half-masted on the Peace Tower and on government buildings within Canada. This day coincides with the sad anniversary of the death of 14 young women who were tragically killed December 6, 1989 at École Polytechnique in Montreal because of their gender.

• (1750)

The last Sunday in September is Police and Peace Officers' National Memorial Day adopted in 1998. The flag is half-masted on the Peace Tower, on government buildings and on establishments within Canada. This is a special day for Canadian police, corrections officers and peace officers that gives Canadians an opportunity to formerly express appreciation for the dedication of police and peace officers who make the ultimate tragic sacrifice to keep our communities safe.

April 9 is Vimy Ridge Day. The flag is half-masted on the Peace Tower. In addition to the above days, there is an annual memorial service on Parliament Hill in honour of deceased parliamentarians where the flag on the Peace Tower is lowered.

In November 2005, the Department of National Defence developed an internal protocol for half-masting in the event of military deaths. This new internal protocol functions within the guidelines of the government's broader policy on half-masting outlined in section II, discretionary provisions, paragraph 14, employees of the federal government. This allows an individual federal department to make a decision about half-masting for an employee who has died in the line of duty or by reason of the position her or she occupied within the federal department, agency or crown corporation.

In the event of the death of a member of the Canadian Forces who is deployed on operations to a special duty area, National Defence internal protocol, which falls under section 14, stipulates that flags will be half-masted as follows:

All flags within the task force—

—for example, theatre of operation, in the case of Afghanistan—
—to which a member is assigned at the time of death shall be half-masted from the day of death until sunset the day of the funeral;

All flags at the home base/station of the member shall be half-masted from the day of death until sunset the day of the funeral;

All flags within the environment (sea, land, and air) to which the member was assigned shall be half-masted from sunrise to sunset on the day of the funeral. and;

All flags at National Defence Headquarters shall be half-masted from the day of death until sunset the day of the funeral.

It is clear that this policy, so important to Canadians, will continue to evolve as the needs of Canadians evolve over time.

Personally, on numerous occasions I have raised this very issue with the Standing Committee on Canadian Heritage as one deserving of careful, non-partisan study.

This well-intentioned motion is timely in the sense that it would get the attention it deserves in the context of a committee study. However, there is no formal provision for a motion passed in the House to go to committee.

I have spoken to other members of the standing committee who have expressed interest in having the contents of the motion referred. However, I do respect the sanctity of private members' business and recognize that it is up to the member to withdraw the motion and refer the contents to committee.

I discussed this option with the member for Kitchener—Waterloo and hope that he will choose to withdraw the motion and refer the content of the motion to the standing committee for a more fulsome discussion so that we can move from debate to real action.

The government wants to get this right and we are prepared to move forward. We simply need the member to withdraw the motion, refer the contents to the standing committee and the standing committee will take over from there. We hope he does that.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, no one is against virtue. No one will be surprised to learn that the Bloc Québécois supports the motion that is before us.

I was a bit surprised myself, though. I wondered where my Conservative colleague was going with his listing of all the people in whose memory the flag can be lowered to half-staff and the House can observe moments of silence.

I understand now why we do not have unanimous consent to expedite the adoption of this motion. He would like the member to refer the proposal to the committee. I will not object, because I also understand that the government wants to get this right. Like the Bloc Québécois, I cannot be against the motion as written.

The motion covers a lot of ground, and it is important. It is essential that we recognize the ultimate sacrifice made by people who die in the performance of their duty. One way of doing this would be to lower the flag to half-staff; the other would be to observe a moment of silence.

In the House of Commons, there is a fairly common practice that we follow when a national tragedy occurs where there is loss of life. The Speaker of the House asks the House to rise and observe a moment of silence, as we did this week.

Private Members' Business

The proposal before us, however, refers specifically to the Canadian Forces and Canadian personnel on mission overseas. This is important, because it is not just soldiers who could make the ultimate sacrifice. The current mission in Afghanistan has led to the death of a Canadian diplomat, as you know.

In other words, it is not just soldiers and members of the Canadian Forces who could lose their lives in a theatre of operations. There are also all the people who work for the government in other departments such as CIDA or Foreign Affairs.

The intention is therefore very good. We have the means to express that recognition. We have the tools. Two simple but effective ways of showing that recognition are proposed.

It is important, as a matter of principle, to recognize that someone in Afghanistan or elsewhere lost his or her life in the service of the nation. I am not necessarily talking about Quebec or Canada, because we know now that there are two nations.

These people are serving their nation. We are asking them to go into a dangerous theatre of operations; they have no choice. If they lose their lives, it is important that we honour them, not for their own sake, but for the sake of the families of the fallen.

I refer, for example, to the great world wars, World War I and World War II. At the time, perhaps, we were unable to commemorate the dead because people died by the thousands. Families lost their loved ones and do not even know what happened to them.

In today's theatres of operation, it does not take long to identify the person in question. It is important, not for the sake of the individual but for the sake of the family, to commemorate that person.

Conducting ceremonies—lowering the flag and observing a moment of silence in the House—allows the family to attend and to take some comfort in the commemoration. It is very painful for a family to have one of its children die in the line of duty.

It is important to show our gratitude, not so much for the fallen individual's sake, but more particularly so that the family can grieve and know that the person did not die in vain. The family will have proof that the son or daughter, brother or sister who was lost has been commemorated here and that their ultimate sacrifice has been acknowledged.

The Bloc Québécois does not want to go into the details of the types of missions. You will not be surprised to know that, for the Bloc Québécois, peace missions are much more important than stabilization missions, such as the current campaign in Afghanistan. People say that peace missions are on the decline. That may be true. Nevertheless, Canada's foreign policy was built, 50 years ago, on peace missions.

● (1755)

I do not need to remind the House that Lester B. Pearson won the Nobel Peace Prize precisely for the creation of UN peacekeeping forces. Since the Conservatives arrived in power, it has been rather sad to see peacekeeping missions clearly declining, not because the UN does not have them any more but because this government made a political choice to participate less and less in peacekeeping

missions and more and more in peace stabilization missions, which are much more dangerous.

I do not want to say very much about this kind of mission. I would rather say that we in the Bloc Québécois understand very well that, regardless of the missions in which our soldiers are involved, they do not have any other choice than to go. We may be heard criticizing certain missions, but we never criticize our soldiers who carry them out. It is the civilian authorities, in this case the House of Commons, who decide what our soldiers will do. As part of these civilian authorities, we have our word to say about the kind of missions we want and how they should be carried out.

We often ask questions on this subject, even today and yesterday, for example about prisoners. We have a duty as parliamentarians to speak up about these things.

However, we never blame our soldiers for participating in this kind of mission because we know that they do not really have a choice. When they get their orders, they move out and head for the theatre of operations with all the courage required—not just the personal courage to fight valiantly or valiantly put their life in danger but also to leave their family knowing that the family members will be always be very worried and afraid every minute of getting a telephone call telling them that their daughter or son was killed in combat.

We know that. That is why it is important for us to say what we think about this kind of mission. We would not go so far as to say that the flag on Parliament should be put at half-mast if it is for a peacekeeping mission but should not be if it is for a stabilization mission because the latter kind of mission is more aggressive. No, I think I have made myself understood: we will never call the participation of our soldiers into question. What we call into question is the mission itself, and as legislators we are perfectly entitled to do so.

We are looking at what has been brought before us, as it has been presented. I told you that we are supporting it, because we are not talking just about the military, we can also talk about the personnel of federal agencies who are in the theatre of operations and are also risking their lives. If you have been in Bosnia or Kandahar or northern Afghanistan as I have, I have visited those places, you can see that the situation is truly dangerous and that our troops have to be tremendously brave to operate in that kind of theatre. If some of those troops are so unfortunate as to lose their lives, it is entirely reasonable for a Parliament like ours to honour them. The way to honour them is entirely proper.

As I said when I began my speech, I listened carefully to the speech by my Conservative colleague about the importance of not ignoring or forgetting anyone. We were prepared to pass a unanimous motion directly, but I believe that the Conservatives are not entirely prepared to do that.

Private Members' Business

I am not opposed to referring the matter to committee, but I did not hear to what committee it was to be referred. Is it the Standing Committee on National Defence or the Standing Committee on Veterans Affairs? We shall see. As national defence critic and a member of the Standing Committee on National Defence, I can say that we are certainly prepared to look at the motion. However, we would have been prepared to pass the motion today. In my opinion, the sponsor of the motion was well intentioned, and that is why we have decided to support this motion. Whether it goes to committee or it is passed here unanimously, the Bloc Québécois supports the motion that our colleague has made today in this House.

● (1800)

[English]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am pleased to add a point of view from the NDP caucus as well as my own point of view to Motion No. 310 from the member for Kitchener—Waterloo, which states that in the event a member of the Canadian armed forces in a peacekeeping, peacemaking or humanitarian mission is killed, the flag on the Parliament buildings should be lowered to half-mast.

I have made this point in the past. I feel strongly that it should be Parliament, not government, that decides if and when the flag on the Peace Tower should be lowered to half-mast. In fact, in April 2006 I made this point on a question of privilege in the House of Commons. I maintained that the privileges of the House as a collective had been usurped and undermined by the government when it took that role away from Parliament and gave it to the executive branch.

I argued that the House of Commons is not a department of the Government of Canada and that Parliament should have control over all aspects of the parliamentary precinct, including the flag on the top of the Peace Tower. I argued that government had overstepped its authority by having the Prime Minister dictate whether or not the flag on the Peace Tower should be lowered, thus usurping my privileges as a member of Parliament to participate in this decision.

Unfortunately, the Speaker of the day ruled against my question of privilege. He ruled that the Senate and the House of Commons are only tenants of the government and that the administration of this property falls under the jurisdiction of the Minister of Public Works. That, I might tell members, rubbed me the wrong way. The House of Commons only has the “right to regulate”, he said, its own “internal affairs”. “The essential question”, then, he said, “is whether half-masting of the flag on the Peace Tower is an internal matter falling within the privileges of the House, or an external matter under the jurisdiction of the owner of the building”, our landlords.

The Speaker decided that because Public Works as our landlord is responsible for the physical act of raising or lowering the flag each day on the Peace Tower and because the Department of Canadian Heritage makes the rules concerning protocol of flying the flags, then these rules and their application are a matter for the executive and not matters for the Speaker or the House. I profoundly disagree, on a number of levels.

The half-masting of the Canadian flag on the Peace Tower is not simply a technical function on par with raising and lowering it every day with the rising and setting of the sun. The flying of our nation's flag at half-mast on the Peace Tower is this country's greatest

expression of national grief and respect. This matter should never be tainted by political considerations. Leaving it in the hands of the ruling party makes that unavoidable.

Most Canadians, and indeed most members of Parliament, support lowering the flag on the Peace Tower to honour members of our armed forces killed in the line of duty, yet for its own political reasons the government does not want to draw attention to these losses in a conflict that is increasingly unpopular. That is precisely why it should not be the government's decision to make.

If the government can defend its participation in the conflict in Afghanistan, it should be able to defend the casualties and the losses. Refusing to lower the flag on the Peace Tower is seen by many as an attempt to soft-sell or downplay those harsh realities of war.

The Speaker's ruling and the reasoning that underpins it give rise to a larger question. How and why did our Parliament ever lose jurisdiction over the operation and control of Parliament?

Canada's Parliament is based on the Westminster model. Both the Parliament of Canada Act and the act of Confederation of 1867 require that Parliament's structure reflect all the rights, privileges and authorities of the British Parliament in Westminster.

The control of the Palace of Westminster and its precincts was in fact exercised by the Queen's representative, the Lord Great Chamberlain, until, by agreement with the Crown, the Lord Great Chamberlain formally ceded jurisdiction over both Houses to the British Parliament in 1965.

I argue that this flag debate graphically illustrates that Canada should do the same thing. The Queen's government should pass control over both Houses of Parliament to Parliament itself. Until that time, Parliament is just a tenant in the Parliament buildings and does not enjoy the same rights and privileges as our colleagues in Westminster.

This is a matter of the independence of Parliament. It is pivotal to our system of government. Its history goes back to the English revolution in the mid-seventeenth century. In 1672, when Charles II and his troops marched into Parliament and demanded to know the whereabouts of five MPs accused of treason, the Speaker of the day, William Lenthall, said famously, “May it please your Majesty, I have neither eyes to see nor tongue to speak in this place but as this House is pleased to direct me, whose servant I am here”.

● (1805)

In other words, the Speaker proclaimed himself as a servant of Parliament, rather than of the king, and that independence is as important today as it was then.

Let us say for instance that a future government decides the Centennial Flame, which was lit on December 31, 1966, should be removed and a tourist souvenir shop should be built on its site. The public would be outraged, MPs would protest, but it would be ruled that Parliament is only a tenant and therefore the government of the day has absolute control.

Private Members' Business

Let us say a future beloved prime minister dies and Parliament wishes to have a state funeral. The prime minister of the day, a political enemy of the deceased, would say “No, Parliament is only a tenant and government has the control”.

A third example would be, let us say a future government decides it wishes to expand the PMO many times over, but it does not want to spend tax dollars building new office space, so it decides to use the East Block instead, telling senators to get out and telling MPs they will have to double up. Both the House of Commons and the Senate would protest, but Parliament would only be a tenant and the government would have the control.

If the House thinks these are foolish examples, consider this one. At the start of an overseas mission, several Canadian soldiers are killed in the line of duty. Parliament wishes to have the flag on the Peace Tower flown at half-mast to express the nation's profound grief and appreciation to those men and women who made the supreme sacrifice in the service of their country, but the government of the day does not want to focus the country's attention on the fact that our sons and daughters are dying overseas in a military mission for which support at home is dwindling.

Parliament wants the flag lowered on the Peace Tower. The government of the day does not. This is fundamentally wrong, that government can override and trump the will of Parliament in this way.

It is time for Parliament to stand up to the government and declare its independence in the same spirit Speaker William Lenthall declared the independence of the British Parliament in 1672.

If the government considers Parliament only a tenant in its own Parliament Buildings, then it is time for a tenant's revolt.

If the Prime Minister is going to ignore the will of Parliament and refuse to lower the flag on the Peace Tower out of respect for the men and women who are being killed in the service of their country, then he will return to a tenant's uprising because many of us in this Chamber will not tolerate it.

Today, I speak on behalf of the NDP caucus, but I also speak on behalf of the many Canadians who are sincerely grieving the loss of members of our armed forces. In recognition of that national grief, it seems to me that we should be lowering the flag.

If a senator passes away in the service of his or her country while in the job, the flag goes to half-mast. If a member of Parliament passes away during service or if he or she is a member of the Privy Council, the flag goes to half-mast. How is it any less significant if one of our sons and daughters serving overseas is killed in the line of duty?

I feel very strongly and I appreciate my colleague from Kitchener—Waterloo for bringing this motion before the House of Commons today. I feel profoundly strong that this is a motion that should succeed and should pass, and that the government of the day should cede control over parliamentary precinct to the House of Commons.

•(1810)

[*Translation*]

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, I have the pleasure and privilege to speak to this motion stating that the

Peace Tower flag be lowered to half-staff when a soldier, a diplomat or a relief worker dies in a peacekeeping or peacemaking mission overseas.

Over the years, the Conservative Party has given several reasons not to do that. I would like to refute some of these reasons. I would like the government to reflect on this matter and to question its position. In my view, this is the least the Parliament and the members can do to honour the memory of these people and to honour their families as well as possible.

[*English*]

I am pleased to support the motion presented by the member for Kitchener—Waterloo. The member for Huron—Bruce has also championed this cause. I had brought forward a motion at the veterans affairs committee a couple of years ago which unfortunately was not successful to do the same thing. This is an opportunity for us to debate it in the House of Commons and I look forward to a successful resolution to this matter.

One of the arguments that is somewhat compelling is that we have November 11 where we honour all veterans as we should. What we are asking in a sense is that the flag be lowered for veterans of our day, when it was not possible to have done it during the first world war or the second war where tens of thousands of Canadians were lost and not one community, not one neighbourhood, and not one street was left unaffected. I would suggest that in doing this we will honour them.

My father went to the second world war as did four of my uncles. Every community had to participate and every family had to send somebody to those massive wars. I have had the good fortune, as have many generations, of not having to participate, but we have not been involved to that extent in the world.

It is because of the sacrifice of Canadians and our allies during the second world war, the first world war, the Korean conflict, and many peacemaking missions that we have been able to have better stability on this planet and a better world where there are fewer conflicts. There are still too many, but there are less.

It is by honouring those who serve now that we remember those who gave us what we have. It is the least we can do.

Why this chamber and why over the Peace Tower? It is because it is a symbol to Canadians. It is a symbol of the nation. When we walk here in the morning to our offices and see the flag at half-mast, we would be reminded of the sacrifices made by those communities, those families and those individuals.

We would be reminded that when we as politicians fail, when diplomacy fails anywhere around the world, that our military is called to act. It has no choice. It has to follow orders.

Where we have not been able to establish through democratic methods, through bilateral negotiations, then we call upon the military in areas of great danger. Then it would be as it should be, our role, our duty to make sure that the flag flies high, that there are no Canadian losses.

Private Members' Business

We can do that by working harder on humanitarian missions, on assistance to countries, when we see the problems starting, when we see the seeds being sewn of conflict in the future.

We see some of that around the world now and I do not know that the western world is always reacting. I do not know that we are always assisting in time. Then we are called into conflicts such as Afghanistan where the Taliban government was harbouring the al-Qaeda movement, sponsoring terrorism internationally. We saw what the effect was on September 11.

Now we and our allies send soldiers, young women and men who are doing their absolute best to stabilize that country, to put it in a position where it cannot harbour that type activity in the future.

The word "hero" is one that is misused, abused and overused. There is bravery and there is heroism. Bravery can sometimes be equated to stupidity where people will put themselves in danger. Heroism is much different. It is doing actions which will benefit not oneself, but will benefit others when there is a real risk of harm and loss of life.

That is what these heroes are doing for us. Too many of them fall. Nearly 80 have fallen. We have had four already this year and it is a brand new year with many more at risk.

Now we have to debate in this House in the coming weeks how much longer and in what form we continue the mission in Afghanistan. Even once that mission is finished there will be another mission: peacekeeping, peacemaking. Canadians will be called upon to act and more Canadians will fall.

It would be absolutely responsible for the Parliament of Canada to recognize that. It is good for Canadians because Canadians expect that. Canadians can share in the grief of the families of the lost soldiers, in the grief of the communities where those soldiers come from.

• (1815)

We used to see repatriation ceremonies on TV, brought to the homes of all Canadians. Now that has been hidden from view, thinking it will make it easier. Ramp ceremonies are only held in the country where the conflict is and in Canada we no longer share the grief and be with the families in whatever way possible. I find that regrettable.

I am a member of the Privy Council. I was elected by my community and I have been paid very well to represent them in this august chamber. I have enjoyed every minute that I have been here. When my day comes, I can die very comfortably anywhere in this country or abroad of old age or any natural illness, and the flag will be flown at half-mast because I am a member of the Privy Council. Because I have been honoured in such a way in this chamber, I will be given that marking upon my death.

Corporal Paul Davis of Bridgewater, a soldier, and his counterparts will not see that. A parent wrote to the Prime Minister some time ago, a Mr. Dinning. I believe it was around April 7, 2006. His son was serving in Afghanistan and he suggested that the flag should be flown at half-mast when anybody falls. Unfortunately, a few days later Corporal Dinning fell, the son of the man who had written to Parliament.

I had an opportunity to briefly meet both parents in a TV studio in Ottawa and saw the grief they were going through, and the selfless sacrifice they were making by trying to make sure that we remediated this in the future. It will not bring these people back, but it will show that this country's national government recognizes their loss and the support they have provided.

I speak of soldiers, but I can also speak about diplomats. I can also speak about care workers, policemen, and all the people who are working with the provincial reconstruction teams in Afghanistan. This year the minister was at an advance base and we all saw on the news a rocket landing near that camp. Fortunately, he was unharmed and was returned to safety. Those who were around him, the soldiers who are there every night and every day, will not return to safety. They brought him to safety and returned to their posts.

They go to bed every night knowing that rockets can fall on them at any time. They get into their vehicles and do the work that we ask them to do in that country knowing that they could encounter a terrorist's improvised exploding device at any time and that they could be maimed, crippled or killed. That is the way they live and they do it for us. They do that because of our failings and aspirations. The absolute least we could do is honour their passing by lowering the flag to half-mast.

• (1820)

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I am pleased to speak to Motion No. 310. I thank the hon. member for Kitchener—Waterloo for providing us with the opportunity to address the issue of half-masting the Canadian flag on Canada's Peace Tower.

The Canadian flag is our most important symbol, but there is another significant symbol of Canada, one that every Canadian does, or should, recognize. It is a symbol seen across Canada and around the world. I am of course speaking of the Peace Tower, that soaring sandstone bell tower that rises up from the Centre Block of the Parliament Buildings.

Perhaps a brief history of the Peace Tower would be helpful. For thousands of years the hill upon which our Parliament Buildings now sit served as a landmark on the Ottawa River for first nations people. Much later it became a landmark for Europeans who used it to mark their journey further into the interior of the North American continent.

When Bytown, or Ottawa as it is now called, was founded, the builders of the Rideau Canal named the hill Barrack Hill and used it as a military base. Plans were made to create a large fort, but those plans never materialized. By 1858, just a few years before Confederation and when Bytown was named as the capital of the province of Canada, Barrack Hill was chosen as the site for the new Parliament Buildings.

By 1867, the year of Confederation, the structures of Parliament Hill were completed. They included a Victoria Tower which was an integral part of the original building. Tragically, on February 3, 1916 a huge fire destroyed most of the Centre Block, taking the tower with it. In fact, the only structure that remained was the Library of Parliament. It took another 11 years to rebuild the tower. When it was finished, it was named the Peace Tower in memory of the Canadians who had lost their lives in the first world war.

Private Members' Business

The Peace Tower is not just a name, it is a commemoration, because inside the tower is the Memorial Chamber, which is dedicated to the Canadian men and women who gave their lives in the service of our country. The chamber houses the seven Books of Remembrance in which are inscribed the names of more than 118,000 Canadians who, since Confederation, have made the ultimate sacrifice while serving in Canada's military.

I would like to note that among those whose names are inscribed in the Books of Remembrance is Master Corporal Colin Bason. Colin was a resident of my riding of Abbotsford and was killed in action last year while serving our country in Afghanistan. Abbotsford knows what it means to mourn a native son.

The hill which we now call Parliament Hill was for centuries a landmark that showed the way forward. Remarkably, today it has become not a fortress or a place to prepare for war, but a place of ideas and discussion, a place where laws are made, a place where human rights, freedom and democracy are vigorously defended. It is where the voices of Canadians are heard, the home of our national government.

Parliament's most glorious structure, the Peace Tower, was in fact named after peace, an eternal gesture of respect and honour, especially to those who died serving our country in the cause of peace.

Of course, flying proudly atop the Peace Tower is our maple leaf flag. It is a powerful image for Canadians, these two national symbols together.

We all know that lowering the flag is a sign of respect for the dead. But when our federal government orders the national flag of Canada lowered, it speaks for Canada and for all Canadians. A federally ordered half-masting is a sign of a country in mourning, and when that half-masting is ordered on the Peace Tower, it is the most profound gesture of respect we can make, because these are two of our most defining national symbols.

There are many ways to publicly mourn and indicate respect. Over time, Canadians have developed spontaneous gestures of respect and mourning. For example, on Remembrance Day, Canadians leave their poppies at the Tomb of the Unknown Soldier in Ottawa at the National War Memorial. In Ontario, Canadians gather with flags and flowers on overpass bridges and wait patiently for the motorcade carrying the bodies of fallen Canadian soldiers to pass on the highway so that they can pay their respects. In Montreal, people gather together every year with candles to honour the young women who died so violently at École Polytechnique. Stuffed animals and flowers were left at a spot where a young girl in Toronto was gunned down recently.

• (1825)

All over this country, memorials to fellow Canadians who have lost their lives through violence, accident or tragedy may be found on bridges, on streets and street corners. Why do we do this? Because although we do not personally know the individuals who have died, we are somehow deeply moved by what has happened to our fellow Canadians. As individuals we honour these memorials ourselves. They are personal expressions of grief and respect.

As a government, however, we represent all Canadians, and our two most profound national symbols must represent all Canadians. That is why we lower the flag on the Peace Tower on six very special days throughout the year: April 28, Workers Mourning Day; the last Sunday in September, Police and Peace Officers' National Memorial Day; November 11, Remembrance Day; December 6, the National Day of Remembrance and Action on Violence Against Women; April 19, Vimy Ridge Day; and for the duration of the annual memorial service to remember deceased parliamentarians. These are days that allow Canadians to remember other Canadians. These are days of national, not individual, expressions of mourning.

It is important to remember that a gesture only has meaning when it is reserved for special moments. We do not wear poppies all year round. They are reserved especially for Remembrance Day. They have meaning exactly because they are a symbol of that special day. Half-masting the national flag on the Peace Tower remains especially a uniquely Canadian gesture to those Canadians whom we would wish to honour, remember and respect.

Earlier my colleague, the hon. Parliamentary Secretary for Canadian Heritage, spoke about his desire to see the heritage committee embark on a full study of Canada's flag policy, including half-masting. As a member of that committee, I echo his thoughts. I believe that the role of the standing committee is to advance those kinds of policy objectives and that is exactly the place for this initiative.

Let us avoid the political partisanship which an emotional issue such as this one often creates. We need to move cautiously, very cautiously, before overturning long-standing traditions of our Canadian nationhood.

Hon. Jim Karygiannis: Mr. Speaker, I rise on a point of order.

I am sure that members in this House are aware of the death of Sergeant Christos Karigiannis in Afghanistan last June. Christos Karigiannis is a fifth cousin of mine who gave his life while serving our country.

I am a privy councillor and thus the flag will be half-masted upon my death. I would gladly trade this in order to have seen the flag half-masted for Sergeant Christos Karigiannis and any of his comrades.

Therefore, I am asking for unanimous consent of the House to adopt Motion No. 310, in the memory of my cousin, Christos Karigiannis, and all the other members of the armed forces who have given their lives in Afghanistan and other places of war.

• (1830)

The Acting Speaker (Mr. Andrew Scheer): Does the hon. member have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Andrew Scheer): There is no consent.

The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

*Adjournment Proceedings***ADJOURNMENT PROCEEDINGS**

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

FEDERAL GOVERNMENT RESEARCH CENTRES

Mr. Richard Nadeau (Gatineau, BQ): Mr. Speaker, on November 30, 2007, I asked the member for Pontiac, the Conservative minister from the Outaouais, a particularly pertinent question about why Gatineau does not have a single exclusively federally funded research centre while Ottawa has no fewer than 27 such facilities. What a shameful example of unfairness. That is not even close to the 25% of federal jobs that Gatineau should have in the sector, according to the promise made by the Government of Canada in 1983. Today, the 27 research centres located in Ottawa provide 6,033 jobs and receive \$910 million every year.

The federal government, whether Liberal or Conservative, has never respected Gatineau when it comes to the 25:75 distribution of federal jobs.

There should be seven research centres located on the Quebec side of the Ottawa River, along with 1,508 more jobs in Gatineau.

And what about the economic spinoffs generated by research centres that Gatineau is missing out on because none of the centres are located there?

On November 29, Franco Materazzi, an economist and economic development consultant, told the French-language CBC that “over 200 companies have been created...thanks to partnership with federal research centres, and nearly all of them are in Ottawa”.

In response to the question I asked on November 30, the minister and member for Pontiac rejected the 25:75 formula, saying that the entire national capital region—Gatineau and Ottawa—is included in the equation. His anti-Quebec stance, and that of his party, the Reform-Alliance-Conservative Party, keep resurfacing. He and his party have chosen to ignore Quebec's distinctiveness and that of Gatineau in this matter. The federal government believes that Gatineau is simply another Ottawa neighbourhood. The Minister of Transport, Infrastructure and Communities, who was a Liberal minister under Robert Bourassa, should be ashamed. When he said that Ottawa and Gatineau were a single entity, he turned his back on Quebec.

As my colleague and Leader of the Bloc Québécois, the hon. member for Laurier—Sainte-Marie said so well in a press conference on November 29, when he joined me in Gatineau to set the record straight on the issue of research centres, “Everyone agrees that we are pinning our economy on high level research. That is the way of the future. The way of the future for the federalists is on the other side of the river, in Ontario, with nothing for Quebec.”

Worse yet, the inequity goes beyond the issue of research centres, where the score is Gatineau zero and Ottawa 27. This minister even went back on the science and technology museum that was supposed to be set up in Hull over 22 years ago. He grovelled before federalist MPs in Ottawa instead of fighting for Gatineau, the way the Bloc

Québécois does. As far as the museums are concerned, the score is Gatineau 1 and Ottawa 10. We are far from 25:75.

Furthermore, Gatineau is still waiting for phase 2 of the National Archives Preservation Centre. As far as goods and services spending is concerned, the federal government spends 2.2% in Gatineau, compared to 97.8% in Ottawa. The inequity is even more obvious when it is pointed out.

[*English*]

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, the question before us tonight reflects how out touch the Bloc is with what is actually happening. It ignores all the facts and sacrifices them on the altar of bad rhetoric.

Science and technology is a topic of great interest to the government. To thrive in the global economy, Canada needs to be a magnet for talent, support world leading research and move research from the lab bench into the hands of the private sector.

Canada needs to differentiate ourselves from our international competitors by encouraging, supporting and empowering both private and public sector research leaders to be bold and forward-looking in areas where Canada has the competitive advantage. That is why the Prime Minister released a comprehensive and forward-looking science and technology strategy in Waterloo, Ontario, on May 17, 2007.

The member opposite has inquired about whether the government is investing in S and T facilities in Gatineau. Public works strives to achieve a 75:25 space ratio between Ottawa and Gatineau for federal government office space in the national capital area. This is a ratio that our current government has attempted to maintain.

On May 29, 2007, the Department of Public Works announced two requests for information for the construction of two new office complexes in Gatineau. Public works has also negotiated two leases for two office buildings in Gatineau.

The government's office accommodation strategy demonstrates our commitment to managing our real estate portfolio efficiently to meet the accommodation requirements of departments while offering best value for taxpayers.

With the acquisitions of those four buildings, our ratio will be maintained at 75:25. More important, this underscores how useless the Bloc is. Gatineau continues to receive its fair share under the current government and the Bloc releases misleading press releases that do not reflect any semblance of truth.

The 75:25 office ratio, I should be clear, is not for research facilities but for office space. Research centres are considered special purpose space and therefore not subject to the 75:25 ratio. Despite this exemption, our government has delivered substantial R and D facilities in Gatineau, unlike the Bloc that could never deliver one single result for Gatineau.

The Government of Canada spent \$9.3 billion on S and T in 2005-06. The latest data available by provincial breakdown shows that the federal labs and science based departments and agencies in the national capital region received 33% of total federal spending in this area. The answer is clear.

The federal government's investment in S and T directly benefits Gatineau. Gatineau is home to five significant research institutions that are true leaders in their fields and are of great national importance. These include the following, and the member should know this: first, the Institute for Information Technology, which is part of the National Research Council; second, the Quality Engineering Test Establishment of the Department of National Defence; third, the Library and Archives Canada Gatineau Preservation Centre; fourth, the Natural Heritage Building of the Canadian Museum of Nature; and, finally, the Canadian Museum of Civilization, which supports important research in human cultures and the social sciences.

These research institutions represent some of Canada's finest. They employ talented scientists who are dedicated, creating human knowledge that will be a benefit to Canadians and to the whole world at large.

How many results has the Bloc delivered for Gatineau, or even Quebec? Not one single result.

I will take a minute to explain to the Bloc members our S and T strategy because they seem to miss it. They spend all their time trying to justify their existence. The decisions that the government makes about science and technology are guided by four important principles. These—

•(1835)

The Acting Speaker (Mr. Andrew Scheer): The hon. member for Gatineau.

[Translation]

Mr. Richard Nadeau: Mr. Speaker, the debate on the research centres in Gatineau is directly related to the 75:25 ratio, a federal promise made in 1983.

In terms of employment alone, to achieve the 75:25 ratio, Gatineau still needs another 7,000 jobs. By their count, the Conservatives do not include federal employees of agencies such as the Canada Revenue Agency or the International Development Research Centre, or crown corporations such as Canada Post. As if those government employees do not work for the federal government.

These are just more examples of the federal government not respecting the specificity of Gatineau. This alone shows that the federal government does not respect the nation of Quebec and everything to which it has been entitled since year one of the Dominion of Canada.

[English]

Mr. Colin Carrie: Mr. Speaker, the member's accusations are baseless rhetoric, full of ridiculous errors and flirtations with the truth. What is worse is that these accusations are from a party that will never be able to deliver real results for the national capital region or Quebec.

Could the Bloc ever deliver \$2.7 billion of R and D spending in the national capital region? No. Could the Bloc ever deliver an institute for information technologies in Gatineau? No. Does the Bloc have the ability to create the Gatineau Preservation Centre? No. Would the Bloc have the opportunity to establish the Canadian

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Museum of Nature? No. How about the world renowned Canadian Museum of Civilization? No.

The member's questions, his accusations and everything that has been brought to the House tonight reiterates why the Bloc is completely out of touch with reality, out of touch with the facts and out of touch with les Québécois. This is why the Bloc will forever be in opposition purgatory before its eventual obliteration at the polls.

•(1840)

[Translation]

CHARTER OF THE FRENCH LANGUAGE

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, on November 27, 2006, the Conservative government recognized that Quebecers form a nation. That was over one year ago. This was achieved thanks to the Bloc Québécois, which, two days earlier, had put a motion before the House to recognize the Quebec nation.

Some hon. members: Oh, oh!

Mrs. Carole Lavallée: To hear the mirth of our Conservative colleagues, clearly they do not take this very seriously at all. Furthermore, the members of the Conservative Party, the Prime Minister and other Conservative members, seem to find this motion on the Quebec nation laughable. We all heard them laughing at this motion, which I talked about very seriously and somewhat emotionally, I might add.

For the Bloc Québécois and for Quebecers, being recognized as a nation is extremely important. Yet this government did so flippantly. It was a cheap ploy to react to the Bloc Québécois' initiatives in an attempt to trick the Bloc at every turn. It was a meaningless motion on their part, which we now see. It was a means of manipulating public opinion.

However, public opinion is not so easily duped. Quebecers are not fooled by this clumsy tactic by the Conservatives, who now find it so amusing. They are laughing at their own tactic and the trick they tried to play on Quebecers.

A nation has privileges. The word "nation" carries considerable weight. It implies fundamental rights. A nation means a common history, common institutions, a common territory and language. When it comes to language, Quebecers do not joke around.

The purpose of the Bloc Québécois' bill is to force the Conservative government to give concrete expression to the recognition of the Quebec nation, to stop laughing about it to people's faces—which is so insulting—and, lastly, to ensure that Quebec's Bill 101 is respected by the federal government.

The federal government, its institutions and businesses laugh at Quebec's Bill 101. They do not respect it. The Canada Labour Code should be amended so that Quebec workers have the right to be respected, have the right to work in French and have the right to receive employee notices in French. All bulletin board postings must be in French, as well as the work schedule.

In my riding, workers have shown me their schedules, written in English by Canadian businesses. This government is doing nothing for the respect of the French language in Quebec.

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Employee manuals should be written in French. Invitations to employees should also be in French. Even the gifts they receive should have French text on them. Some employees return gifts to their employers because the text is written in English. How insulting would it be to receive a gift in recognition of 25 years of service that does not respect French, the language we speak, and the *raison d'être* of Bill 101? These Conservative members must stop making a mockery of this in front of everyone.

Mrs. Sylvie Boucher (Parliamentary Secretary to the Prime Minister and for Status of Women, CPC): Mr. Speaker, the Quebec nation is important to sovereignists and federalists alike. We are Quebecers. We have Québécois blood, we have Québécois emotions, our language is French.

The Official Languages Act fosters the use of French and English within Canadian society. The Government of Canada considers the reality of francophone Quebec in all of its actions, particularly in the implementation of the Official Languages Act. It fully takes into account Canadian linguistic duality, which it is committed to promoting in Quebec, as in the other provinces and territories.

An important component of the Official Languages Act and the approach that will be taken is based on the principle of linguistic duality.

The Bloc members can make a big fuss, but they are the first to use anglicisms. What are “jobs” for the member for Gatineau or “emplois” for us.

The Government of Canada reiterated its support for the linguistic duality and the next phase of the action plan for official languages in the last throne speech. Our government is a responsible government and we do what is necessary to ensure that the best decisions will be made in the interest of the communities and the vitality of French and English in Canadian society.

Last December, the Prime Minister and the Minister of Canadian Heritage, Status of Women and Official Languages announced the appointment of a special advisor for consultations on linguistic duality and official languages. Bernard Lord will report on the results of his consultations with Canadians from across the country. Our government made a promise and we are keeping it.

Mr. Lord was able to use the results of regional consultations and those available on line to facilitate discussions with national official language organizations at the January 24 final event. Mr. Lord will present the report to the minister in the next few weeks.

The Government of Canada is a dynamic partner that supports the French language and Quebec culture. Several federal cultural institutions play a central role in Quebec: the CBC, Telefilm Canada, the NFB, national museums, and others.

French is not only for sovereignists; it is for everyone in Quebec and in Canada.

• (1845)

Mrs. Carole Lavallée: Mr. Speaker, the member opposite talks, but does not talk about Bill C-482 brought forward by the Bloc Québécois because she has nothing to say on this topic. She was seen and heard laughing earlier when I spoke to the motion.

After one of my questions, the member and the Minister of Canadian Heritage, Status of Women and Official Languages said in the House that their government was promoting both official languages, and it is true. The Conservative Party and the Conservative government are promoting both official languages in Quebec.

The Conservative government does not protect the interests of Quebecers. It cannot offer any protection because these interests include the French language. The Conservative government is « powerless » and cannot do anything for the French language. « Powerless » is one of the favourite words of the Minister of Transport, Infrastructure and Communities.

We, the Bloc, are the ones who stand for the Quebec nation, its fundamental rights, its civil code and its language. In fact, the Canada Post Corporation gave us a clear reminder about this fact during the week. It printed a calendar without the Fête nationale des Québécois. This is an insult to all Quebecers. The Canada Post Corporation has a corporate culture—

The Acting Speaker (Mr. Andrew Scheer): The hon. Parliamentary Secretary to the Prime Minister and for Status of Women has the floor.

Mrs. Sylvie Boucher: Mr. Speaker, we are determined to promote official languages in Canada, and we are working to do so. Of course, this includes French right across Canada, but also in Quebec.

The Government of Canada is taking into consideration Quebec's francophone reality in all of its initiatives, including the implementation of the Official Languages Act. This is evidenced by the current development of the renewal strategy for the official languages action plan, and by the numerous measures that have been taken.

A major component of the Official Languages Act, and of the approach that will be used, is based on the principles of linguistic duality.

The Prime Minister of Canada rose in the House to recognize the Quebec nation and this is what upsets the Bloc Québécois.

[English]

AGRICULTURE

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Mr. Speaker, I will address the question of the minority government ignoring the pending collapse of Canada's pork and beef industry, firstly with a national overview, followed by the role of the province of Ontario, and then a local perspective.

Let it be stated emphatically that the absence of the federal minister in this crisis and the lack of a compassionate response means that every day more farmers go out of business permanently. The abandonment of rural Canada by the federal Conservatives is now well documented. Why do they not help our farmers?

Adjournment Proceedings

To address this crisis, the Standing Committee on Agriculture and Agri-Food recommended several measures, including: interest-free loans; paying out the remaining percentage owed producers under the CAIS inventory; examining ways to relieve the pressure on the industry from the rising Canadian dollar; improving the responsiveness of business risk management when a liquidity crunch arises in the farming sector; fast tracking the federal \$600 million Kickstart program so that funds can start flowing earlier than initially planned; reviewing regulatory measures susceptible of putting the Canadian meat industry at a competitive disadvantage vis-à-vis other countries; and helping producers, processors and renderers with the disposal and storage costs of ruminant specified risk material. All of these were recommended.

Decreasing prices, increasing input costs, the strengthened Canadian dollar and regulatory compliance costs are all elements of a perfect storm, which has resulted in an acute income crisis for the beef and pork industries. Although both the production and processing sectors are affected, the crisis became acute this fall for hog and cattle producers, who are struggling to meet even their most immediate financial obligations. It also is felt that some regulatory measures such as inspection fees and the ban on SRMs has put Canadian meat processors at a competitive disadvantage.

Feedback received by the standing committee suggests that the Canadian agricultural income stabilization program, CAIS, was well received by producers. The question now front and centre is that the Minister of Agriculture and Agri-Food, on Wednesday, January 23, which is known as agricultural day in Canada, announced publicly in a widely circulated propaganda video that CAIS has been replaced. Regrettably, the government is dragging its federal feet.

In a letter to the Prime Minister, Clare Schlegel of the Canadian Pork Council stated, "Canada's hog industry is simply looking for a short-term loan program and improvements to the CAIS program".

These requests have so far been rebuffed. She states further:

As the request[s] for a short-term loan program and improvements to the CAIS... program have been denied, the liquidity problems for our farmers are getting worse every day.

This industry is world class and has the basic fundamentals to succeed in the future. However, our Canadian Government must also accept its responsibility of providing a stable business environment if it wants value-added businesses to continue adding to the balance of trade.

Mr. Geri Kamenz, president of the Ontario Federation of Agriculture, wants Ottawa to provide its share of much needed public investment in agriculture. Ontario Pork chairman Curtis Littlejohn has long voiced concern that Ottawa has thus far ignored pork's requests. As Ian McKillop, president of the Ontario Cattlemen's Association, has said, more has to be done to meet the livestock industry's current needs.

• (1850)

Mr. Guy Lauzon (Parliamentary Secretary to the Minister of Agriculture and Agri-Food and for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, it is an honour for me to rise in the House this evening to speak to this issue.

As the member opposite knows, this government and this minister are committed to putting farmers first. The government is working

closely with our partners in the livestock sector and with provincial and territorial leaders to resolve the difficulties facing Canadian livestock producers.

Shortly after forming government, we sat down with industry and producers and asked for their input on fixing Canada's national farm programs. As members can see, unlike previous Liberal governments, this government develops farm programs based on what farmers want and need. The result of those consultations with farmers was the "Growing Forward" document. Through these programs, money is flowing right now to producers.

The Minister of Agriculture and Agri-Food announced a \$600 million kickstart to seed the new AgriInvest accounts. That is brand new money for our agricultural sector. That money is flowing toward cattle and hog sectors as we speak.

Furthermore, we have worked with provinces to accelerate access to targeted advance payments and interim payments. We have also improved the advance payments program, making an additional \$1 billion in loans available to livestock producers right across Canada.

Hog producers in Alberta, Saskatchewan, Manitoba, Quebec, New Brunswick and Nova Scotia are already receiving targeted advance payments. Producers in other provinces are receiving interim payments. Together, these two program components have already resulted in payments of more than \$85 million.

When we sat down with the members of the livestock sector, they requested that a number of features be included in AgriStability. These suggestions included: broader eligibility criteria for negative margin coverage; the targeted advance payment, TAP, mechanism to respond to disaster situations; and a better method of valuing inventories. We included these changes and they are helping to ensure the program is more responsive to losses in the livestock sector.

Let me give an example of how our aid is getting directly to farmers. From late 2007 through 2008, nearly \$1.5 billion in cash payments is expected to flow to livestock producers through existing and new programs. This is in addition to the \$1 billion in additional loans available to the livestock sector under the APP.

Adjournment Proceedings

Additional government initiatives that are helping our livestock sector include: \$51 million for improvements to the temporary foreign workers program to address labour availability in the processing sector; \$76 million to combat the circovirus in the hog industry, with \$25 million available in direct financial assistance for testing and vaccines; and \$80 million provided to develop the infrastructure to dispose of specified risk materials from slaughtered animals.

This government is committed to putting farmers first.

• (1855)

Mr. Ken Boshcoff: I agree, Mr. Speaker, that the government should be committed.

The Ontario Federation of Agriculture and a broad spectrum of community group representatives met recently and suggested solutions that the federal government must provide. I hope it does.

My constituent, Mr. Erik Johansson, president of Thunder Bay's Federation of Agriculture, advises: "Some form of federal 'Made in Canada' or 'Grown in Canada' product identification legislation is of critical importance. Having food products on the grocery shelf labelled as 'Product of Canada' when they were really produced or grown in another part of the world is just wrong".

He advises: "That being said, there is an immediate need to support local producers. Many have been running on a financial

shoestring since BSE hit, and for many this current crisis is the straw that will break them if they do not get some kind of immediate help".

"The other major point to be considered," he advises, "is that the majority of processing and packing power in the Canadian meat industry is under 'offshore' control. If a majority of the—

The Acting Speaker (Mr. Andrew Scheer): The hon. Parliamentary Secretary to the Minister of Agriculture and Agri-Food.

Mr. Guy Lauzon: Mr. Speaker, after 13 years of neglect under Liberal governments, this government invested \$4.3 billion in agriculture in just two years. Unlike the party opposite, whose leader admits to knowing nothing about agriculture, this government, this Prime Minister and this agriculture minister really put farmers first.

I am proud to be part of this government. When I travel this country and consult with farmers, they say, "For the first time ever, we feel that the government is listening to our concerns".

Farmers in the livestock industry are going through some tough times. We are there and we are going to continue to put farmers first.

The Acting Speaker (Mr. Andrew Scheer): The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:58 p.m.)

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