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(HANSARD)

Tuesday, October 18, 2011

—

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Tuesday, October 18, 2011

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

•(1005)

[*English*]

MARKETING FREEDOM FOR GRAIN FARMERS ACT

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC) moved for leave to introduce Bill C-18, An Act to reorganize the Canadian Wheat Board and to make consequential and related amendments to certain Acts.

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

* * *

BANKRUPTCY AND INSOLVENCY ACT

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): moved for leave to introduce Bill C-331, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act (pension plans).

He said: Mr. Speaker, in Canada today when a company goes out of business and the employees' pension plan is wound up, under Canada's outdated bankruptcy laws, pensioners must wait behind every imaginable financial and corporate interest before getting paid out from the company's remaining assets because, according to Canadian law, pensions are considered unsecured debt. As such, pensions are paid out at the same time as every other kind of unsecured debt. In effect, it puts pensioners at the end of the line.

The practical consequence of being at the back of the line means that pensions are too often tapped into as just another asset pool to be used to pay off other creditors. Canadians say that is wrong. They say that any retiree who has worked for generations for a company should have greater access to the company assets than vulture capitalists and bond dealers.

New Democrats believe it is time for the situation to be corrected. Let us be clear. Pensions are not just some kind of a fringe benefit. Workplace pensions are nothing less than unpaid deferred wages. That is why I am introducing my pension protection bill today.

Once enacted, the bill would move pensions further up the line of creditors to be paid out during bankruptcy proceedings. Amending Canada's bankruptcy laws to provide greater protection for pensioners is an issue of considerable importance to the NDP.

In the last election, this particular promise was on the front page of our platform. For New Democrats this question is very straightforward. How many more victims will there be before we fix our outdated bankruptcy laws? We know the stories of Nortel, Fraser Paper and AbitibiBowater and the dozens of mills that closed in Quebec and in British Columbia.

One thing is sure, and that is the current government has not been prepared to act, has not been prepared to extend the pensions, the common sense protection Canadians deserve. New Democrats are ready, and thus we are introducing this bill today.

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

•(1010)

Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC): Mr. Speaker, there have been consultations, and I believe you will find agreement for the following motion: "That, notwithstanding any Standing Order or usual practices of the House, when the House begins proceedings under the provisions of Standing Order 53.1 today, no quorum calls, requests for unanimous consent or dilatory motions shall be received by the Speaker and, any member rising to speak during debate may indicate to the Speaker that he or she will be dividing his or her time with another member."

The Speaker: Does the chief government whip have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

Some hon. members: No.

Privilege

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, the people of Syria, through their protests, have been asking for democracy and an end to the rule of President Bashar al-Assad. The number of people who have been killed during the protest has reached 3,000. According to the UN High Commissioner for Human Rights, President Bashar al-Assad has ordered the military to put down the protesters. The measures employed by the military have included gunning down unarmed protesters, searching people's homes for suspected protesters and jailing hundreds for expressing a wish for democracy and fundamental justice.

Syrian Canadians are looking to their government to condemn the brutal attacks in Syria—

The Speaker: Order. Does the hon. member have a motion or is he reading a speech?

Hon. Jim Karygiannis: I am reading a motion.

The Speaker: I would ask him to come to the motion.

Hon. Jim Karygiannis: Mr. Speaker, I seek unanimous consent for the following motion, which is seconded by the member for York West: “That this House condemn the brutal attacks on members of the Syrian movement for democratic change and accountable government by the Bashar al-Assad regime; call on the Bashar al-Assad regime to meet the Arab League 15-day deadline to enact a ceasefire and to begin a dialogue between government officials and opposition representatives; accept the United Nations Human Rights Council's commission of inquiry into the violence of Syria to find out exactly what happened and to put an end to civilian deaths; and, ensure that all the perpetrators of these attacks are brought to justice and bear the full weight of the law.”

The Speaker: Does the hon. member for Scarborough—Agincourt have unanimous consent to propose the motion?

Some hon. members: No.

[*Translation*]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I could not give my consent to the member's motion and I want to explain why. It is not that the motion is unsound; it is that he has a bad habit of not consulting the other parties—at least not ours—when moving this kind of motion. Therefore, we must refuse unanimous consent.

* * *

[*English*]

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

REQUEST FOR EMERGENCY DEBATE

SYRIA

The Speaker: The chair has notice of an application for emergency debate from the hon. member for Scarborough—Agincourt.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, I seek to have an emergency debate. The people of Syria and Canadian Syrians are looking to this House to address what is happening in Syria, to make sure the perpetrators are called to justice, and to make sure that the regime completely falls and a democratic process takes place. There have been over 4,000 people killed in Syria over the last few months.

On behalf of the people of Syria and Canadian Syrians, I look to you, Mr. Speaker, to rule that this House should hold an emergency debate on this very important subject in order to fully discuss it.

The Speaker: I thank the hon. for bringing this matter to the attention of the chair. While I am sure it is an important issue to many, I do not think that it meets the test for granting an emergency debate at this time.

The hon. member for Malpeque has a question of privilege.

* * *

• (1015)

PRIVILEGE

LEGISLATION TO REORGANIZE THE CANADIAN WHEAT BOARD

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I rise on a question of privilege.

The government has tabled Bill C-18 today and I have the legislation in my hands. This bill would terminate the single desk selling authority of the Canadian Wheat Board, in effect terminating the existing Canadian Wheat Board.

Some hon. members: Hear! Hear!

Hon. Wayne Easter: Mr. Speaker, I do not know why members on the government side would applaud, because my whole question of privilege is based on the fact that the Conservative government is violating the very laws of this land in its action in terms of tabling Bill C-18 the way it is worded today.

The government has tried to use some fancy language in the bill, but in summary, the bill would change the governing structure of the Canadian Wheat Board. The Conservatives say that the new act continues the Canadian Wheat Board but changes it with the marketing of grain through voluntary pooling. Part III provides for the possible continuation of the board under other federal legislation. Part IV provides for its winding up if no such continuation occurs.

There is no question that the position of the Conservative Party and the government has been one of long standing, an initiative they have attempted through previous efforts, which is to do away with the Canadian Wheat Board. Some of those efforts have been determined to be illegal, but the Conservatives have attempted them even though they have been determined to be illegal. I submit that what the government is doing today is also illegal.

Privilege

There is no ambiguity in what the government intends by this legislation as the government's intent has been stated by the Prime Minister, ministers and individual members of Parliament on any number of occasions. I would even go so far as to say that both the minister and his parliamentary secretary have violated their oaths of office in the way they have been attacking the Canadian Wheat Board over the years and through this legislation today. The words of the Minister of Agriculture in recent days have been very crude. He basically said that the Canadian Wheat Board would be toast by Christmas.

I would submit that western farmers have a right to be concerned about the integrity of the government as represented by the Minister of Agriculture on this issue.

On March 28, 2011, while attending an agricultural forum in Minnedosa, Manitoba, the minister stated with respect to the issue of whether he would respect the vote of farmers and that no attempt to undermine the board would occur until a vote were held:

Until farmers make that change, I'm not prepared to work arbitrarily.... They are absolutely right to believe in democracy. I do, too.

The legislation goes against what the minister said in that statement. There has been no vote under Section 47.1 of the act as the act demands, yet here we are today. So much for the minister and his so-called commitment to democracy for the farmers of western Canada.

The intention of the legislation to terminate the Canadian Wheat Board in favour of the creation of a "voluntary" Canadian Wheat Board as part of the private grain trade goes against the wishes of the board of directors of the Wheat Board itself.

It is my position that this legislation exceeds the authority of the government on the basis that it has neglected to fill an obligation currently in legislation. Section 47.1 of the Canadian Wheat Board Act reads:

The Minister shall not cause to be introduced in Parliament a bill that would exclude any kind, type, class or grade of wheat or barley, or wheat or barley produced in any area in Canada, from the provisions of Part IV, either in whole or in part, or generally, or for any period, or that would extend the application of Part III or Part IV or both Parts III and IV to any other grains, unless

(a) the Minister has consulted with the board about the exclusion or extension; and

(b) the producers of the grain have voted in favour of the exclusion or extension, the voting process having been determined by the Minister.

● (1020)

The intent of section 47.1, as contained in the legislation brought forward by a Liberal government, was stated clearly to the House on October 7, 1997 at page 571 of *Debates* by the minister of agriculture at that time.

It states:

Throughout its history the Canadian Wheat Board has been governed by a small group of up to five commissioners, all appointed by the Government of Canada without any requirement that anybody be consulted and legally responsible only to the Government of Canada. But in today's dynamic [1997] and changing marketplace, producers have made it clear that they want the Canadian Wheat Board to be more accountable to them. They want more control...empowering producers, enshrining democratic authority which has never existed before, providing new accountability, new flexibility and responsiveness, and positioning farmers to shape the kind of wheat board they want for the future.

The 1997 bill was about giving farmers the right to control their own destinies and their own institution, that being the Canadian Wheat Board. Under section 47.1, Parliament gave them the clear authority to have a say by providing them the ability to vote prior to the government making any changes to that act.

Through this legislation, the government is denying farmers a legally constituted right that is currently provided for in legislation. All Canadians should be worried about this affront to democracy. Farmers were given protection under a law passed by Parliament which the minister is violating. If the government can violate that law, it can violate laws that protect other people as well.

The Speaker: Order. I have not yet heard anything that would indicate to the Chair that the House's privileges have been affected. It is not the normal practice of the Chair to comment on the legality of legislation. That is usually done by the courts.

If the Chief Government Whip is rising on the same point, I will recognize him briefly.

I will then return to the member for Malpeque. I would ask him to advise the Chair if he has anything of substance to add as to where the House's privileges have been affected and, if so, I would appreciate that he get to that point quickly.

Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC): Mr. Speaker, if this question of privilege continues I would like to reserve the right to have a more lengthy argument.

My fundamental argument is that this is the House of Commons where we can pass laws subject to the Supreme Court. We can pass laws as long as they do not affect the Constitution or involve other legislatures. We can bring in laws that amend previous laws that can go back to 1867. We have that right. We have been elected by the people.

The Speaker: I would remind the members that when this bill is brought before the House there will be ample opportunity for them to make their cases about how they might feel about the bill. However, at this point in the day, the Chair needs to hear where the House's privileges or existing Standing Orders have been affected. Therefore, I will allow the member for Malpeque to come to that point in his argument before we move on.

The hon. member for Malpeque.

Hon. Wayne Easter: Mr. Speaker, the privileges of the House are being affected. We are elected here to represent Canadians in our democracy and to ensure that laws are upheld.

The House leader for the governing party is right that laws can be amended. However, in this instance we are dealing with a law of the land that we are to uphold, which the minister took an oath of office to uphold, which under section 47.1 of legislation of this House provides producers the right to have a vote prior to doing that. That violates my privileges as well as yours, Mr. Speaker, and certainly those of your constituents.

Privilege

I feel that everyone's privileges, mine, those of my colleagues and those of the members on the government side, are being abused because in this chamber, which is supposed to be the essence of democracy, we have a minister who is violating his oath of office, and a government that is bringing in legislation which does not allow us to uphold a law that was passed in this place. That is how my privileges as a member are being affected.

Imagine how farmers' privileges are being affected after believing that their right to have a say in their destinies was enshrined in legislation under section 47.1 before the government brought in this legislation, which is in violation of that.

I believe that my privileges as well as those of everyone in the House and, indeed through us, those of Canadians, are being affected. This is an affront to democracy.

• (1025)

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, I too rise in support of the question of privilege brought forward by the hon. member for Malpeque.

I stood yesterday in the House and argued in defence of the rights of western Canadian grain farmers and all Canadians that the insistence of the Conservative government to move ahead with this legislation, despite its refusal to respect section 47.1 of the Canadian Wheat Board Act, was an issue that, in abrogating the rights of farmers, was a matter demanding urgent attention by the Minister for the Canadian Wheat Board and by this House.

Section 47.1 of the act is clear. I will not repeat the entire portion of the section as the member for Malpeque did that quite adequately.

We know that the minister must comply with the law. The government is missing a key element in its ideological pursuit of the death of the single desk sales and marketing system, the will of western Canadian grain farmers. Consequently, the legislation before us exceeds the authority of the government based on its neglect in fulfilling all of its obligations.

The institution of the Canadian Wheat Board is considered so sacrosanct that codified in the statute is a mechanism designed to protect farmers from a government arbitrarily removing the strength and clout of an agency that markets and sells wheat and barley at the best possible price on behalf of all western Canadian grain farmers.

Section 47.1 was enshrined in the Canadian Wheat Board Act to prevent the very abuse that is being perpetrated by the minister and the government this morning. It is not up to me or the minister to determine the fate of the single desk marketing and sales system. It is up to farmers.

The government insists it is motivated by choice. However, it is forcing its will on farmers, not asking them. Meanwhile our party's position has been consistent from the beginning: let farmers decide.

This is an issue about the right of self-determination by farmers, a right so important it was enshrined in legislation. The only conclusion to be drawn from this is that the Conservative government has not only ignored the consequences of its actions but has acted in deliberate contravention of the legislation it is seeking to modify.

Mr. Speaker, I ask that you find a prima facie case of a violation of this House's privilege.

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I believe you dealt with this adequately in your earlier intervention. Just to underscore exactly what you said, because you were quite correct, there is no privilege here. The members opposite are talking about a matter of law. The Speaker does not rule on matters of law; he rules on matters of procedure.

Mr. Speaker, there can be no privilege in this case. I believe you were about to make a ruling on that during your original intervention of the question of privilege by the member for Malpeque. I ask you to consider doing that now.

I do not believe the government need make any further interventions because quite clearly privilege has not been affected here. Members' rights have not been impugned.

Mr. Speaker, the members opposite are asking you to make a ruling on a matter of law, which is outside of your purview. You know that as well as I do, as should every member of this House.

Mr. Speaker, if you would not mind, I would ask for an immediate ruling.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I will get right to the point. I would submit that to place this legislation before the House and seek its support would require members of the House to endorse legislation which begins from a premise that contravenes an existing law and thus places members of the House in an untenable and unacceptable position. The bottom line is we need to recognize the legislation the government is proposing and the chamber will vote on. When we talk about the privileges of the chamber, we are talking about procedures and enabling a fair process of debate.

The legislation the government is asking us to debate is in violation of a law. The government should do the right thing by withdrawing the legislation and bringing forward a motion or the honourable thing by allowing the prairie grain farmers a plebiscite. Bringing forward legislation or a piece of law that would ultimately break an existing law is wrong. We should not accept the Prime Minister's attitude that the vote of the prairie grain or wheat farmer is trash. That was a legitimate vote.

• (1030)

Hon. Ted Menzies: Why wasn't I given a ballot?

Mr. Kevin Lamoureux: You had a responsibility to have a plebiscite before you brought in this legislation.

Mr. Speaker, because the government did not do that it is in violation of the privileges of each and every member of the chamber. I would suggest that this is indeed a valid question of privilege. If the government had an ounce of integrity it would do the honourable thing and members would provide it leave to withdraw this legislation.

The Speaker: The hon. Chief Government Whip is rising. I urge him to keep his remarks brief as I do not want this part of the day to turn into extra rounds of debate and speeches on the substance of bills. However, I will give him a brief opportunity to respond.

Hon. Gordon O'Connor: Mr. Speaker, I will keep my comments brief.

As I said before, we are elected in the House of Commons to enact legislation. We have a right to introduce legislation, to debate it here and, if successful, to pass it. We can amend any law we want going back to 1867. We are not talking about privilege when introducing this bill. If this bill is not allowed to come in and we cannot amend previous laws then my privileges will be violated.

The Speaker: I thank hon. members for their interventions. I will take the case under advisement and come back to the House with a decision in due course.

GOVERNMENT ORDERS

[Translation]

COPYRIGHT MODERNIZATION ACT

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC) moved that Bill C-11, An Act to amend the Copyright Act, be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased to speak this morning at second reading of Bill C-11, the Copyright Modernization Act.

[English]

With the permission of the House, I will be splitting my time with the Minister of Canadian Heritage and Official Languages.

The Speaker: Does the hon. minister have the unanimous consent of the House to share his time with the Minister of Canadian Heritage and Official Languages?

Some hon. members: Agreed.

[Translation]

Hon. Christian Paradis: Mr. Speaker, as you know, this is the second time that the government has introduced this bill. During the previous Parliament and for almost a year, the Copyright Modernization Act—then known as Bill C-32—was carefully examined and debated by parliamentarians and stakeholders.

We know how much time and effort members of Parliament, stakeholders and Canadians spent on this bill. The legislative committee created to examine the bill heard from more than 70 witnesses and received more than 150 submissions. All stakeholders were consulted, and the government received letters from across the country.

[English]

We fully expect that when the bill is once again referred to a House of Commons committee the work and testimony from the previous Parliament will be carefully considered and taken into account.

Over the course of the committee hearings on this bill in the last Parliament, there were two clear messages that emerged. The first message was that this bill balances the interests of the various stakeholders. The bill, a product of wide-ranging consultation and discussion, sets out a balanced approach to corporate reform in the

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digital age. While the government strongly believes that this bill delivers the best balance between the interests of consumers and the rights of the creative community, we are open to technical amendments that may improve the clarity and intent of certain provisions.

Second, we heard that Canada urgently needs to pass legislation to update the Copyright Act. By reintroducing this same bill, parliamentarians will be able to build on this previous work in order to enable the swift passage of these important legislative updates. Each year that Canada goes without modern copyright laws, the need for such modernization becomes more evident as technology evolves and new issues emerge.

The last time the act was changed, there were no MP3 players. Video stores were still full of VHS tapes. No one thought we would be able to take pictures with a cellphone and upload them onto computer screens around the world, or use a cellphone to download songs and movies.

The world has changed so much since then that the Copyright Act seems like a law for a different era. The time has come to modernize Canada's copyright laws and bring them in line with the demands and technologies of the digital age.

• (1035)

[Translation]

This bill must be passed in order to modernize Canada's copyright regime in accordance with the government's digital economy strategy.

Digital technology opens new markets and expands the reach of companies. It brings together people and ideas in a way that was still unimaginable only a few years ago. When individuals, companies and national economies create and adopt these new technologies, a number of important things are achieved. Productivity and innovation increase, and new products, processes and business models see the light of day.

The growth of the digital economy in Canada depends on a clear, predictable and fair copyright regime that supports creativity and innovation while protecting copyright holders.

The global economy remains fragile. This bill will help to protect existing jobs and create new ones. It will spark innovation and attract new investments in Canada. It will give creators and copyright holders the tools they need to protect their work and increase their business. The bill establishes clearer rules that will allow all Canadians to fully participate in the digital economy, both now and in the future.

One of the bill's main objectives is to balance the interests of all stakeholders in the copyright regime. Achieving this balance has become increasingly complex given the exponential growth of the Internet. Canadians can obtain protected works online, sometimes through revenue-generating platforms or services, but also through free services, both legitimate and illegitimate. Our capacity to use high-quality Web services to obtain, protect and create copyrighted works is essential to our economic success and our cultural presence in the world.

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That is why, in 2009, our government turned to Canadians to get their ideas and advice on copyright reform in the digital age. Thousands of individual Canadians, companies and stakeholder organizations shared their opinions on the best way to adapt Canada's copyright regime to this new age. These consultations showed that Canadians were becoming increasingly aware of the importance of copyright in their daily lives and in our digital economy.

On the one hand, this bill seeks to reflect today's reality where the private, non-commercial use of copyrighted material is commonplace. The bill would authorize many of these uses and establish parameters for cases which, to date, were not well defined.

For example, Canadians could copy works legally obtained on their computers and mobile devices to enjoy them wherever they may be. They could store content in and retrieve it from the information cloud or use a network PVR service.

It will also be legal to integrate protected works into a work generated by a user for non-commercial purposes. That would include recording a home video of a child dancing to a song, or creating original mixes of songs and videos. This exception requires that the rights and interests of copyright holders be respected. There are many examples where copyright holders have benefited from exposure on the Internet owing to work done by users.

Finally, the bill updates the Copyright Act to reflect new technologies and uses by broadening the exceptions and creating new ones for educational and training institutions, technical procedures, the development of software, broadcasters and the disabled.

I would like to point out that great care was taken when drafting these provisions to reflect the needs and interests of copyright holders. The provisions do place limits and restrictions on the use of protected works.

For example, many of these exceptions do not apply to works protected by a technological protection measure or digital lock. Copyright holders told us that their digital and on-line business models depend on the robust protection provided by digital locks. Therefore, the bill strikes a good balance. It allows Canadians to make reasonable use of content while providing creators and businesses, whose work depends on this content, with the tools and certainty they need to launch new products and services.

• (1040)

[English]

While our government knows that the overwhelming majority of Canadians are law-abiding, we are concerned about the threat of major penalties that hang over Canadians who infringe copyright for non-commercial purposes. Currently, those who have been found to violate copyright can be found liable for damages from \$500 to \$20,000 per work.

If people illegally download five songs, for example, they could theoretically be liable for \$100,000. In our view, such penalties are way out of line. As such, the bill proposes to reduce the penalties for non-commercial infringement. Under its provisions, the courts

would have the flexibility to award total damages of between \$100 and \$5,000.

[Translation]

However, while the bill reduces penalties for non-commercial infringements, it still seriously punishes those who profit from copyright infringement. Penalties of \$500 to \$20,000 per infringement will still apply to piracy for commercial purposes. In addition, the bill proposes new tools to target those who find techniques to infringe online copyright and it sets out serious penalties for those who make money by creating and distributing devices and services designed to hack digital locks. It will be very difficult to benefit from piracy.

[English]

Mr. Charlie Angus (Timmins—James Bay, NDP): Madam Speaker, I listened with great interest to my hon. colleague and I heard the word “balanced” being used time and time again, and yet the bill is very unbalanced.

We are not here talking about copyright, the right of creators and who has their copies. This bill is about corporate right, the right of a corporate entity to decide what right citizens have. It is a sleight of hand. It is very important for people to recognize that the bill is offering citizens' rights that they will not be able to exercise if a corporate entity puts a digital lock on the product.

Looking at how our WIPO compliant countries around the world have dealt with the issue of digital locks, and under sections 10 and 11 of the WIPO copyright treaty, it talks about the right to have exemptions of the digital lock as long as it is not being broken or infringed for commercial purposes, but in order to give citizens the right to access works to which under a legislative regime they have a right to access. However, under the bill, any rights that the citizen is granted in the bill are arbitrarily taken away with the digital lock provisions.

Will the government work with the New Democratic Party to fix the digital lock provisions to ensure they do not unfairly target students and consumers who are legally entitled to access works? If we fix the digital lock provisions, would the Conservatives be willing to work with us to ensure we are WIPO compliant but also responding to the needs that citizens have on this issue?

• (1045)

[Translation]

Hon. Christian Paradis: Madam Speaker would like to thank the hon. member for his question.

I was coming to the aspect of innovation. As the member so rightly said, we need to talk about balance here because that is what is reflected in this bill.

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There are many interests at stake here: those of consumers, creators, authors and artists. It should be said that we have held thousands of consultations, and now we are presenting a balanced and complex approach. Digital locks are important for encouraging innovation. We cannot tell product creators that it is “game over”, not after they have invested millions and millions of dollars. There has to be some degree of protection.

Plus, the market is still doing what it is meant to do: consumers are still free choose whether or not to purchase products with digital locks.

[*English*]

Hon. Geoff Regan (Halifax West, Lib.): Madam Speaker, the hon. minister spoke about bringing forward a modern copyright law but what we see with the provisions on digital locks is that the government is going backward. It is a regressive position. He says that this is a balanced approach but allowing digital locks to trump the interests and rights of consumers is the complete opposite of a balanced approach. It does not make sense at all.

The Conservatives are saying that people can reformat it or copy it onto their iPod, or whatever, as long as there is not a digital lock. All the corporation has to do is put on a digital lock and consumers are out of luck. If a young mother wants to transfer a movie from a DVD onto an iPod, she cannot do it. How is this possibly a balanced approach?

[*Translation*]

Hon. Christian Paradis: Madam Speaker, with respect, to position the problem at the very end of the spectrum, as my colleague just did, is inappropriate. We need to look at the innovation aspect. Canada is a leader, a real trailblazer, in the development of the digital economy, digital products and software, for example. A minimum of protection must be ensured. We cannot ask creators to invest millions of dollars without any protection. This is an aspect of balance that must be taken into account. Many products such as DVDs do not have digital locks and the market is doing its job in that respect. We have simply taken into account the interests of all stakeholders.

With this copyright legislation, we are finally entering the 21st century. The current legislation deals with VHS and other technologies that are no longer even on the market or being used by consumers. Thus, showing true leadership, we decided to introduce a balanced bill that takes into account the interests of everyone: consumers, creators, authors and artists.

[*English*]

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Madam Speaker, I am very pleased to be here with the Minister of Industry. I should also certainly give a great deal of thanks to the President of the Treasury Board for the work that he did on Bill C-32, which was last Parliament's version of Bill C-11, which we are debating today.

As the Minister of Industry said, the bill contains a number of provisions that Canadians, I think, will welcome and are welcoming. The bill contains provisions that will provide the ability of copyright owners to control the uses of their works to fight online piracy. This is about individual creators and creative industries, like the video game industry, the software industry, the movie industry, and others.

It is having the tools to protect their art, their businesses and their jobs.

[*Translation*]

For example, the bill includes provisions to protect the technological protection measures and authorizes copyright holders to sue those who enable copyright infringement through such means as illegal peer-to-peer file sharing sites. Our government knows that the best way to deal with online copyright violation is to target those who enable this crime and profit from it.

More specifically, Bill C-11 introduces a new definition of civil liability for those who knowingly enable online copyright violation. Online piracy takes revenues away from creators and reduces the incentive to create. This measure sends a clear message that Canada is prohibiting piracy sites and giving copyright holders the tools to protect their activities. What is more, the bill also introduces new provisions to stop those who develop and sell tools and services for getting around technological protection measures.

• (1050)

[*English*]

Canada is among the first jurisdictions in the world, if not the first, to provide its copyright legislation with this very important tool to fight online piracy. At the same time, we are taking steps to ensure that Canadians are aware that they may be infringing copyright. Canadian Internet service providers have developed a unique model in which they tell subscribers when a rights holder notifies them that a subscriber has infringed on copyright material. This is known as notice and notice. The bill formalizes this practice into law. I would just point out here that this is one of the key elements that consumers have come to us and said they want as part of the bill.

We disagree with the American approach with regard to copyright. We have a notice and notice regime in our legislation, not a notice and take down regime as they have in the United States, for very good reason. These provisions are also on top of a wide array of legal protections already provided for in the Copyright Act that rights holders can use to assert their rights.

[*Translation*]

Educators, students, artists, companies, consumers, families, copyright holders and Canadians in general use technology in a number of different ways, and this bill simply recognizes that reality. It gives creators and copyright holders the necessary tools to protect their works, their investments, and to develop their business through innovative business models. It establishes clearer rules that will allow Canadians to fully participate in the digital economy today and in the future. More specifically, this bill gives creators and copyright holders the tools they absolutely need.

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[English]

With this legislation Canadians will also be able to create new works incorporating existing publishing or publicly available works, as long as it is done for non-commercial purposes, as my colleague has said. The new user generated content cannot be a substitute for the original work or have the substantial negative impacts on the markets of the original material or on a creator's reputation.

Canadians with perceptual disabilities will be permitted to adapt legally acquired material to a format that they can easily use. Also, Canadian photographers will benefit from the same authorship rights as creators. Currently, photographers are not considered authors of commissioned works. This legislation changes that.

Consumers and users of content will also see their interests reflected in the bill. Canadians will be allowed to record television, radio and Internet programs to enjoy at their time and choosing with no restrictions as to the device or technology chosen or the time of day.

[Translation]

Under certain conditions, Canadians will also be able to copy for their personal use legally acquired works such as music, movies or other works, on the device or component of their choice. They will be able to make backup copies in the format and on the device or component of their choice.

[English]

I would like to close my speech by ensuring the House understands that this was, from the very beginning of the process that we initiated just prior to the summer of 2009, a good faith effort on the part of our government to get copyright legislation done effectively.

The member for Timmins—James Bay was engaged in debate on Bill C-61 when we tabled that legislation. Bill C-61, as it turned out, was not the balance that Canadians were looking for. We think this legislation achieves the balance that Canadians have come to expect. We tabled Bill C-61, there was the fall campaign, and then we came back.

We re-engaged Canadians from the beginning. We went back to square one. We did unprecedented consultation on this legislation. We heard from thousands of Canadians in the process. We went across the country to town halls and we did open, online consultation. We arrived at Bill C-32.

As a result of the participation of thousands of Canadians in that process, we thought we would respect that process—

Mr. Marc Garneau: And 141 in committee and you haven't changed a thing.

Hon. James Moore: Mr. Speaker, the member over there, who barely won his seat and who thinks he is an authority on everything, is chirping at me.

We tabled Bill C-32 after unprecedented consultation and we respected the process, and we retabled this legislation. As the member said, we had 141 witnesses before the committee and it would be disrespectful to those witnesses if we did not allow the

process to continue. The reason we tabled this legislation is to continue the process, to show respect to those members of the committee, and to all members who have been involved in this process.

• (1055)

[Translation]

Hon. Denis Coderre: Madam Speaker, I have been in the House of Commons for 15 years and I think that the minister insulted my colleague. He talks about respect, but I would ask him to show some respect, to address his remarks through the Chair and to stop making personal attacks. I find that unacceptable.

The Deputy Speaker: I would ask all members to show respect and to wait their turn before speaking. That way, I think we could avoid unnecessary exchanges.

On another point of order, the hon. member for Westmount—Ville-Marie.

Mr. Marc Garneau: Madam Speaker, I would like the minister to apologize for saying that I barely won my seat in the last election. That has nothing to do with the debate today, and I think it is bad manners.

The Deputy Speaker: I thank the members for their comments. Indeed, it is not nice. I do not believe it can be considered unparliamentary, but I would ask the hon. minister to finish his comments and to make sure they are related to the bill. He has two minutes remaining.

I would also ask all members to wait their turn and to be recognized by me before speaking.

[English]

Hon. James Moore: Madam Speaker, I only include this little interlude with the fact that since Liberal members of Parliament were heckling me during my speech, I responded to the heckling, and now they are saying that it was disrespectful for me to respond to their heckling.

I would note to viewers who are watching this debate that there are 103 New Democrats in the House who are participating in this debate. The member for Timmins—James Bay has not been heckling. There is a handful of Liberals over there who have been heckling every procedure in the House and then they get up and badger others for not participating. Quite an interesting approach by the Liberals, but that is why they are where they are.

Hon. Geoff Regan: Madam Speaker, I rise on a point of order. The minister has talked about heckling when, in fact, he himself was heckling earlier this morning. It is very inappropriate for him to be talking about it. He is in no position to cast aspersions in this fashion.

The Deputy Speaker: Order, please. I would agree there has been heckling on both sides of the House and I would ask all members to maintain decorum, so that this debate can proceed in the way Canadians expect members to debate.

The hon. minister's time has almost elapsed. He has 30 seconds to conclude.

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Hon. James Moore: Madam Speaker, let us go back to serious leaders of the Liberal Party of past times. It was John Manley who said, “The government has struck an appropriate balance with this legislation about the rights of Canadian creators and the needs of consumers. The government is providing badly needed protection to Canadians who create music, films, games and digital works. This bill also recognizes the legitimate rights of Canadian families, schools and libraries to make use of copyrighted materials. To protect jobs and enhance Canada's ability to compete, this legislation goes in the right direction”. That is what serious Liberals think of this legislation, and we are happy to have—

The Deputy Speaker: Questions and comments, the hon. member for Timmins—James Bay.

Mr. Charlie Angus (Timmins—James Bay, NDP): Madam Speaker, my hon. colleague and I have clashed many times over the years, and have talked many times.

I would like to at least thank him for ensuring that folks back home know that the New Democratic Party is not engaged in the kids in the sandbox routine on the copyright debate that the Liberals are engaged in.

This is serious business. Updating our copyright regime is serious business. We have to treat this with the importance that it deserves.

I did participate in all the hearings on Bill C-32 and we heard hundreds of witnesses. There was a wide-ranging set of views on this. We came again and again to certain technical problems with the bill that had to be fixed.

One of those key problems has to do with the issue of long distance education because in a digital realm we have such incredible opportunity to educate and to have cultural exchanges across this vast country of Canada. One of the technical problems in Bill C-32 is the obligation that class notes have to be destroyed after 30 days because they are transmitted through a digital format.

We think that will create a two-tier set of rights for education, one set of rights for students in a normal school and a lesser set of rights for students taking long distance education.

Will the government be willing to work with the New Democratic Party to fix that problematic area of this bill, so that we ensure that we get the maximum benefit of digital education for the vast regions of Canada?

• (1100)

Hon. James Moore: Madam Speaker, I graduated university in 1999. The University of Northern British Columbia, which actually has satellite campuses on aboriginal reserves, was one of the first universities to engage in this kind of digital learning that my colleague is talking about. We certainly want to protect that kind of education.

The provision that the member refers to in this legislation was not arrived at by the government. It was arrived at after talking to educators, the council of ministers of education, which is every education minister in the country save for the province of Quebec, who offered this proposal that we have in this legislation that we think arrives at the right balance.

The reason for the 30-day limit, of course, is to protect those people, those professors and those educators who are involved in the publishing industry with regard to textbooks. We want to ensure that they will have a business and a business model.

This is the compromise that we have arrived at. We think it works. This provision along with the others with regard to fair dealing and education are the reason why the council of ministers of education across the country, including NDP, Liberal and Conservative education ministers, have endorsed this legislation as being what is best for education.

The member asked if we are prepared to work together. Certainly, this is why we tabled the same legislation as Bill C-32. We want to continue the study.

If my hon. colleague has an amendment he wants to draft and bring forward, we will consider that. We are not obtuse in the way that we are approaching this legislation. We have been open and transparent in the entire process of this bill, in the collection of information and feedback from Canadians from the beginning, through the committee process of the legislative committee, and now as we go forward with Bill C-11.

If my hon. colleague has an amendment that he has drafted and wants to talk about, our doors are open.

Mr. Scott Simms (Bonaville—Gander—Grand Falls—Windsor, Lib.): Madam Speaker, by way of illustration I just want to bring this subject up once again.

The problem with this bill is the give and take, the balance that the government is trying to achieve is not there. A good example would be if I had downloaded a digital book on my Kindle. All of a sudden I decide I am going to buy the new version of the iPad, so therefore I have to shift from one to the other.

Now there is a provision in this legislation that allows individuals to do that because it acknowledges the fact that it is their own property and they can shift it. However, because of the digital lock, they are no longer able to do that.

That one pulls against the other to the point where it is not a balance, it is a give and take.

The second point, is the government willing to listen to the witnesses who appeared during the special legislative committee on Bill C-32, the ones who already appeared—

The Deputy Speaker: Order, please. I will have to give the hon. minister time to respond.

Hon. James Moore: Madam Speaker, it is because we want to maintain the integrity of this process from the consultations in the beginning through the tabling of Bill C-32 and the tabling of Bill C-11, which is why we did not change anything in the bill.

We did that deliberately in order to protect the integrity of this process, so we could continue to have witnesses. Again, if witnesses want to come to the committee and offer ideas, we are more than open to it. This is why we have set up a legislative committee.

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I am glad this member is interested in a serious approach to the legislation. I am very hopeful that this will continue on at the committee. We want to get this right. We want to get it done effectively. I am very thankful that the member for Timmins—James Bay and the member for Bonavista—Gander—Grand Falls—Windsor are digging into the substance of this bill, so that we can have a responsible debate, not some of the stuff we have heard in the past.

Mr. Charlie Angus (Timmins—James Bay, NDP): Madam Speaker, I am very honoured to rise on behalf of the New Democratic Party today representing the people of the great region of Timmins—James Bay. It is my honour every day to serve them, respect their issues as constituents and bring their concerns into this venerable House of debate and legislation.

Copyright is a crucial issue for Canadians. We need to move forward with a regime of copyright reform that will bring Canada into the 21st century.

The word “copyright”, the right to make a copy, was created out of English common law. I like the alternate emphasis in French law, which is “*le droit d’auteur*”, the right of the author. These are both very similar perspectives, but there is a different balance in the equilibrium of it. It respects an interesting balance of how we develop culture within Canada in terms of the right to make a copy. Who has the right to make a copy and profit from it? That is a “copy right” that goes back to the book wars of the 1700s and 1800s in England as to who actually could control a work and the right of authors to be remunerated for their work and to have some say as to how their work is exploited.

This is a debate that went on long before the digital age and the Internet. The balance of the right to make a copy is not a property right. It has been argued over the years, and copyright lobbyists today will talk about their property and their right to protect their property. They will say they want to put a lock on the door to keep people from going in or to make them pay to go in, and that it is their property.

However, it is not a piece of property. Creativity is not a piece of personal property. It has been defined in Parliament and the courts.

I refer back to the 1841 debates where Lord Macaulay, who was a writer himself who had been ripped off and plagiarized many times over the years, fought within the English Parliament to separate the idea that it was personal property that copyright was created to protect. Macaulay at that time imitated much of the modern debate. He even talked about the pirates of that generation, the “knaves who take the bread out of the mouths of deserving men”, the people who would unfairly infringe on the copyright of the author and not pay for it as they should.

At the same time, he also called copyright an evil. It is interesting that he said that. He called it a necessary evil. He said that copyright should only exist for a period to ensure the author was paid, but it could not be used to interfere with the larger development of society. He said that the creation of ideas is not something that can be compartmentalized: that when a work is created, it is brought into a larger frame. Parliamentarians around the world have been trying to find the balance between people's right of access to new ideas and the right of remuneration of the creator. Those are the two fundamental balances, and they are the balanced principles that the

New Democratic Party has articulated throughout these debates for the last number of years. The two fundamental principles in the digital age are the same as they were back in the 1800s in the book wars: ease of access and the right to remuneration.

We talk about *le droit d’auteur* and copyright, but this bill does not deal with either of those rights. It is about corporate right, which is different from copyright. The fundamental problems with this bill are the provisions on digital locks, which I will get to in a moment, and the direct attack on the collective licensing regime that has existed for artists in Canada for the last number of decades. The right of artists to have remuneration for their copies is under direct attack in point after point in this bill. I will go through the areas wherein the right of artists to be paid is being taken away and replaced by a false right, which is the right to lock down content.

The Conservatives are good about locks. They understand prisons and locks. We heard the minister say the lock will restore the market. I spent many years in the music industry and I never met an artist could feed his or her family on a lock. They feed their families on the right they have as artists to be remunerated through their mechanical royalties, television rights and book rights, and they fight very hard for mechanical royalties. It is a small amount of return for their efforts, but that return is crucial, so when the government comes along and would strike out, as it does in this bill, the mechanical royalty rights that have been guaranteed under the Copyright Board of Canada, it is depriving artists of the millions of dollars that actually make it possible to carry on the works.

● (1105)

There is no balance there, and this is what we need to restore a good copyright regime in Canada: a balance of the rights of artists and the rights of access.

The New Democratic Party has spoken out time after time in this House on the need for a long-term digital strategy so that Canadians can fully participate as digital citizens in a digital public commons. A public commons is a place where people, not just from Canada but from around the world, can exchange ideas and art.

It is certainly fraught with many problems. We have seen that with downloading and with piracy, but it is essential for cultural development in the 21st century that Canada have a long-term digital strategy. We in the New Democratic Party see the need to codify net neutrality so that the large telecom giants and BDUs are not deciding for us what kind of content we can access.

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We see establishing a national benchmark for broadband access, including in this latest spectrum auction. What provisions are there to ensure that the regions of rural Quebec and northern Alberta are given the same chance to develop in a digital economy as downtown Montreal or Vancouver? A broadband strategy that looks at the totality of our country is essential. This is the new national dream that we need to be pushing. We have heard dead silence over on the government benches in terms of a digital strategy for broadband, but for the New Democratic Party it is essential. We want to see within the programs of the Canadian government support for the enhancement of digital cultural products, because more products are moving away from the old models. Those old models worked well for us in the 1970s, but this is 2011, and we need to move toward that.

The other crucial element, which we have asked for again and again, is a copyright reform that will address the needs of Canadian consumers, artists and students in a digital realm.

Does this bill do that? No. In its present form, it does not.

What we need to do is to restore the balance. As it stands now, we cannot support this bill, but we are willing to work with the Conservative government to get this bill to committee. If we can make the vital technical changes to ensure that balance, then we are more than willing to bring our efforts as a party and to work with the government to ensure that this bill restores the balance.

I will grant that the government made efforts in Bill C-61, which was a dog's breakfast. Bill C-61 died as soon as it was born because it was the ugliest child of the backroom lobbyists, and they could never sell that publicly. Bill C-32 shows that it is obvious the Conservatives heard there were problems with Bill C-61, but we are not there yet. We have to see whether or not the government is willing to move forward.

I would like to talk about some of the major problems with this bill. There are three areas that are fundamentally flawed: the issue of the attack on collective licensing and the removal of artists' rights to be remunerated for their work, the issue of education, and the issue of digital locks.

I asked my hon. colleague, the heritage minister, about the fundamental problem with the education provisions, which is if students in Fort Albany on the James Bay coast want to take a college course, they would be obliged to burn their class notes after 30 days. As well, college professors who were teaching long-distance education courses to students in northern Canada would have to destroy all their class notes after 30 days because that is an infringement on copyright.

That requirement would mean the creation of a modern book-burning regime. As well, we would see the creation of a two-tier set of rights. There is one set of rights in the analog and paper world that would allow students going to school in Toronto to keep their class notes. Those class notes are important, because year after year students keep them to build a body of work towards getting their degree. However, students on a northern reserve trying to get long-distance learning do not have that same set of rights. They have a lesser set of rights.

● (1110)

I was absolutely shocked to hear from my hon. colleague, the heritage minister, where this crazy idea of modern book-burning had come from, this idea that after 30 days students would not have the right to their own class notes. He said it had come from the ministers of education.

I have met with the ministers of education many times, as well as people throughout the education sector, and I have never heard anyone say that the best idea for the digital development of Canadians is to make kids or adults going back to school burn their notes after 30 days.

That provision is unacceptable. It is backward thinking and it is needless. It is not protecting any business model, but it would have a major detrimental effect, so in terms of education, that provision has to go.

In terms of the digital locks, there is an important right of creators to protect their work. We can think of the amazing work of the gaming industry in Canada, particularly in Montreal, and the millions of dollars that have been invested in creating the games that people all over the world play. We want to make sure those products are not ripped off in their entirety and that business model made to disappear, so there is a provision for digital locks to protect those works.

However, the digital lock cannot override the rights that Parliament guarantees.

This legislation is going to create certain rights. An example is the right to extract the work for satire, parody, or political commentary. We all support that right, yet if there is a digital lock, we would not have that right. We have the right to access a work and move it into a new format; we are told we can do that, but if there is a digital lock on it, we cannot.

My colleague, the heritage minister, said that if we do not like the lock, then we do not have to buy the product. That is kind of a bullish way of talking. I wonder if this guy has lived in the digital world at all. How many times do people buy a product in a store? They will get it online, so if we make restrictive provisions with digital locks, people will just bypass them. That is problematic.

It is important that Canadians believe in the copyright regime, because the copyright regime is fundamental to creating a strong economy and a strong creative community. However, I would say there is not a six-year-old kid in this country who does not know how to break a digital lock, and people would break them with impunity. Should they be criminalized for that? I do not think so.

We need to look at why Canada is putting restrictive digital lock provisions in place. Under the U.S. DMCA, which is the most backward-looking copyright legislation on the planet, even the Americans have recognized the right to extract certain works.

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I will give an example to show just how boneheaded the digital lock provisions are. If a journalist on the evening news wanted to show an excerpt from a movie that was being discussed or debated, the journalist would not be able to show that excerpt because he or she would have to break the digital lock to do it. The journalist would have to show a picture of the screen. Can anyone explain to me how having a shot of the screen somehow protects the copyright and the artist when a journalist is trying to extract it for a program?

It is the same with the documentary film producers. The documentary film community is very concerned about the digital lock provisions, because they would impede their ability to extract, which is their legal right under the bill. They have all those legal rights, but if a digital lock is placed on it, they would no longer have those rights.

The government is saying that the legislation of Canada should allow U.S. multinational corporate interests to decide what rights we have. If they decide we have no rights, then we have no rights. It does not matter what the bill says or what the House of Commons says; the government is saying that it would hand over all those rights to corporate interests. That is fundamentally wrong, and it is flawed.

It is also flawed in terms of our obligations under the WIPO treaties. We are signatories to international conventions about intellectual property and we can look at how other countries have dealt with the digital lock provisions. In particular, as I said earlier, sections 10 and 11 of the WIPO copyright treaty states clearly that limitations to technological protection measures may be supported as long as they “do not conflict with a normal exploitation of the work”. That is within the WIPO treaty.

I remember that my Conservative colleagues used to always say that they had to put the digital lock provisions on to be WIPO compliant. However, WIPO itself is saying that countries could decide what those exemptions and limitations are, the limitations being the technological protection measures and the exemptions being the rights that consumers and students should be able to employ.

● (1115)

All those rights are erased under this, so it actually puts us at a disadvantage in comparison to many of our European competitors, which have much more nuanced provisions when it comes to the digital lock provisions.

As it stands now, we have asked a fairly straightforward question on whether the government would be willing to work with us to amend the digital lock provisions to ensure that the normal rights that Canadians should legally be able to access would not be overridden by corporate rights. It has said no. Unless the digital lock provisions change, the New Democratic Party will not support the bill because it is not balanced.

We need to change the education provisions. We need to change the digital lock provisions. We also need to change the issue that the bill, time and time again, attacks the existing collective royalty rights of Canadian artists and that will not build the kind of cultural regime that we need in our country.

We have come through some of the most bizarre copyright wars of recent memory. In the United States we have seen the \$30,000 to \$50,000-plus lawsuits against kids. The large Sony, Warner, EMI companies are going after kids who download Hannah Montana songs, hitting them up with million dollar lawsuits. We have seen what is called the John Doe mass lawsuits, extending across the United States and moving into Canada, if individuals downloaded the movie *Hurt Locker*. Mass emails are being sent, suing people based on their IP addresses.

That model of attacking consumers is probably the most dead-end business model on the planet. I was so pleased to hear Canadian artists, all the great Canadian groups that came together under the Creative Music Coalition, say that they did not sue their fans, that their fans were what made them survive. The American model of suing kids, grandmothers and even dead people for copyright infringement is a dead-end model.

We have heard all this talk about piracy and the pirate bays. It is interesting that the very first pirate bay was in Los Angeles. We think Hollywood is the natural place to make movies, but it is not. Why, in God's name, when the vast majority of the U.S. population lives on the eastern seaboard, would filmmakers go to the desert outside Hollywood to make films? It was because they were escaping the copyright rules of the day. They could not make movies in the eastern United States because Edison controlled the copyright on the camera. However, there was not the same copyright rules in California, so Hollywood was the original pirate bay.

It went on through the years when the VHS came out. Jack Valenti, the defender of the Hollywood industry, called the VHS the Boston strangler of movies and begged Congress to shut it down, to make it illegal because VHS was a threat.

The big pirate company at that time was Sony, which is suing people all over the planet for corporate infringement now, because it had created the VHS player with the record button.

At that time there was a big corporate fight and everybody said that the VHS would destroy Hollywood. However, as you know, Madam Speaker, and you are very young but you were probably right in your prime when the VHS came out, people started to rent movies, something they would never have thought about before because they would go to the theatre. Now they were able to rent movies, so this pirate activity, which Hollywood tried to shut down, became such a lucrative new business that it did not have to bother releasing movies to theatres. It could just release it to VHS and eventually on to DVD.

Mr. Scott Andrews: The Beta player.

Mr. Charlie Angus: Yes, the Beta player and how it was shut down. I ask the hon. member not to intervene in this until we talk about the Beta player.

Let us look at the recording business. In 1906 the musicians in the United States tried to make the roller piano illegal. They thought the roller piano would make it irrelevant to hire musicians so they said that mechanical music was a threat to musicians. Who did not side with them? The American Music Publishers Association did not support the musicians. It figured the more roller pianos sold, the more copyright it would make on the actual sheet music. Therefore, the roller piano was made legal. In the 1920s the recording industry tried to shut down radio because radio was not paying royalties. In each area along the way the problem was the need to find a monetization stream.

• (1120)

The fight in the digital age is no different than it was in 1928 when the royalties of artists dropped over 80% in the recording business because radio was the Napster of the day. It found a monetization stream. We are asking the government to work with us on a monetization stream for artists and unless we find that, we will be at the copyright wars for decades to come.

Hon. Geoff Regan (Halifax West, Lib.): Madam Speaker, I enjoyed my hon. colleague's line that suing dead people is a dead end.

[Translation]

He spoke about digital locks. With this bill, the government wants to impose a system on Canadians that is stricter than the systems in the United States or the United Kingdom. I find that troubling.

• (1125)

[English]

He also talked about the loss of the collector for royalty rights. Would he speak further about the impact on artists of the locks and what his solution to that would be?

Mr. Charlie Angus: Madam Speaker, it is interesting that the Conservative government has even tried to outdo the United States in terms of the digital lock provisions. The digital lock provisions under the DMCA have been reviewed in court. It has found that American citizens do have the right to extract works under certain circumstances.

However, what is also interesting is that we are being fed this fiction by the Conservatives that the music and film industries, that everything will come back if we make digital locks sacrosanct, but we have not seen that in any other jurisdiction. The need to create a monetization stream for artists remains. A digital lock is not a business model. It can be part of a business model, but it is not one in itself. The digital lock cannot replace the remuneration rights of artists.

Let us talk about where the government is attacking collective licensing rights.

Canada created one of the great compromises in the 1980s and 1990s with the private copying regime. It put a small amount of money on every copy, on tapes and then later on CDs that went into a fund for artists because we recognized that people were copying and artists needed some form of royalty. That created a royalty revenue of \$25 million to \$30 million a year for Canadian artists. That is not chump change, not in the kind of industry we are in right now, where the recording industry has suffered time and time again

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and artists can count on those royalties. We have done away with extending the private copying levy to the digital realm. We have attacked the mechanical royalties which are \$8 million to \$12 million a year. Again, that is serious money for Canadian artists.

It is bizarre that a government would announce a right that existed defined by the Copyright Board no longer exists. Artists do not have a right to get paid for their work, end of story, live with the digital locks. That is not a reasonable solution for Canadian artists.

Mr. Glenn Thibeault (Sudbury, NDP): Madam Speaker, I thank my hon. colleague from Timmins—James Bay for his tireless work on this file. One of the things that my colleague and I share is we both come from northern Ontario. In my riding Laurentian University, Cambrian College and Collège Boréal provide distance education throughout the north. I know my colleague's riding is the size of Great Britain and Northern College also has to provide distance education to our communities throughout the north.

Digital locks and their impacts on the education component are worrying for those of us who happen to live in northern parts of Ontario, Alberta, Saskatchewan or Quebec. Would the hon. member comment on how the potential of digital locks on the education component will affect northern and rural communities?

Mr. Charlie Angus: Madam Speaker, what is not said here is the obligation, as an example, that Collège Boréal, in terms of doing outreach to small, isolated francophone communities in northern Ontario, will need to put a digital lock on its lessons. How will it go to Raymore, or Moonbeam, or Elk Lake and kick down the doors of the students, pull out their notes and ensure they are burned at the end of the class? There needs to be this in the digital realm. Schools will have to put locks on lessons.

We would be telling northern colleges that are serving communities like the Cree communities of the James Bay area or the isolated Franco-Ontarian communities that before they even get to teaching the students long distance learning, they will have to be locks on everything that makes lessons go up in smoke after 30 days. That will make it very difficult to administer long-term education long distance.

It is also the same problem that libraries are facing by insisting that they put on digital locks. It is easy for Warner Bros. to put on digital locks, but it is not so easy for a small northern library or college that wants to share in the incredible potential of education. Therefore, the digital lock provisions are regressive. They are not 21st century models. I do not even know if they are 19th century models.

Hon. Lynne Yelich (Minister of State (Western Economic Diversification), CPC): Madam Speaker, the Canadian Anti-Counterfeiting Network congratulated the government for protecting copyright holders. It said:

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We're pleased that the government is committed to getting tough on IP crimes... Piracy is a massive problem in Canada which has a tangible economic impact on government revenue, legitimate retailers, rights holders and consumers. It's extremely difficult for legitimate retailers to compete with those who...steal and rip [with no abandon].

The copyright modernization act recognizes that the most effective way to stop online infringement of copyright is to target those who enable and profit from the infringements of others. The new provision supplements the existing criminal punishments for those who aid and abet infringement.

Does the hon. member agree with the importance of ensuring that copyright owners are able to pursue the enablers in order to support the development of significant legitimate markets for downloading and streamlining in Canada?

• (1130)

Mr. Charlie Angus: Madam Speaker, that is a very interesting question. Certainly, the New Democratic Party has been very clear in our opposition that online piracy is undermining artists. However, I find it interesting that she talked about Canada as a piracy haven. It seems to be very similar language in the very recent WikiLeaks disclosure, that the then industry minister, now the notorious minister from Muskoka, actually met with U.S. officials and suggested it put Canada on the notorious 301 piracy watch list.

For those at home who do not know what the piracy watch list is, it is where North Korea and Yemen are put. Yet a representative of the Canadian government got it into his head that it would be a bright idea to tarnish Canada's international trade reputation by suggesting the United States put us on the international watch list of piracy terror states because it would help pass the bill. I find it staggering that we have a government that will not stand up to U.S. corporate interests and will not stand up for what Canada has done in dealing with piracy.

The former industry minister got it into his head that it was a bright idea to put us on this discredited watch list, despite the fact that the software retailers, and every other major international organization that watched the U.S. piracy watch list, said that it was absurd to put Canada on the list. It was probably as absurd as the same guy getting \$50 million in border infrastructure money and blowing it on gazebos in his riding. How did this guy get a job?

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, the hon. member for Timmins—James Bay has been a long champion on this issue. Perhaps in this session of Parliament we will see changes made to address the concerns.

The Minister of Canadian Heritage has told us he is open to change. I am certainly very concerned with the concerns of the Canadian Library Association that digital locks will impede its ability to use materials in the public interest.

Would the member for Timmins—James Bay agree with the library association that perhaps adding the words “for an infringing use” to qualify this requirement of a digital lock would have any effect in making the legislation less egregious?

Mr. Charlie Angus: Madam Speaker, certainly the position in the New Democratic Party is that the bill is highly problematic. However, we believe in updating the copyright regime and we believe it is possible with amending language.

For example, the concerns of Canadian librarians were not heard by the government, but it is possible to find amending language to ensure that we would differentiate between what would be done for infringing purposes and what would be done in order to allow people the education opportunities that exist in the digital realm. We saw it done with the other WIPO compliant countries.

If the government is not willing to come to those reasonable balanced compromises, then Bill C-11 will not be balanced. It will be detrimental to Canadian artists, consumers, students and educators.

We are more than willing to bring forward the amending language that will fix the problems of the bill. The problems are many, but they can be fixed. What it will take is whether there is good will on the part of the government to step back a bit and say that it has come so far down the road, that it did not get it right, so we should work together. It is not in the interests of the Canadian Parliament to delay copyright legislation. It is not in the interests of Canadian Parliament not to move forward with copyright. However, it is definitely not in the interests of the Canadian Parliament to move forward with a bill that is fundamentally flawed.

Hon. Geoff Regan (Halifax West, Lib.): Madam Speaker, I am very pleased and honoured to stand today in this debate on Bill C-11 on behalf of the Liberal Party and on behalf of my constituents in the great riding of Halifax West.

It is disappointing that the Minister of Industry and the Minister of Canadian Heritage and Official Languages do not appear to be interested in listening to this debate.

What we see in Bill C-11 is, as Yogi Berra said, “This is like déjà vu all over again”. In fact, this reminds of another Yogi Berraism. When he was asked about going to Coney Island, he said, “Nobody goes there anymore. It's too crowded”.

This is the same kind of logic that we find in the government's approach to this bill. The new copyright bill, Bill C-11, is a carbon copy of the old copyright bill, Bill C-32. It has the same ideologically driven principles and it has the same flaws and omissions. It has the same, as my hon. colleague from Timmins—James Bay was just saying, American-influenced digital lock provisions.

However, the Liberals recognize that there is a need to modernize the Copyright Act. We also recognize the need to protect artists, creators, educators and consumers. We recognize the need for balanced legislation. We think it is important to have copyright rules that are fair and balanced.

Instead of that, today we have before us a recycled bill that includes some of the most restrictive digital lock provisions in the world. This is, in fact, an approach that Michael Geist, who is the Canada Research Chair of Internet and E-commerce Law at the University of Ottawa, correctly points out is all about satisfying U.S. interests.

I was pleased to see this morning that he actually wrote on his blog today. He states:

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The Liberal position is consistent with Bill C-60, their 2005 copyright bill that linked the digital lock rules to actual copyright infringement and did not establish a ban on the tools that can be used to circumvent digital locks.

Clearly, this renowned expert on copyright, the Internet and e-commerce is saying that our approach is one that makes sense and is consistent.

In view of those concerns, the Liberal Party will not support Bill C-11. The digital lock provisions in this bill are far too strict and they override virtually every other right that is in the legislation.

These provisions, for example, make it illegal for a mom to move a movie from her DVD to her iPad or Playbook so that her kids can watch it during a long car trip.

● (1135)

[*Translation*]

These provisions will make it illegal for Canadians to transfer a movie from a DVD to their iPad or PlayBook so that their kids can watch it during a long car trip, because bypassing the DVD protection measures would lead to a \$5,000 lawsuit. That is appalling.

[*English*]

I will take the case of a visually impaired student. If that student needs to shift the format of a digital text so he can read it but finds protection measures on the source material, he would not be able to read it unless he breaks the law. How can that possibly be considered a fair and balanced approach? In fact, it is the opposite of fair and balanced.

I know many of my colleagues across the way do not believe their tough on crime agenda means going after busy moms or students with disabilities, but they should actually consider the implications of this bill because that is exactly what they are doing with this bill.

This morning, the Minister of Canadian Heritage and Official Languages actually claimed that he and the government have the support of the Council of Ministers of Education Canada for the this bill. However, this is what the council actually said, "Much like many other education groups, provincial ministers agree that the digital lock provisions are too restrictive".

The minister seems to interpret that as support, which is a strange interpretation in my view.

The Liberals are strongly opposed to a government that seeks to make it illegal for ordinary Canadians to exercise their rights to view material they have legally purchased in the format they choose. This is about whether people can change something. If people have a CD they have paid for and they want to transfer the music from their CD to their iPod or, perhaps, to their Blackberry, they want the ability to do that. What the government is saying is that they can do that. It wants Canadians to believe they can do that. However, the government is also saying that it is giving us that right but that it is taking it away because it has put a digital lock on it and we cannot. It is a contradictory position.

● (1140)

[*Translation*]

Other countries have managed to fulfill their international WIPO treaty obligations without having to implement such strict digital lock provisions. So why would Canada go well beyond what is expected of it? The answer is clear. This bill was drafted for the purpose of meeting the demands of the United States instead of meeting the needs of Canadians and standing up for their interests.

[*English*]

Diplomatic cables, recently released through WikiLeaks, have revealed that much of the bill was drafted specifically to meet American expectations in terms of the digital lock provisions. I find that quite shocking and disturbing. It is not about what is in the interests of Canadians but what is in the interest of some U.S. interests. The Conservatives even offered to provide the United States government with an advance copy of the bill before the Parliament of Canada was allowed to read it.

Hon. Judy Sgro: Shame.

Hon. Geoff Regan: That is shameful. It is hard to imagine that could happen. Surely, the Conservatives would have more respect for Parliament and for the House of Commons than to offer it to a foreign government before tabling it here and making it available for members and for Canadians to examine.

Worse than that, the cables revealed that the Conservatives actually asked the United States to place Canada on the United States trade representatives' piracy watch list. They wanted to scare Canadians into supporting this copyright bill. Talk about a regressive, recidivist, bizarre way to approach this. Ten days after the Conservatives made the request, the U.S. was only too happy to oblige them. Naturally. It is no surprise that they went along fully.

The irony of all this, of course, is that the U.S. is now loosening up its own provisions on digital locks. During the last review of the American circumvention rules, it significantly loosened them up. While it is now legal in the U.S. to circumvent a protection measure to create a mash-up for YouTube, in Canada it is going to be illegal, thanks to the government. Can anyone imagine that? The Conservatives talk about this being balanced, fair and a modern copyright law. This is regressive.

While the Bush White House had a direct line into the Prime Minister's Office, the opinions and advice of Canadian stakeholders, Canadian citizens and Canadian experts fell on deaf ears.

During the 40th Parliament, a special legislative committee on the copyright bill heard from 142 witnesses and it received 167 submissions. That is a lot of input. As members of Parliament, we also received comments from thousands of Canadians. In fact, yesterday alone, my office received nearly 3,000 emails on this one subject. Canadians are concerned about this and have made lots of comments but the government is not listening.

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Much of what the committee heard last winter and spring made a lot of sense. Instead of listening, instead of saying that they heard what the witnesses were saying and that they would make some changes, the Conservatives chose to table the exact same bill with the identical wording. There was not a comma change, a period change or a letter moved in the bill except for perhaps the numbering now because it is a new Parliament.

The heritage minister has said publicly that he will not accept any changes. Today, he seems to be singing a bit of a different tune but we will have to wait and see if that is true. His handlers in the Prime Minister's Office have let it be known that they do not even want full hearings on the bill. They do not want members of the House, many of whom are new to the House, to hear from different witnesses and to have the opportunity for a full debate on the bill. I hope not, but perhaps we can expect to see today what we have seen in the last few weeks from the government on every major bill so far, and that is it using closure to move it quickly forward and to ram it through the House. Because of this heavy-handed approach, the undue American influence and the government's unyielding and misguided stance on digital locks, the Liberals have no choice, in our view, but to vote against Bill C-11.

A central concern heard at previous committee hearings was how the expansion of fair dealing into areas such as education would affect artists and creators. Many authors explained repeatedly that the changes in the bill would significantly affect their business models, and that is an important concern for us. However, in Bill C-11 we see no attempt to improve the definitions of fair dealing or provide any kind of certainty to these authors.

• (1145)

Finally, the Liberal Party continues to believe that artists and creators deserve transitional funding in order to cope with the effects this bill would have on their revenue streams. For instance, by no longer allowing creators to charge for ephemeral recordings, artists will lose a revenue stream of roughly \$8 million a year. We believe the government should provide some transitional assistance to help artists adjust to the new reality. That is why we proposed in the last election a fund to compensate artists.

Many members will be aware that in the past there was a levy on blank cassettes and CDs. At one point that levy was producing revenue of \$27.7 million for Canadian artists, and that was a very important revenue stream for them. Unfortunately, over time things change and people are not using as many cassettes or that many blank CDs and, therefore, the revenue has gone down to about \$8.8 million a year. That is a dramatic drop for the artists who were relying on that. It seems to me that the government ought to be recognizing this and trying to find a way to respond to it, but it does not seem interested. It does not seem to have any concern for the impact this is having and we should be concerned.

As a result of the many problems in the bill, particularly the fact that the government has demonstrated that, after hearing 142 witnesses, reading 163 submissions and hearing from thousands of Canadians commenting on it online, in emails and so forth, it does not feel the need for any changes whatsoever, I want to bring forward the following amendment. I move:

That the motion be amended by deleting all of the words after the word "That" and submitting the following:

"this House declines to give second reading to Bill C-11, An Act to amend the Copyright Act, because it fails to:

- (a) uphold the rights of consumers to choose how to enjoy the content that they purchase through overly-restrictive digital lock provisions;
- (b) include a clear and strict test for "fair dealing" for education purposes; and
- (c) provide any transitional funding to help artists adapt to the loss of revenue streams that the Bill would cause.

The Deputy Speaker: The amendment is in order.

Questions and comments. The hon. Minister of State for Western Economic Diversification.

• (1150)

Hon. Lynne Yelich (Minister of State (Western Economic Diversification), CPC): Madam Speaker, I want to comment on a setback if we do not pass this bill to modernize our legislation.

The Liberals want to concentrate on how important it is to modernize the law but they are not paying attention to some of the good things the bill would accomplish. For example, the bill would legalize the export of works by an author or a Canadian citizen of the country of import and would be subject to payment of royalty that may be set out in the regulations. Does the member support this provision that would pertain to the export of materials adapted for the perceptually disabled, including Braille and audio books? The member had talked about how this would not help the disabled community. This particular bill addresses areas of Braille and the perceptually disabled.

Did the member say that he had received 3,000 emails in one day on this particular issue? What part of the bill did those 3,000 people specifically zero in on? I would like clarification on the 3,000 in one day, please.

Hon. Geoff Regan: Madam Speaker, I appreciate the hon. minister's question about the number of emails. I do not know how quickly she reads but I have not had the time to read all those emails to be able to tell her what aspects of the bill each one is dealing with. However, I can say that there was massive opposition. Yesterday my office received 2,900 emails on this topic, and the vast majority of them were opposed to the bill and opposed to the government's position on the bill. It is a remarkable number but it shows the kind of interest there is in this bill.

We have had so much input on this we would have thought that a government that wanted to hear about the bill, that was open to change, open to considering ways to improve the bill would have listened to some of those comments and adopted some changes in the bill it brought forward. We do not see that.

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The Conservatives claim there are good things, but virtually anything good they have done here is ruined by the fact that digital locks apply to them and people cannot get at them.

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Madam Speaker, I would like to thank the hon. member for his speech. I have the pleasure of serving with him on the Standing Committee on Industry, Science and Technology, which, of course, studies science and technology.

I would like to know if the hon. member feels that the bill before us considers technological advances, and all the new technologies that are popping up and evolving every day. Does he feel that this bill addresses the rapid evolution of the technologies currently used to disseminate culture and all the elements covered by this bill?

Hon. Geoff Regan: Madam Speaker, I would like to thank the hon. member, with whom I am pleased to serve on the Standing Committee on Industry, Science and Technology.

Many technological advances have had an impact on copyright; therefore, it is necessary to create a new bill and make some changes. However, what we are seeing in the bill before us today is that the government has not accepted or does not truly recognize the changes that give people a variety of ways to do things nowadays.

For example, as I have already said, a mother may want to transfer a movie from a DVD to her PlayBook or iPad so that her children can watch it during a long trip. But under this bill she cannot do that.

That example shows me that the government does not really recognize technological change or understand its implications.

• (1155)

[*English*]

Hon. Lynne Yelich: Madam Speaker, it still befuddles me, 3,000 emails in one day. I would like to help the member go through them because if there are 3,000 concerned people who are not writing to the rest of us on this, I would be quite curious to see what some of the concerns are. We have done many consultations and addressed many of the issues. I have not seen petitions with that many names. I find it very difficult to believe there were 3,000 people who wrote on that particular item.

Hon. Geoff Regan: Madam Speaker, if the member wants to come to my office we can talk about this and she can talk to my staff. I would suggest, rather than do that, she might want to talk to the Minister of Industry and the Minister of Canadian Heritage who also received most of these emails; in most cases, I was copied on the messages to them.

An hon. member: That is an issue of copyright.

Hon. Geoff Regan: Madam Speaker, someone mentioned that is an issue of copyright. My hon. friend from Windsor is joking about that, of course.

The member may want to check with the offices of those ministers. If the ministers are not aware of the emails that have been received, perhaps she should talk to their staff. I think she will find there has been a huge number of emails. Perhaps they have received more than I have. It would not surprise me.

Mr. Brian Masse (Windsor West, NDP): Madam Speaker, I have known the member for many years and I believe the veracity of his receiving those emails. I do not understand why it is that important anyway in the sense of asking a question. However, it is important to talk about the issue of long-distance learning.

I used to work on behalf of persons with disabilities. Regarding the learning supports they require, I am very worried that people would have to burn their notes and their programs after 30 days. People with a learning disability review their work time after time to ensure that the lesson has been instilled and that they do not forget it. Even an ordinary person would do that, but for those with a special learning disability it might take extra effort. I would like my colleague to reflect on that.

I have a real problem with this. I think it is a person's right to be able to get the education and reuse it for the rest of his or her life. It is called lifelong learning. I know that the Conservatives do not really believe in that, but many people in Canada do. This is a very important issue that people with disabilities will have to deal with.

Hon. Geoff Regan: Madam Speaker, in fact, as the hon. member will see in the motion we put forward, one of the areas we address is education. One of the things I talked about was people with disabilities.

I gave a similar example of a young person who perhaps is visually impaired. Under this law, that person would not be permitted to transfer a text into a format he or she could read because that would require the person to circumvent a digital lock. The government would fine the person for doing that. Someone could be fined \$5,000 under the bill for doing that.

Does that make sense? Is that a way to go forward in education? I think not.

Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Madam Speaker, I just have a comment.

First of all, that is completely incorrect. There is an exception to the digital lock provisions as they relate to people with perceptual disabilities. The hon. member may want to actually read the legislation.

I want to read a quote from a senior Liberal and I would like the hon. member's feedback on it. John Manley said that overall, the "copyright modernization act reflects an appropriate balance among the needs of creators, distributors, consumers and society as a whole, and for that reason, I encourage members of Parliament to move forward with it as expeditiously as possible."

Hon. Geoff Regan: Madam Speaker, I appreciate the quote and the point my hon. colleague has made on the question of what happens to digital locks for people with disabilities. I certainly look forward to the discussion in committee on this, if the bill gets there. My hope is that it will not. In fact, I think this bill is fundamentally flawed and I disagree with those who feel otherwise.

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Of course, when someone speaks on behalf of his or her organization, I would not be surprised that the person would take a certain point of view, as Mr. Manley has done in speaking on behalf of his organization. It reminds me of what we see from the Conservative MPs generally who tend to speak only the words they are given to speak by the Prime Minister's Office and stay very close to the party line.

• (1200)

[*Translation*]

Mr. Pierre Dionne Labelle (Rivière-du-Nord, NDP): Madam Speaker, here we have another bill to modernize copyright, the same bill that was introduced by the industry minister on June 2, 2010. The short title of the bill is the Copyright Modernization Act, but I do not think this is the right title; it should have been called the digital lock act or the padlock act, based on what happened in the past.

It was about time that the government introduced, in legislation, the principles contained in the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, which Canada signed on December 22, 1997. Unfortunately, the Conservative government used this as an opportunity to include several provisions that undermine the foundation of copyright. The Copyright Act is the legal foundation that ensures that creations can be reproduced, presented and communicated to the public while guaranteeing proper compensation for their creators.

The people most overlooked by this digital lock legislation—which is being passed off as copyright legislation—are the creators. To weaken copyright by creating a series of exceptions that allow people to use creations without authorization or any financial compensation is tantamount to preventing a group of workers from earning a living from their trade. I will talk later about the financial repercussions of this bill's provisions on creators.

This bill also does away with collectives, a tool that artists created for themselves to facilitate access to their creations in full compliance with their rights. It also jeopardizes cultural industries by cutting off their supply of creations and by preventing them from developing markets that meet the needs of consumers while protecting their investments.

The bill contains over 40 new exceptions, most of which mean no compensation for creators, and this flies in the face of a fundamental principle, specifically, that as soon as a creation is used, there is no reason the creator should not be paid. It is simple; it is clear. That is the basis of copyright.

A royalty is not a tax. Since the start of this debate, the Conservatives have been trying to make the link between royalties and taxes. They are not the same thing. Every industry, to varying degrees, benefits from government assistance through investment, research and development tax credits, and also direct subsidies. Just look at the aerospace, agri-food and information technology industries, to name a few.

Cultural industries are no different. All these industries fiercely protect their intellectual property under the Patent Act, the Industrial Design Act, the Copyright Act or any other intellectual property protection legislation.

What ends up happening? Everyone, as taxpayers or consumers, pays for using the creations of these companies, whether we are talking about software, drugs or iPods, since royalties are included in the price of the product or the price of the software licence, for example.

What is wrong with paying royalties for using music, images, videos and books? The creators of that material are entitled to compensation, just as teachers are entitled to their salary and the mason who repairs the school wall is entitled to his pay.

It is not a tax; it is a royalty we pay to the copyright holder, as we do for many creators in a number of different fields. With all the new technology at our disposal, we have to stop thinking of ourselves simply as consumers of the creation of others. If we write a short story or a novel, compose a song or invent something, we would obviously like to receive fair payment for our creation, our work.

Creators are inventors. They have patents on their creations and are entitled to their fair share. That is why we have to “think different”, in the words of the famous Apple slogan. Let us hope this slogan inspires us to follow through.

• (1205)

I will quickly go over the provisions of this bill and the various exceptions discussed—there are about 40—which will deprive creators, artists, composers, musicians and photographers of the royalties to which they are entitled. I should also mention writers.

What is the significance of broadening the concept of fair dealing for the purpose of education, parody or satire? This will obviously go before the courts. They will have to define the scope of this section. In the meantime, uncertainty will persist and users, especially teachers, as well as copyright holders, will wonder about permitted uses. I already said in another presentation that, with the arrival of the majority Conservative government, with the building of new prisons, these Conservatives will invent new crimes to fill their prisons. There are several new crimes in this bill. We did not know they were crimes, but now we have punishments. Things we do on a daily basis will be criminalized and punished.

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This provision affects monies collected by the Société québécoise de gestion collective des droits de reproduction—Copibec; the Society for Reproduction Rights of Authors, Composers and Publishers in Canada; and the Quebec Collective Society for the Rights of Makers of Sound and Video Recordings. All these organizations appeared before the committee, but the government did not use anything from their presentations. Instead, the government decided to borrow from provisions implemented in the United States. The Society of Composers, Authors and Music Publishers of Canada, or SOCAN, and the Société québécoise des auteurs dramatiques are also opposed to this provision, as are the Producers' Audiovisual Collective of Canada, Audio Ciné Films and Criterion Pictures when it comes to the reproduction of literary, artistic, dramatic, musical and audiovisual works, the public performance of musical and audiovisual works, and the presentation of dramatic works in educational institutions.

What about lost royalties in Quebec because of the broadening of the concept of fair dealing? In fact, what is fair dealing? The law does not specify what is meant by fair dealing. This will result in the loss of \$11 million annually for creators and copyright owners. Every year schools, CEGEPs and universities make 175 million copies of excerpts from protected works.

Let us remember that fair dealing is a loose concept that will put an end to the right to grant or deny authorization to use a work and the right to receive remuneration for the use of a work, thus affecting the rights of 23,000 authors and 1,000 publishers in Quebec.

The Conservatives are opening Pandora's box. The education sector is very large. It does not make any sense. If people can photocopy books for educational purposes without providing compensation, no one will want to write books. Furthermore, since the term "education" is not defined in the bill, this new exception could apply to any sort of educational activity and not just to activities carried out within the school system.

Another exception is reproduction for private purposes. An individual may reproduce a legally obtained work on any medium or device and provide access for private purposes. The government could have chosen, as the artists and performers have requested, to expand the existing compensation system for transferring a sound recording to blank media such as cassettes, but it chose to make it free.

We know that, right now, when we make a copy of a work on a disk, royalties are paid to the creators—29¢ on each CD, for example. Obviously, with the growth in virtual storage methods, the revenue from royalties has disappeared like snow on a warm day, dropping from \$27 million to \$8 million in a few years. There is nothing in this bill to compensate for these losses.

• (1210)

Creators are dismayed to see, in a copyright bill, that the only thing the government is concerned about recognizing is not copyright, but digital locks. The number of blank cassettes and DVDs sold is declining steadily, the amounts redistributed to creators are falling, and creators' associations are hoping that a similar royalty will be applied to the purchase of devices like personal stereos, as was said in committee, based on the size of the hard drive or flash memory. The existing private copying regime

does not affect those devices, however; only the recording media. And fewer and fewer media are being used.

The use of photographs is another exception that has been criticized by photographic artists. An individual may use for private or non-commercial purposes, or permit the use of for those purposes, a photograph or portrait that was commissioned by the individual for personal purposes and made for valuable consideration, unless the individual and the owner of the copyright in the photograph or portrait have agreed otherwise.

On the question of later viewing, an individual may reproduce a work that is being broadcast for the purpose of listening to or viewing it later. Only one copy may be made and the individual may not keep the recording any longer than is reasonably necessary in order to listen to or view it later.

To summarize, I make a copy of a recorded program that I have paid for in order to watch it later, but I would not be entitled to retain the copy any longer than is necessary for the later use. How can that be verified, and who is going to do it? Who is going to make sure that I do not keep the copy indefinitely or I do not lend it to my neighbours? If I lend it to my neighbour, is that going to be a crime liable to a \$5,000 fine? If I look at the criminal provisions in the bill, that might well be the case. I would become a criminal if I lent a program to one of my friends. I think the penalty applied to this type of conduct is excessive in the circumstances.

With respect to backup copies, the owner of a work will be able to make backup copies and use them to replace an original work rendered unusable. Devices that can no longer be used will therefore have to be repurchased, but not the content.

There are some odd things in this bill. It is difficult to make head or tail of it.

With respect to communication of a work by telecommunication, educational institutions will be able to communicate lessons containing copyrighted works to students by telecommunication. The institution will have to take measures "that can reasonably be expected" to limit the distribution of the work and will also have to destroy the copy within 30 days of the date on which the students receive their final evaluations. However, no penalties are proposed if the institution fails to take the necessary measures.

This provision suffers from a somewhat split personality. It is sending the message that these works must be destroyed but there is no arrangement for verifying this. In any event, if it is not destroyed, that is no penalty. I wonder what we are talking about. I would really like to know what firm of lobbyists went to see the Conservative government and asked it to include this kind of provision in the bill. I do not understand.

For extension of the photocopy licence, institutions that have been issued a photocopying licence by Copibec will be able to make digital copies and communicate them to students by telecommunication. The photocopying licence's provisions will apply to that type of use, and the royalties will be calculated the same way. How will fair dealing for educational purposes be reconciled with this exception?

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Institutions in possession of a photocopying or reprographic licence will also be able to make digital reproductions and transmit them by telecommunication. Paid-for photocopies could thus be transmitted by way of digital reproduction, however they get somewhat lost in the maze that is the digital world.

• (1215)

Teaching institutions will be able to access works available on the Internet for educational purposes. We all do this: we use Google, we consult Wikipedia, etc. This exception would not apply to works protected by a technical measure—a lock—or to works displaying not simply the copyright symbol but also a clearly visible warning prohibiting their use. Thus, the principle whereby works are protected as soon as they exist in some medium, without the need for any other formality is reversed, and rights holders who do not wish to provide free access to their works would be forced to lock them or attach a warning. This fails to take into account the millions of works already available free of charge for educational purposes on the Internet under the current licensing system.

As far as reproduction for visual presentations and examinations is concerned, the current legislation permits the reproduction of a work by hand and its presentation by means of an overhead projector. The bill will authorize the reproduction and visual presentation of a work on all platforms irrespective of the type of technology, be it a USB key, an interactive whiteboard, or a computer screen. This exception will not apply if the work is available on the Canadian market in the medium in question. The legislator has removed the possibility of obtaining a licence from a collective society in order to stop the use of this exception. This amounts to an immediate loss of half a million dollars to the copyright holders represented by Copibec.

This is another example of a provision in this bill that does not assist authors but rather deprives them of up to \$500,000 in income.

We spoke earlier of provisions in the bill that apply to libraries, museums and archives. Let us see how this applies in the case of loans to institutions. Libraries, museums and archives designated as such under the act will henceforth be able to transmit digitally formatted articles from periodicals to users for private study and research purposes. These institutions must take steps to prevent the user from printing more than one copy of the article or from transmitting it to a third party.

Librarians who forward articles to users must take steps to ensure that these users are not able to transmit this information to a third party. As I cast my mind to my municipal library in St-Hippolyte, I wonder who will have to handle the directives this legislation entails. How will that person proceed?

In the culture sector, the general feeling about Bill C-11 is that, in its current form, it undermines the principles at the heart of copyright, principles that have historically provided an environment that is favourable to creators, producers, distributors and consumers of cultural property. This bill will compromise Canada's ability to compete in a global digital economy and will undermine the economic future of those creating Canadian content. Artists indicate that numerous clauses in Bill C-11 demonstrate a lack of understanding of the creative industry's structures within an evolving technological environment. Parliamentarians have a responsibility to

amend the bill and keep the positive measures. In order to develop an innovative knowledge economy, Canada needs to staunchly defend intellectual property.

If Bill C-11 is passed in its current form, there will be serious financial consequences for artists, for Canada's cultural industries, with losses estimated at \$126 million per year.

We should be removing all of the clauses that go against the current law and eliminate the revenue currently being generated. This includes the provisions that legalize certain kinds of copying, without providing any compensation. We must allow the educational use of copyrighted material without compensation.

It seems as though all of the attempts at copyright reform in Canada have had very little to do with creating a system that balances the rights of creators with those of the general public. That is what the NDP wants. We do not want to further criminalize the actions of individuals. We want this bill to clearly set out copyright guidelines for creators, to help them enter into a growing, evolving universe.

• (1220)

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, Quebec's motto is, "Je me souviens" or "I remember". Personally, I remember the election that took place in 2008 and I remember the general outcry that was sounded in Quebec to protect and defend copyright. Quebec is the cradle of the French language in this country, and in order to protect copyright, Quebecers stepped up and raised an outcry.

With regard to digital locks, it is the distribution companies that will call the shots. In Canada, where Quebec is an enclave and where small communities of francophones live in the other provinces, is my colleague not concerned that these large corporations, these large companies, will stop distributing francophone creators who, as a result, will be removed from the information highway?

Mr. Pierre Dionne Labelle: Mr. Speaker, quite frankly, I cannot really predict the impact the implementation of these various measures and these digital locks would have on the distribution of works by Quebec's artists.

On the other hand, in another life, I had a few songs at the top of the charts in Quebec and I regularly received a cheque from SOCAN for my royalties. They were sometimes ridiculously tiny amounts, but they helped make ends meet nonetheless.

At present, what is known as "ephemeral recordings" are included in one of the provisions that constitute yet another exception in this bill. This provision is going to cost songwriters over \$7 million in royalties they would otherwise receive from the broadcasting of their songs over the radio. I think this provision is a slap in the face to all those who dedicate their lives to creativity and helping others see the beauty in this world.

Government Orders

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I thank my colleague from Rivière-du-Nord for his speech and for the passion and enthusiasm he put into defending the creators of our culture. I would like to hear more on the previous question about how this bill does not take into account creators of culture and how culture is disseminated. Canada is a big country, but our creators are often not encouraged to disseminate Canadian and Quebec culture. How could this bill be detrimental to the dissemination of our culture?

Mr. Pierre Dionne Labelle: Mr. Speaker, we have been waiting for over 15 years for reforms to bring the Copyright Act in line with the digital age. What we have here is a bill that will cut the legs out from under many creators, and as a result, fewer people will be interested in creating works.

Eventually, we will have a harder time disseminating these works abroad. If copyrights are waived so that works can be reproduced in schools for the purpose of education or fair dealing, as we heard earlier, a whole bunch of authors will no longer want to write books. What motivation is there to write if anyone can reproduce excerpts from books without providing any compensation?

Mr. Jamie Nicholls (Vaudreuil—Soulanges, NDP): Mr. Speaker, I would like to thank the hon. member for his speech. What does he believe are the most negative aspects of this bill? Can he summarize them?

•(1225)

Mr. Pierre Dionne Labelle: Mr. Speaker, the bill has some positive aspects, such as digital locks, which we do understand. We understand that companies that have invested in developing video games or movies want to protect their products by using this type of lock.

At the same time, what concerns me about this bill, is the nature of the fines that will be imposed on those who try to find the keys to these digital locks. I am convinced that young people, with their creativity and imagination, will succeed in bypassing the digital locks that are put on any products that they use.

More emphasis has been placed on the protection of industries than on a true copyright reform that would allow creators to receive financial compensation each time their works are used.

It is somewhere between these two visions. On one hand, there is legislation that takes a repressive approach to this issue and, on the other hand, there are creators who would have liked to use a legislative lever to allow for true thought on the definitions of a creator—the nature of a creator; copyright; and how to protect authors and artists and encourage them to create.

[*English*]

Mr. Jamie Nicholls (Vaudreuil—Soulanges, NDP): Mr. Speaker, no one can deny that Steve Jobs was an innovative thinker in the world of business. He gave innovation and business sophistication a face. He became an icon of the new economy. We have lost him but the innovations of his company, namely the universal digital machine, the personal computer, which members on both sides of the House depend upon for their daily work, remains with us. I doubt any member would argue that deep changes occurred in our society through the introduction of the personal computer in our daily lives.

My first introduction to computing was through my dad. He worked for a company called Control Data as a truck driver and he delivered the cardboard cards that kept the information on the federal government's computers in Ottawa. I used to draw on the backs of the cards that were thrown away, so maybe it was one of the first mash-ups or culture jamming that I did.

Then my dad brought home a tape recorder. We recorded our own stories on it and taped over bits that we did not like. It provided hours of humour listening to our own squeaky voices. Then we realized that maybe we could record stuff we heard on the radio and we listened to songs instead of waiting for them to come on the radio. We could sing to those songs and record at the same time. Our minds were thinking of all the possibilities that we could do with the technology that was put before us.

Around the same time that we were doing these goofy things, Mr. Jobs brought his Apple computers to the world. There was also at this time a lawsuit going on that my hon. colleague mentioned and it was the Betamax case.

We were not early adopters in my family so we did not have a VCR when it first came out. Apparently when the Betamax came out in 1976, the television industry was up in arms. When the VCR came out there were no video stores, no rentals, nothing, so, all we could really do with a VCR was record television shows. In effect it became the first time shifting device. Instead of sitting down when broadcasters dictated, we could choose our own time to watch things; that is, if we could program the device, which many people had difficulty doing, so it became the task of members of my generation to do it because our elders could not figure out how to do it.

Television broadcasters did not like this additional consumer control because they did not want consumers to have control. Their greatest fear was the loss of revenue due to people fast forwarding commercials and watching movies and television shows from their personal libraries instead of tuning in to the broadcaster's schedule. The VCR dictated the time that people could watch shows.

The theory of copyright laws is that they limit control over the use of content to the copyright owner. They leverage the right of copyright into revenue. People cannot use what the copyright owner owns unless they pay. The theory is that revenue creates incentive for the creation of new works.

Government Orders

Broadcasters were worried about their revenue. Movie studios were incensed that consumers could record their movies. The sky would fall they said. They did not want VCR technology. They wanted a ban on it, so they filed a lawsuit against Sony, the maker of the Betamax. The studios wanted control over the design of the VCR. TV broadcasters and movie studios wanted certain recording features on the machine, like the recording button or the fast forward button, eliminated. I ask hon. members to imagine the VCR without a fast forward button or a record button, or let us consider for a second a world where the VCR was banned, which was the original intent of this lawsuit.

The reason why I mention all of this is because technology has evolved. People have to be active in the programming of their family lives. We need a more active population, a wider field of choice and possibilities. They have to have the idea that anything is possible because that is the foundation of innovation. I should remind members that innovation is precisely one of the greatest challenges and one of the greatest weaknesses in our Canadian economy right now.

Thankfully, in 1983 the U.S. supreme court decided that the VCR was a legal device. Years later the movie industry hailed the VCR as something great. The industry received huge profits from the sale of videos. The industry that had previously feared and misunderstood the VCR realized that it could get money from this new machine. It wanted to lock the march of progress at that time but realized that the VCR provided a monetized stream for it and it was no longer fearful of it.

• (1230)

When I was 20, I managed to get my hands on a video camera. I taped some of my surroundings, took my favourite REM CD, clipped some stuff from the TV, and put them all together using the VCR. It was not very good, admittedly. It was kind of clunky. However I had created something new, something that allowed my interpretation of the music. That action was something that has gone on for ages.

Troubadours in medieval times would take words of songs and change them. Tellers of oral tales would change elements of the story to suit their local cultures. In our times we have groups like Negativland and DJ Danger Mouse, amongst others that do essentially the same thing.

This legislation would try to make this activity illegal. Unlocking the digital lock, something that a young Norwegian did to DVD encryption in the last decade would become a crime.

The 1998 law that the U.S.A. brought in, the DMCA, was found to be unenforceable. Basically this could not be enforced. It is too hard.

The greater problem here is that we have a digital age and a universal digital machine. All the information that we have nowadays, music, movies, text, is all in digital form now. When it is brought into a digital machine, it all gets translated into the same form of information. There is an innovation that happens there when people interact with that.

All the information is digital, so to be truly effective, to protect the copyright owner as this bill tries to do, one would effectively have to

control computers. It is this idea that the U.S. tried to do. It tried to develop this idea of the Fritz chip. Every digital device would have this chip that would lock certain activities on that device. However, computer scientists have said this is impossible, that they would not be able to invent something like that.

Basically, a universal machine, a personal computer, would have to be turned into a somewhat limited machine. The effect of that, of course, would be to limit the innovation that we use these machines for.

There are also questions in legal circles about the provisions in this legislation that say that perhaps these are not measures that would fall under a copyright act, they would fall under ideas of property or civil rights, which are a provincial jurisdiction.

To finish off my discourse, I would like to state 12 reasons why our copyright laws are already strong enough and do not require any renewing to protect the copyright owners.

Number one, Canada has about 36 copyright collectives, many of which have received substantial direct and indirect government subsidies. The U.S. has only about half a dozen with no government support. The U.S. is asking us to impose this legislation, and yet we already have stronger copyright legislation than the U.S. does.

Number two, Canada has a full-time Copyright Board which has normally had four full-time members plus a sitting or retired judge as chairman, currently about a dozen full-time professional and administrative staff. The board has enormous policy and effective law-making powers. No other country of which we are aware comes close to having such a large, permanent, powerful and full-time copyright tribunal.

Number three, broadcasters pay far more for copyright royalties than their counterparts in the U.S., much of it for rights that do not even exist in the U.S., for example, the ephemeral right. The U.S. provides an outright exemption in 17 U.S.C.112 for the ephemeral right.

About \$50 million a year more, over and above, is being demanded by a collective dominated by the American dominated record labels for this right, in addition to amounts now collected by composers, authors and publishers. Canada's Copyright Board heard a major case on commercial radio where this and other issues will be decided in December 2008 and January 2009. However, it will probably be at least 18 months to 2 years after the hearing before a decision is announced, based on the timing of some recent major decisions from the board.

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●(1235)

Number four, the Canadian Copyright Board values each right under the Copyright Act brought before it separately with little regard to layering and multiplicity of the tariffs which result in effect for the same transaction. Whether this is an error in approach by the board and/or in policy and/or in legislative drafting is subject to fair debate. The fact is that the U.S. law goes to great lengths to avoid such a result as recent court decisions have confirmed.

Number five, educators pay far more for copyright clearance than their American counterparts pay. There is simply no mechanism in place in the U.S.A. analogous to the excessive \$5.16 per K-12 student or the excessive per student and course pack rates payable to access copyright for post-secondary students. There is a similar mechanism for Quebec. Canada's Copyright Board has pushed back on what it considers to be fair dealing in the classroom for what the Supreme Court of Canada arguably requires and American law clearly permits. The Copyright Board's controversial decision is currently under judicial review.

Number six, Access Copyright is trying to collect \$24 a year for each full-time employee in Canadian provincial and territorial governments, not including Quebec. This potentially would be a cost of \$6.5 million a year for Canadian taxpayers, which seems absurd in view of the Supreme Court of Canada's decision in *CCH Canadian Ltd. v. Law Society of Upper Canada*, since most, if not all, copying of protected material would likely be for research purposes. Nonetheless, a very expensive proceeding would slowly unfold before the Copyright Board and probably beyond into the courts. Even with an unusual push by the Copyright Board to get this moving, it would likely drag on for years.

Such a tariff or equivalent mechanism would never get off the ground in the U.S.A. for many reasons, including that state sovereign immunity is well established by the U.S. Supreme Court. There may very well be provincial crown immunity in Canada but to what extent it would be invoked is currently unclear. At any rate, this new attempted tariff by Access Copyright has no counterpart in the U.S. and is yet another situation in which U.S. copyright owners could prove to be better off in Canada than in their own country.

Number seven, Canadian law requires payment for certain educational uses that are explicitly exempted in the U.S.A., such as the performance of films in a classroom.

Number eight, Canada has no explicit statutory exception for the performance of music for the purpose of selling sound recordings or audiovisual equipment as is found in section 110(7) of the U.S. copyright law.

Number nine, Canadians pay large amounts to SOCAN and NRCC for performances in countless bars, restaurants, retail stores and other small business establishments. The U.S. notoriously exempts these establishments, contrary to a WTO section 110 ruling which the U.S. continues to flout. The U.S. is by far the leading adjudicated current violator of international copyright law.

I could cite more examples which I found online in a blog. I have shared the author's thoughts with the House on why our copyright laws are already stronger than those of the U.S. and yet we are

getting pressure from multinationals to impose this law on Canadians when our law is already sufficiently strong.

With that I will conclude.

●(1240)

Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, I would like to thank the new member for his speech. As a history lesson, this is the fourth time we have gone through this process as it relates to a copyright bill. Last time around we had 39 hours of testimony at committee during which time the NDP member on the committee repeatedly lobbied for a tax on iPods.

The Copyright Board in 2007 published a statement filed by the Canadian Private Copying Collective for levies it proposed to collect effective January 1, 2008. The proposal stated different rates, but the rate was \$75 for each recorder with more than 30 gigs of memory. That is where the \$75 iPod tax we often refer to comes from.

In the spring of 2010, the heritage committee, which was dominated by members of the opposition, passed a report that would extend the definition of audio recording medium to devices with internal memory so that the levy on copying music would apply to digital music recorders as well. On April 14 last year we had a vote in the House on that motion. Every member of the NDP, the Liberals and the Bloc supported the motion and every member of the Conservative Party opposed it.

I would like some clarity on where the member stands on the \$75 tax on iPods proposed by the Copyright Board but supported by the members of the opposition parties.

Mr. Jamie Nicholls: Mr. Speaker, as the member stated, I was not here at that time so I do not know all the details of what went on at committee. However, I have been informed by other members that the Conservative chair of that committee actually supported the legislation. I cannot speak to the details of that because I am not informed on that.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is not surprising that the parliamentary secretary is trying to resurrect an old myth with regard to an iPod tax. We actually proposed that the Copyright Board would set a rate that would be good for the artist and fair for the consumer and to have that independent assessment done. We know the Conservatives have concerns over that. We have seen what they have done with other appointed officials in different departments. However, there certainly was no \$75 tax. The parliamentary secretary knows that.

Government Orders

It is unfortunate because we have been trying to have a good debate about this issue in the House today and we have been participating in that. I know the parliamentary secretary was excluded from some of the unfortunate things that took place in the House, but we have been trying to press on having some compromise here.

Again, there was no suggestion of a \$75 tax.

Mr. Jamie Nicholls: Mr. Speaker, I want to thank my hon. colleagues for providing some of the history on this issue. As I said, I was not a member of the House so I was not privy to all the details. I have not looked at it in depth. I thank both members for informing me on the history of this legislation.

• (1245)

[Translation]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, the hon. member spoke about Steve Jobs. We could also talk about Facebook. What has made Facebook so popular is its democratic access; it is free and open to everyone. If there were no users, there would be no industry putting products on the market. I predict certain death for the cultural industry if we put locks on it. There is a limit to what our families are able to pay. They are already paying for Internet, telephone services, the information highway, television and anything they want to download, whether they are selling or purchasing cultural products.

Does the hon. member believe that using digital locks will be harmful to the cultural industry and the public's use of it?

Mr. Jamie Nicholls: Mr. Speaker, it will negatively affect people's participation in culture. The hon. member said that when technological locks are applied, new items have to be purchased every time the technology changes. In 1989, I bought a Bob Dylan record and, in the 1990s, I had to buy the same album on tape and then on CD. Buying something three times and never owning it affects cultural participation in a negative way.

[English]

Mr. Mike Lake: Mr. Speaker, I appreciated the intervention by the member for Windsor West on the matter of the iPod tax. He said that the Copyright Board should have the ability to set the rate. For clarification, as the debate was going on and the NDP consistently advocated for a tax on recording devices, including iPods, that may be extended to other things, in 2008 the Canadian Private Copying Collective which is responsible for this area put forward a proposal. It is published in the *Canada Gazette*:

—the Copyright Board hereby publishes the statement filed by the Canadian Private Copying Collective (CPCC) on January 31, 2007, with respect to the levies it proposes to collect, effective January 1, 2008, on the sale, in Canada, of blank audio recording media.

In the area marked "Levy", it states:

Subject to subsection (2), the levy rates shall be...

(e) for digital audio recorders, \$5 for each recorder with no more than 1 Gigabyte (GB) of memory, \$25 for each recorder with more than 1 GB and no more than 10 GB of memory, \$50 for each recorder with more than 10 GB and no more than 30 GB of memory, and \$75 for each recorder with more than 30 GB of memory.

That covers most iPods that people are purchasing today.

The member for Windsor West said that the Copyright Board should have the ability to set those levies. During most of the debate

on this, those were the numbers on the table in terms of what the Canadian Private Copying Collective had put forward.

I want to know whether the hon. member supports the member for Windsor West in saying that should be the way the iPod tax is handled.

Mr. Jamie Nicholls: Mr. Speaker, rather than engaging in a side debate, I would rather deal with what I actually addressed in my speech. I did not mention a tax. I just wanted to point out to members across that the copyright legislation that exists is stronger legislation than what the United States has and I have fears about this bill impeding innovation in Canada. Rather than getting into a side debate, I would prefer to address the issues that I mentioned in my speech.

• (1250)

Mr. Mike Lake: Mr. Speaker, it seems as though nobody on the other side wants to engage in the debate, so I will ask another question.

The member mentioned that he did not talk about taxes in his speech. The hon. member for Timmins—James Bay was on the committee during the 39 hours of testimony we heard from witnesses. Repeatedly the member for Timmins—James Bay advocated for a tax on iPods. We can call it a levy or whatever we want, but he advocated for that. I want to know if he agrees with the member for Timmins—James Bay, who will probably be taking the lead on this issue again.

Mr. Jamie Nicholls: Mr. Speaker, I would have to discuss the matter with the member for Timmins—James Bay before making any informed comments on that issue. I look forward to speaking with the member and getting information on that issue.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is a pleasure to speak to Bill C-11. Copyright is a very important issue and New Democrats have been talking about having a digital strategy in general, but I will get into the specifics.

It is interesting that the Conservatives referred to a former Liberal member, John Manley, as the benchmark of where they should be. I have nothing against John Manley; I served in the House of Commons with him. He was up front in terms of discussing issues. When we think of the advice the Conservatives are following, it is kind of interesting because John Manley was the person who wanted to deregulate our banks and make them like the U.S. banks. The Conservative government very often talks about how we have a strong financial system right now because we did not do what the U.S. did.

I was in the House of Commons when the Conservatives joined with John Manley to try to change our banks to be more like the U.S. banks. We had those debates in the House of Commons. I would give credit to the Bloc Québécois. The Bloc members were very staunchly against that, as were the New Democrats. We were able to defeat that. Judy Wasylycia-Leis was a key NDP member opposing that proposal. We made counter proposals to John Manley that were seen as hostile, left wing, socialist and crazy. Finally, after many months of pressure, we were able to defeat the movement by John Manley and the Conservatives at that time to deregulate our banks and make them more like the American banks. That was the argument at that point in time.

Government Orders

It is very important—

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Bourassa is rising on a point of order.

[*Translation*]

Hon. Denis Coderre: Mr. Speaker, when we talk about a bill, we have to consider relevance. First, I do not think that this is relevant and, second, if Canada was saved from the recession, it is because we had an extraordinary prime minister, Jean Chrétien, who prevented the bank merger.

Let us stay on topic, please.

[*English*]

The Acting Speaker (Mr. Bruce Stanton): Certainly, the proper thing for members to do is to speak in terms relevant to the topic that is before us. I am sure the hon. member was getting to his point.

The hon. member for Windsor West.

Mr. Brian Masse: Mr. Speaker, I was. That is a type of Liberal infighting, a Chrétienite versus a Martinite, with regard to the Manley history. However, it is clear that this has been used as an example to validate this legislation.

I was about to raise other third-party concerns that have been voiced in the debate that Canadians should hear. One of them is from Dr. Michael Geist, a renowned technology commentator. He has been quoted on Bill C-11 as saying that the foundation principle of the new bill remains that any time a digital lock is used, whether on books, movies, music, or electronic devices, the lock trumps virtually all other rights. He also states:

This means that both the existing fair dealing rights and Bill [C-11]'s new rights all cease to function effectively so long as the rights holder places a digital lock on the content or device.

We have a significant problem with the digital lock and we believe that having this type of testimony makes things more balanced as it is not just from the users. Later on we will hear some quotes from the artists as well.

I have statements from the cultural industries, which represent over 80 arts and cultural organizations across Quebec and nationwide. They argue that the bill would be toxic to the digital economy and warn that it would be a failure of the entire act itself. They suggest that the bill is actually toxic to artists.

The Writers Guild of Canada has a different take regarding its interest on the bill. It is a complex bill and issue. It states:

They are neither forward-looking nor in consumers or creators' best interests. Digital locks, at their best, will simply freeze current revenue streams for creators.

There are other experts in the field, such as the Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic. This is what it has to say on digital locks:

Overall, these digital lock provisions are some of the most restrictive in the world.

To achieve a fair balance between users and copyright owners, the government needs to fix the digital lock provisions before this bill passes into law.

That is another counter to the one extreme case being used regarding Mr. Manley and his interests that are represented.

The Society of Composers, Authors and Music Publishers of Canada, SOCAN for short, states:

Without this balance, the creation of creative content will eventually decrease, as Canadian creators will be unable to make a living.

Presently, the average wage of a Canadian creator and artist is approximately \$12,000 a year. That is not sufficient and the bill would take away some of their actual earnings forthright. This is a very important issue for artists because in this economy they are certainly suffering quite significantly. On top of that, they have a history in Canada of not being the most compensated in the workforce despite the fact that billions of dollars are generated from this industry, which I believe is around 7% of the GDP in overall impact.

Mr. Howard Knopf, a copyright lawyer, states:

The Digital Locks (TPM) measures continue to divide Canadians and to defy consensus. [They] are stronger than required by the WIPO treaties and stronger than necessary—

Why does the bill appear to be going overboard regarding digital locks?

What can be brought to bear on this issue is pressure from the United States. It was interesting to see the former minister of industry suggest that we should actually leak an advance copy of our bill to the United States. What is intriguing in itself is that instead of sharing it with Canadians, the people he represented as the minister, he would leak a document to the United States in advance to more or less get the Americans' opinion or blessing.

Later on the former minister's ministerial aid, the member for Parry Sound—Muskoka, suggested that Canada be put on the United States' piracy watch list. This was also intriguing because I worked with the member for Edmonton—Leduc to improve Canada's international representation regarding piracy on a number of different visits since 2002 with the Canada-U.S. Parliamentary Association, which is a bipartisan group. We met with members of Congress and senators in the United States. We attended bilateral meetings. We went to different conferences across the United States to meet with Governors and different legislatures on a statewide and nationwide scale.

● (1255)

We often heard that the Hollywood movie industry was upset that Canadian films were allowed to be filmed in our studios or in our theatres. That was true. It was a grey area of the law and we had a problem with the filming and distribution of pirated movies. That was ratcheted up through the U.S. system and it gave us a black eye in many respects. To be fair, there was good evidence that in some specific places in Montreal and other theatres pirated versions emerged. They were being sold on the streets of New York and other places like that just as easily as in Canada but it became a problem.

Government Orders

I am aware of the good work done by the member for Edmonton—Leduc as a representative. We were able to work in a group and make legal changes here in Canada to remove that problem. A lot of effort went into reversing the reputation that Canada had at that particular time with the United States. Therefore, I have difficulty understanding why the second removed former minister would suggest that we would leak a copy to the United States and that the aid for the previous minister, the member from Muskoka, would want Canada to be on the U.S. piracy list.

The member for Timmins—James Bay talked about some of the countries that are on that list. They are not countries like Canada. When we are working hard together on international relationships and trading partner issues, why would we want to subject ourselves to that type of behaviour? It shows that the government will buckle under pressure, as it has many other times, regarding U.S.-Canada government relations, which has subsequently cost Canadians.

This digital lock issue could cost Canadians. That is why we believe it is important to have a digital strategy. I will get to the digital strategy because it does affect us.

The devices we are using today which have changed so dramatically will continue to change in the future as well. It is not only about the types of devices and how they are used but also about how the content is shuffled from one device to another and the many ways in which it is used.

I have a Sony PlayStation. When I download a song I can use it on my PS3 but having it on my Playbook is a different problem altogether. When I buy a particular song I believe I should have the right to use it on both those devices. Therefore, it also involves the mechanics of moving the content around.

We often talk about net neutrality. Canada needs to take a moment to define "net neutrality". It is not only important for consumers and their use of different entertainment and other available devices but also for business, especially small business. In the past we have heard testimony on net neutrality with regard to throttling posing bigger challenges to some of the smaller companies' ability to stream, their access to streaming, as well as the value of streaming. We believe that net neutrality is important for consumers as well as businesses in the country.

We want a national strategy on broadband. It is very important. Many times we have seen companies focus on specific areas of development, such as the large urban areas where the costs are more beneficial than out in the suburbs and rural areas. We believe that in Canada it should be similar to our highway systems and other physical infrastructure which connects Canadians from coast to coast and that we have that ability to communicate.

That is why the CBC is so important and we believe in it so strongly. In Windsor, where we are dominated by U.S. content and material, it is nice to hear stories from Prince Edward Island, Nova Scotia, the Yukon or British Columbia. We get that through a national broadcast structure that is important for keeping our national identity.

We also talk about having a strategy on the spectrum auction. The government ended up in court over the last spectrum auction. It is an important asset. The type of spectrum we are getting is significant

and would offer us a great advantage toward building this national infrastructure. However, we need to look at where the resources would come from. The last time the spectrum auction assets came in they were dumped into the central fund. We want to see a national strategy put in place that would take advantage of that and use it as an opportunity to put our broadband, and our society in general, in a better position. The U.S. is approximately two years ahead of us on this. It is an important point.

• (1300)

We do not know when the government will have the spectrum auction and the final terms. It is critical as it is affecting business decisions due to the uncertainty of how we would use and implement the different research, technology, communications, et cetera. We do not know exactly what will take place next and we need to catch up to the United States. Being that much behind the U.S. does not offer the same type of opportunities for investment because we are looking at that when making decisions.

It is similar to physical infrastructure. In my community we are finally working toward implementing a new border crossing. If the legislation passed in Michigan for that it would allow for better investment decisions to be made in Canada. Once it is developed and rolled out and we can see the physical asset, predictability can take place.

We also need to deal with the issue of e-commerce. We have heard testimony at the industry committee regarding Canada's e-commerce. It is a dog's breakfast. The other day we heard testimony that Canada is very much behind on e-commerce and that it is a disadvantage. We also heard testimony to the effect that we are not being treated the same as the United States and that Canadian companies are paying higher fees and charges. We should be looking at all of that.

These are the elements we have for looking at the new age because what we are dealing with today will change a lot.

Going back to Bill C-11, we are interested in getting it to committee to hear more testimony and we hope that the government will look at a couple of things.

I want to touch on the issues I believe are important.

There is a five year review of the bill. I have moved amendments on other bills, some of which have passed through the House of Commons, to have a three year review of a bill. Technology is changing so quickly and the artists are caught up in that. I have read a number of testimonies not only from people in commerce but also from artists stating that there will be a diminishment of Canadian content and remuneration going back to the artists themselves. We should not be leaving them in the lurch for five years. Perhaps we should be looking at a three year review.

Government Orders

One of the things that is very important about that review, and I am sure we will hear this debated, is whether or not the legislation can get out the door, get working and provide a proper analysis after five years. We need to research that. I think three years or some other provision for artists needs to be in there if we are to have the five year review because we are hearing enough testimony that there are problems.

I want to talk about long-distance education. For the most part, it pertains to rural areas. However, long-distance education is also taking place in cities because people are looking for specific degrees, specific information and specific areas of improvement. That is important because, as a competitive society, we have heard that Canadian education needs to be better and stronger.

I have a problem with the 30-day provision where the material would dissolve or we get to the old-fashioned book burning scenario where we have to destroy the product. I do not understand that. When we buy a product, we have that property.

I remember the days in university when we would try to sell our books because when the next edition came out it was a little bit different. That is an important point to make because I think there is some overcalculation here. Each year the book would change a little but we were made to buy the newest edition. I remember the days when only a bit of the content was different but we were forced to buy the new textbook because of the change.

I do not understand why we would want people to lose the education and training materials that they would pay for from their own pocket because of a 30-day cycle. It is very important. I know many professionals, doctors and other individuals who regularly refer to the material from which they learned.

I do that for my own research in the House of Commons. If we research a topic or have the research done by the Library of Parliament, I often review the material a number of times at different points in time. I do not know what advantage there would be for individuals to take college courses via long distance if they could not review the materials whenever and however they wanted.

•(1305)

We can research that some more to determine the exact veracity of that, how the definitions will be defined and who will control that. It will be interesting to hear testimony at the committee hearings.

I am a little bit cautious on that, because I have seen in the past, whether it be with fibromyalgia or other types of disabilities, where people have been denied certain support systems because the disability was not as so-called obvious as others, or there was no burden of proof, or there would be an extra expense to get doctor's notes or other types of learning support documents at different times. I am a little bit concerned about that.

I will wrap up on the important issue of royalty rights. The royalty rights are a stabilizing fund for our artists. There have been a lot of changes over the years to the types of materials that we have had and the way they get remuneration. It is a new world, a new age, which is why we have gone through several machinations of this bill. It has always created a problem because we are trying to find the right balance at the end of the day between the consumers and ensuring that our artists are compensated. It is tough because we all want to

have stuff but having it for free is just not fair for the people who have actually spent their time, energy and money creating it.

We want to have balance in there and stripping away the fund is something that I cannot accept. We need to have a solution for it. As I said, the annual average income for an artist in Canada is around \$12,000. That is not sufficient to live on in this day and age in our communities. We need to ensure we are going to compete.

It is very common to have great relations with the United States. I go over to the United States all the time. However, we are fiercely proud because we have Canadian content and we have that Canadian identity that is not only recognized by the people in the United States but is celebrated by them, too. We push back into their content with the great artists, the men and women we have in Canada.

•(1310)

Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, in the spirit of co-operation and collegiality, I, too, share a high regard for the Conservative member for Edmonton—Leduc, the chair of the finance committee. I know that the hon. member had the opportunity to serve with him on the industry committee. I have enjoyed serving with the hon. member for Windsor West on the industry committee as well.

In regard to a couple of the issues that he raised, I think the member may be mixing up a couple of issues. On the one hand, he talks about the issue related to people with perceptual disabilities and digital locks. What I had said earlier today was that there is an exception to allow the breaking of digital locks to enable people with perceptual disabilities to use copyright material, according to the rest of the rules in the legislation.

Second, in terms of the long distance education the hon. member talked about, members talked about burning materials and things like that. The idea with the things put in, in relation to long distance education, is that what is done in a classroom in terms of things that are kind of spontaneous or maybe display or a presentation of a song or something like that should also be made available in a long distance type or digital format.

Someone may podcast the display of material or the performance of a song that happens in a classroom setting. What we are saying is that copy cannot be taken and kept forever. At some point the person from a distance will view it and then at that point it would have to be destroyed. The person who attends the classroom would not have the opportunity to copy it either, under the law. It is maintaining some consistency for the purposes of long distance education.

Mr. Brian Masse: Mr. Speaker, I did not mention the visual display. I think it was the member from Halifax who mentioned it earlier.

Government Orders

I was thinking more of the work that I had done with persons with developmental disabilities or learning disabilities, where it has taken longer or there have been specific strategies employed for the learning to take place. They also sometimes get learning supports in our colleges and our universities.

I would even say that, for myself, people can see the failure of my taking long distance French lessons back in the early 1990s. It did not work out too well for me. I tried it at that time. I know it is hard to believe but I am trying again. I did take long distance learning with regard to that. I actually passed the first course but it is all gone now.

I worry more about those people who have those types of challenges who cannot go back and reference those materials again that gave them the strength of learning at that time, and that they have paid for. I fail to see the logic of why we would take away something that we are encouraging Canadians to do. They are investing and growing as a person and they would only benefit from that review if they wanted it in the future. There are lots of times when people read a book a second time.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, on the point that my hon. Conservative colleague talked about, which was circumvention of digital locks for the sake of exceptions, what he is talking about is subclause 41.16 (2), circumvention of digital locks for persons with perceptual disabilities. However, the exception stipulates that said circumvention must not “to not unduly impair the technological protection measure”. I read this as nullifying any right to circumvent.

The stakeholders, for example the Provincial Resource Centre for the Visually Impaired, said the following about it. It said:

The exception that permits circumvention of technological protection measures (TPMs) and the means to circumvent these measures for the purpose of producing alternate formats...may be largely nullified by [that section]...

Perhaps my hon. colleague could point that out as well and perhaps talk more about this bill and how the balance just does not work for him.

• (1315)

Mr. Brian Masse: Mr. Speaker, it is an important question to clarify because, once again, the onus then goes onto the person with the disability. I do not even get the logic of this. When I went to high school, if I took a course or a class and I did not do very well, I would have to go to summer school, which I did. I was not forced to. I passed by just enough but I wanted to do better so I went back and took the material again over the summer.

Therefore, if people take an on-line course and earn a B or C, or something like that, a lot of people would enjoy going back to learn it a second time when they have time. A lot of people taking these courses are single mothers, people living in challenging times in terms of their schedule. Why would they not have the right to go back and improve themselves since they have already paid for it? They are not asking for more effort from the provider of the service that does not need to invest anymore. What they are doing is going over the material a second time to improve themselves and their capabilities in the Canadian economy.

I do not understand the logic of this, let alone why we would have the interest in doing it. It defies the reasons that people are bettering

themselves, which is to improve themselves by using available content, be it book material or through visual or audio learning.

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I work with my hon. colleague from Windsor on this file in the industry committee and one of the things that was raised yesterday when we were talking about e-commerce was digital locks and how that would have an effect on e-commerce. I believe it was Mr. Geist who was talking about that in the industry committee as well. We are not saying that we need to ban all copyright. What we are saying here is that we need something that is balanced and fair.

I would like to ask my hon. colleague when he thinks Canadians will finally get the copyright legislation that works for them as consumers and, as well, looks at the digital lock piece.

Mr. Brian Masse: Mr. Speaker, I thank the member for Sudbury for his previous work on getting the pressure going on digital locks on phones. The member from Thunder Bay was active in pushing Canadians.

As consumers, we have been behind for many years. Here on the Hill, we would go to a reception for an event related to another country and people there would show us the cellphone they had with multiple cards, all bought in their country and all unlocked for the last five to seven years. Meanwhile, they were locked here.

I am hoping we can move toward a more balanced approach, improve the bill, get it done and modernize the act to ensure our consumers and our cultural industry are protected. Digital locks is a big issue in this.

Mr. Mike Lake: Mr. Speaker, I will come back quickly to the conversation around long distance education. It is important to note that the hon. member repeatedly referred to the taking away of rights. Of course, nothing would be taken away. Benefits are being added. Additional opportunities are being added, through this legislation, that simply are not there right now.

We had to strike a balance between creators and the users of the content, and we think we have struck that balance. If we look at the 39 hours of testimony, so far, at the committee stage, we see witness after witness speak to the balance that we have struck with this legislation.

I want to read a quote here, just changing direction a bit. It is a quote from the Canadian Anti-Counterfeiting Network. Caroline Czajko, the chair of the CACN, said:

We're pleased that the government is committed to getting tough on IP crimes. Piracy is a massive problem in Canada which has a tangible economic impact on government revenue, legitimate retailers, rights holders and consumers. It's extremely difficult for legitimate retailers to compete with those who abandon all ethics as they steal and rip.

I would like the hon. member's comments on that quote.

Government Orders

Mr. Brian Masse: Mr. Speaker, the Writers Guild of Canada talked about digital locks as being neither forward looking nor in the best interests of consumers and creators. Digital locks, at their best, will simply freeze current revenue streams for creators.

The balance has not been struck in this legislation. I went through testimony after testimony to counter the one example that the government was using, which was the person who wanted to deregulate our banks, and we are still not seeing that balance.

We want to stop the theft that is happening. We, on this side of the House, are willing to work toward achieving that. We tried to do that in the past. The bill is significantly different. This is the third incarnation of this particular strategy. The government was not right before and it is not right this time either. We are willing to find a solution.

I look forward to hearing the testimony at committee and moving forward on this. I look forward to working with that member on the very important e-commerce work we are doing on the House of Commons industry committee. Canadian consumers are being treated unfairly compared to consumers in the United States.

• (1320)

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Wind-
sor, Lib.):** Mr. Speaker, I want to congratulate all in the House who have spoken to the bill so far. It has been quite informative. This is a very large, deep, complex bill. It has been banded about now for the last 12 years, and as my hon. colleague pointed out, the number of emails and amount of input we are receiving on the bill have been quite substantial. In a 12-hour period I have received 2,200 emails regarding this issue. A lot of these emails were addressed to the ministers involved, the ministers of both heritage and industry, and copied to me as the heritage critic, but it certainly gives an idea of just how large this issue is. The implications are going to be felt for quite some time. I want to thank everyone who wrote to our party or to me personally about this matter and about the provisions in the bill.

I will not go back to the historical context, which goes back to Gutenberg, but I certainly would like to talk about the recent additions of this debate and how we have handled it going back to the WIPO treaties, which I will talk about in a little while.

The WIPO treaties were around 1996. As signatories to them, we have to come up with the right legislation to strike the balance that everyone keeps talking about. It is up to us in the opposition to make sure that balance is struck and to raise the bar in debate to make sure that the balance is there.

A lot of the debate is centred around digital locks. The supremacy of digital locks, as my hon. colleague from Timmins—James Bay mentioned earlier, has become a very contentious issue. I will also talk about the creation of works and the protection of the rights of artists, which we feel are of prime importance. As the heritage critic, I spoke to many artists about this issue and about how they want their works to be protected.

As we have all mentioned, in the case of copyright the balance we are seeking is a very thin line between infringement and the right to use a piece of copyrighted material for personal reasons only, and not

for other reasons, either commercial or non-commercial. That is why we are here: to seek that balance and to raise the bar.

I would like to give some background now. I would also like to thank the Library of Parliament for providing us with information about what was Bill C-32 and now is Bill C-11. What I will read pertains to Bill C-32, but as the government pointed out, it returned the same bill to the House as it was before, and nothing has been changed.

Copyright is a legal term describing rights given to creators for their literary and artistic works. Copyright attaches to an original work that is fixed in some material form. In other words, copyright protects the expression of an idea or intellectual creation, but it does not protect the idea itself. That is the balance that we need to achieve. It is that one person's perception of a certain idea, and the thought and work that go into that, must be protected. We know that for the vast majority of artists or authors, the remuneration for their work is not always quite up to what it would be in other industries.

The Copyright Act that we speak of and that we hope to change sets out the right to authorize or prohibit certain uses of a work and to receive compensation for its use. There are certain general themes that we have to go through, much of which is to achieve the balance between the right of creators to use their own material for the sake of a profit or to put forth an idea, and the right of others to use this idea and to further their own.

There are two types of rights. Artists who consider themselves to be creators have the economic right to derive financial reward and to make a living at what they do, and of course there is the moral right to protect the integrity of their original work.

• (1325)

That, too, we need to look at when we talk about ephemeral rights, digital locks or TPMs, international agreements and how we are going to do this, because there is another factor we have to consider: although we would consider this to be domestic legislation, it is really an international concept. This is why we create legislation around the treaties that we sign. It is one thing for an artist to have material and to use it for the sake of profit, but it is not only used domestically: it can be used outside our borders. As a result, we have to seek out ways to protect artists and the ways in which they want to make a living.

In the Copyright Act, part I, literary works are described as books, pamphlets, poems, dramatic works, film, videos, DVDs, plays, screenplays and scripts. Musical works are compositions that consist of both words and music or music only. Artists' work includes paintings, drawings, maps, photographs, sculptures and architectural works.

Government Orders

Part II of the Copyright Act contains provisions for what we call “neighbouring rights”, consisting of copyright protection for three categories of work that fall under “other subject-matter”. They include performers’ performances, such as actors, musicians, dancers and singers who have copyrights in their performances; sound recordings, meaning copyright for makers of recordings such as records, cassettes and compact discs of the old days, and what is available on MP3 or clouds, which I believe is now being talked about as also protected by copyright; and communication signals. Broadcasters have copyrights in their broadcasting communication signals as well.

We get to the gist of what the Copyright Act was set up to do in the beginning, the genesis of which goes back hundreds of years, and that is to protect the integrity of works for economic reasons and to provide the original artists with a moral right to hang on to their pieces of work. Reproduction can take place in various forms, such as printed publications or sound recordings, and therein lies the protection purpose: the distribution of copies of a work through its public performance, its broadcasting or other communication to the public; its translation into other languages; and its adaptation, such as turning a novel into a screenplay. These are examples of what we hope to provide protection for.

At the same time, we need to look at other things that would be contained under part III of the Copyright Act. That is where we get into the concept known as fair dealing.

The United States of America normally calls it “fair usage”. In Canada and in the international context we use it primarily as “fair dealing”.

Here is what we consider: non-profit education users are considered in this bill, as well as non-profit libraries, museums, archives and those with perceptual disabilities, parody, and satire. All of these categories fall under fair dealing, which is the use of copyrighted material to further education of the masses, let us say through museums and archives, and of course its use for those with disabilities.

Earlier we talked about the situation in which long-distance education could be at risk. There are passages that could deeply affect people involved in long-distance education. It is something that we in the Liberal Party are very concerned about.

In the past, there have been deep discussions about rulings in the Supreme Court, in particular *CCH Canadian Limited v. Law Society of Upper Canada*. It was a judgment that looked at fair dealing in the context that it should be dealt with, which is to say the fair use of copyrighted material for the sake of the general public. What derived from that was the six-step process. The six-step process talked about six different measures that include having to look at the particular cases through a useful analytical framework to govern determinations of fairness in future cases. These measures include, number one, the purpose of the dealing or the purpose of doing this; number two, the character of the dealing; number three, the amount of the dealing; number four, alternatives to the dealing; number five, the nature of the particular work; and number six, the effect of the dealing on how the work would be dealt with in the marketplace.

There is another international concept that talks about copyright. It is in what is called the Berne Convention. That is a three-step process that is very important, because this three-step process from the Berne Convention is used in many international contexts.

● (1330)

Personally, I think it is a pretty good place to be, because it gives the public, legislators and the courts a measure by which they can look at what is perceived to be fair dealing. It is being used in many contexts. One context was in Canada, although it was expanded upon into the six-step process.

Essentially, the Berne Convention looks at those three measures. Those three measures talk about restricting them to personal cases, that they do not conflict with the normal expectation of the work, and that they do not unreasonably prejudice the legitimate interests of the author.

Therefore, one of the situations that we should consider in doing this is that whether it is a three-step or six-step process, it will be a multi-step process by which the courts can adequately judge what is considered to be fair dealing in situations like the education exemption.

We can have a deep discussion in committee about how to deal with the broad exemptions brought forward, such as the non-profit education sector. I have received hundreds, if not thousands, of emails about this particular exemption. The Canadian Federation of Students believes that the exemption works, because it allows students to further their education as long as it is respectful to the particular author. However, we have received many emails and letters and have had verbal discussions and presentations from authors—people who make a living from writing textbooks, for example—who feel that this particular bill is not the balance that would help them in any way, shape or form.

That is why I believe that if we start talking about the exemptions, we should also talk about a responsible way to handle them. A multi-step process is a good way to consider. Many jurisdictions around the world that considered them to be broad have narrowed down these exemptions, because they have seen how this works. It is something we should discuss in committee, and I will get to that a bit later as well.

Part IV talks about civil and criminal remedies, awards for damages and loss of profits, injunctions and fines.

We have talked about statutory damages. In many cases some people feel they are too stringent, while others feel they are too light. There is a distinction between commercial usage and non-commercial usage or infringement. Commercial infringement requires a larger penalty because of the damage it may cause in the marketplace and how it may skew certain markets by what it does. Non-commercial infringement should be considered as well, and not so much at a higher dollar value, as with fines and remedies or even jail terms.

Government Orders

One of the issues that came to light back in 2005 or 2006 was that the big multinational recording companies were taking kids to court for infringing on their material. I remember making a statement at the time in committee that my 10-year-old had just downloaded a song from a website. It was file sharing. He did not know he was breaking the law. I did not know he was breaking the law at the time. Perhaps I am a technological laggard, but nonetheless it was basically the same as my son walking into HMV, grabbing a CD off the rack, putting it in his pocket and leaving. What is the difference? It is stealing music. It is stealing someone's material, and it should not be allowed.

In order to do this, we have to adapt to the new technologies that we have and the technology that we use to entertain, to create music, to receive that music and enjoy it. If I purchase a piece of music, I listen to it either on a CD, an MP3 player or my Blackberry. The discussion then becomes one on how a particular artist receives compensation for the work that he or she has done.

That is the discussion that was brought forward in the House in the last session regarding the levy. The opposition called it the iPod tax, which is incredibly disingenuous and an absolute insult to people who are making a living from music.

● (1335)

The funny thing was that a week prior to calling it the iPod tax, the government slapped a security fee on people who were checking in at airports. I could have easily called it a traveller's tax. The security fee is okay, but the iPod tax is something entirely different.

The hon. member for Peterborough talked about how it did not matter whether it was a fee or a levy, that a tax was a tax. However, time and time again we are seeing fees such as EI premiums going up in January. The terminology is never a "tax". It is only a tax when the government deems it to be a tax.

Unfortunately, some of the debate gets off the rails and it become disingenuous. If we are going to committee with this, we should deeply consider a decent, mature, responsible debate about what is at the heart of this debate, which is to allow people to receive compensation for their work. We all know now that people are achieving music in different ways.

It used to be considered a levy when a charge was put on an actual CD. If people bought blank CDs or cassettes, they could record from the radio or other devices to get music for free. They still had to buy the blank CD or cassette, therefore the levy was applied to that. It was a way of remuneration for artists whose music was stolen by many people, some people who were unaware of it.

That is the type of debate we need to have in the House. I would implore the government, as well as the opposition, to have this debate in the House right now. Unfortunately what has happened is we have heard all this testimony, well over 140 witnesses and over 160 submissions, yet no changes have been made to the legislation.

The government says that it is sincere about going ahead, but going ahead with what? There is no indication whatsoever that any changes will be made other than to the "technical stuff", which is really a technicality in and of itself.

If the government wants to continue this any further, we should consider a deep discussion about this and serious amendments, which is why I support the amendment put forward by my colleague, the member for Halifax West. It talks about a way of handling the legislation before it gets too focused and too confined. I have problems with the digital locks and the education exemption, which need to be looked at. I hope we can have that discussion.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I listened with great interest to my hon. colleague. I have listened to him for seven years during the time we have been on committee together. I think I know him like he is a relative, whether that is good or bad I am not sure.

The member has laid out many of the problems that have been identified with this bill, particularly in terms of the long distance education provisions and the ridiculous position of the government that nobody should have a right to their class notes after 30 days, that someone should come in, take them away and burn them to protect some kind of business model. I have never heard any witness defend such a bizarre notion.

The member talked about amending language and going to committee. He talked about a serious amendment, but the amendment I heard is that we do not go ahead with the bill. I am surprised by the Liberal position on this.

There are problems with the bill, but we need to get a copyright bill to the House, to committee so we can deal with the serious problems and the need for amendments as raised by the member. This is crucial.

What is the point of talking about having a serious discussion about the bill if the only amendment his party is bringing forward is to kill this before we even get a chance to get to the amendment phase?

● (1340)

Mr. Scott Simms: Mr. Speaker, my hon. colleague and I appreciate the comments. However, one of the things that has to be realized, in looking at the legislation and the amendments that were put forward before, is that no changes have been made.

A lot of the changes that we and other members proposed would not be accepted by the government and would not be accepted by the chair in the committee stage. The amendment we have proposed is to take this back and look at once again, given all the submissions that have gone to committee. Let us look at that. We cannot look at that once we are handcuffed into a position, after second reading, by accepting it in principle.

Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, I have a pretty straightforward question and it probably is just a yes or no answer.

On April 14, 2010, we had a vote in the House of Commons. The vote was in concurrence with the motion from the heritage committee. I will read the motion, which says:

That the Committee recommends that the government amend Part VIII of the Copyright Act so that the definition of "audio recording medium" extends to devices with internal memory, so that the levy on copying music will apply to digital music recorders as well...

Government Orders

That would result in a tax on iPods. Every Conservative member in the House voted no to that and every opposition member, including that member, voted yes.

If that vote was held again today would the member vote the same way, yes or no?

Mr. Scott Simms: Mr. Speaker, what I find so funny about all of this is that he forgets one very important point. The reason why it came to the House was because the Conservative chair of the committee decided it was the right thing to do. As an illustration, for the sake of history, I can say what happened. The member voted to put it into the House. He voted yes to support it. Not only that, he wrote a letter to the minister saying that he supported it. Then when he got in the House, he was told to vote against it. Now he is no longer the chair, which is too bad, because he was—

An hon. member: Answer the question, yes or no.

Mr. Scott Simms: Yes.

[Translation]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, despite the fact that the title of this bill mentions copyright, which is defined as the rights granted to a creator, I do not think that this bill is good for creators. A creator can be a musician, a singer, an actor or a performer. Creators are not service providers, retailers or industry representatives.

Can the hon. member tell the House whether this bill hurts the interests of creators?

[English]

Mr. Scott Simms: Mr. Speaker, I believe she is talking about the education exemption. As I mentioned in my speech, it is one of the things that we had. There was a lot of input to us about how the education exemption was causing a lot of concern for many of the authors. We listened to them and we realized that there was an argument back and forth as to how much money was involved, whether it was crippling to the university community or crippling to the authors in order to make a living.

This is why I talked about this multi-step process. Some people believe that the six step process is not sufficient. Some people believe that they should use the three step process, which was endorsed under the Berne convention as a way of dealing with it. It set out some really strict guidelines as to how we would deal with fair dealing and what would be considered to be fair dealing. If we have exemptions for a certain group of people, we should subject it to fair dealing. To do that, we have to put in guidelines by which some of the courts can be led through.

We did receive quite a few concerns about this from authors and the artistic community. I hope that discussion continues in the House.

Mr. Mike Lake: Mr. Speaker, I think the hon. member was talking about the education provisions of the act. There are six criteria that must be followed. First, before it even gets to that point, there is a two step process. That is the second step. The first step is to determine whether it is fair dealing in the first place. If the hon. member takes the time to study the legislation, as I know he will, and I look forward to serving on the committee with him, he will see that

those criteria are sufficient to enable this important exception to go forward. We heard from witness after witness during the testimony who were in favour of moving forward with this part of the legislation.

While I have the opportunity, his party has moved that we withdraw the legislation completely. That is not what we heard from the witnesses. John Manley, a former prominent Liberal member, has spoken to the urgency of getting the legislation passed as quickly as possible.

How can the hon. member possibly justify, as the member for Timmins—James Bay asked, wiping out the legislation altogether after 12 years of work? The hon. member spoke about the 12 years of “bandying about” to get to this point. How in the world could he justify just wiping out the legislation and starting again?

• (1345)

Mr. Scott Simms: Because the government did nothing about it, Mr. Speaker. I said in my press conference this morning, and forgive me if I am infringing on copyright here, that there were 167 submissions, that the number of changes was zero and that the political lip service was priceless.

Mr. Mike Lake: Mr. Speaker, I am not sure about the answer to the last question. We could sit here and exchange quotes from some individuals who have said positive things about the legislation and members opposite can bring up negative things. We heard 39 hours of testimony before the committee and we had countless consultations prior to the legislation being put forward in the first place.

If we looked comprehensively at all the testimony we heard before our committee, we would note that a balance was struck. Not everybody liked everything they saw. Not everybody did not like everything they saw. However, we heard over and over again that, on balance, it was the best legislation that had come forward.

Even some of the people the opposition quoted very selectively, criticizing certain aspects of the legislation, spoke very favourably of the balance struck and to the importance of getting the legislation passed.

We heard 39 hours of committee testimony and we had all the consultation. We have moved forward with the same bill because we want to continue that discussion around the same legislation. How many more hours do we need before the hon. member will be happy?

Mr. Scott Simms: Mr. Speaker, when it actually works and starts to sink in. I do not know why, but for some reason the government assumes to paint this picture that everybody loves this and thinks it is balanced. I received 2,200 emails in 12 hours. If it were that balanced, I would not get any. What would be the point?

I look at elements of this, like WikiLeaks, which put out something that said the former minister told Americans that he would show this to them before he even tabled it. Who actually has the input here?

Government Orders

[*Translation*]

Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP): Mr. Speaker, it is my great pleasure to speak to Bill C-11, because I have a special interest in it. I spent nearly 20 years in the recording industry, which has seen some hard times. In our opinion, there can be no objection to reviewing the Copyright Act. Obviously, today, in 2011, we are lagging behind at the international level in terms of modernizing the law. It is high time it was done. The other major western countries have done it and it is our turn. It is really past time.

We deplore the fact that the bill is a little like Swiss cheese: there are a lot of bubbles, a lot of holes, in terms of protecting rights holders and creators. We are talking about this bill in theoretical terms but, in concrete terms, as my colleague was saying, the way we consume cultural products today is different. Before, we bought a record for \$15 or \$20, we took it home and we listened to it. While the recording industry has kept up its production rate and budgets have declined slightly—since with technological progress we can now record music more cheaply—it is still a cultural industry. Investors, industrialists and consultants who support a creator invest large amounts of money to make a product that will sell.

We are not talking about a minstrel strumming a lute on the church steps. These are people who have created songs, and other people who saw a business opportunity there and said that everyone is going to want that song or that album and will be prepared to pay a price to buy it and listen to it. What the recording industry has experienced is unparalleled in terms of plummeting revenues.

I will give you a brief overview. The complete operation of producing an album, which includes recording, promotion, video clips, launches and so on, calls for a budget of about \$100,000. That is a very ordinary budget in an ordinary recording industry. We are not talking about a huge operation like a Michael Jackson album made before his death, that might have cost \$1.5 million to produce. We are talking about an album that would have cost \$20,000 or \$30,000 or \$40,000 and all the associated expenses.

To recover that investment, the companies, the recording industry—and that means jobs for people who work in this field, as I was lucky enough to do—would sell the record for between \$15 and \$20. Today, with modernization, the Internet, digitization of music and the incredible capacity to create master quality copies, this is no longer the same generation as when we were young. Then, we copied music onto cassettes and there was often more background noise than music. That is no longer the case today, and that is the issue.

If a digital version of a song exists, thousands of copies can be made in a few hours and the rights holder will have been deprived of his due. When people today buy music on the Internet, they sometimes buy the complete album but usually they buy the CD in a store. Those who buy their CDs and their music on the Internet very often take a piecemeal approach, by downloading one, two or three songs at a time. The retail price is \$1 or \$1.49. That means that the recording industry, as it attempts to recoup its production and marketing costs of approximately \$100,000, did so based on a price of \$15 to \$20 per CD. Nowadays it has to make do with \$2 or \$3.

I sincerely believe that no other industry has experienced such a drop in revenue in such a short time. We are talking about huge

percentages, from \$15 or \$20 to \$3. This is unprecedented. The industry is already on its knees. We must enact legislation now on behalf of the rights holders, so that the situation can be corrected.

• (1350)

Copyright is essential. Allow me to quote the Minister of Canadian Heritage and Official Languages who, referring to Canada, stated that the cultural sector contributes twice as much as the forestry industry to our GDP.

The arts and culture sector generates spinoffs of over \$46 billion and provides work for over 600,000 people. This is an industry, a sector of the economy, that is extremely important.

There are problems with Bill C-11 in relation to YouTube, the education system and other related areas. The biggest problem, however, has to do with the collective copyright collection system, commonly called private copying.

Earlier, I gave an overview of how we used to consume music. We all know that a decade or so ago, the CD-R hit the marketplace. Using an ordinary home computer, it was possible to copy a disc—ideally, one that had been purchased—and immediately make a copy of it that would be identical from a quality standpoint, with only the graphics missing. This craze led to creators, the rights holders, feeling like they were missing out, and they successfully went about putting in place a compensation system. Compensation is the right word here. The private copying system is a form of compensation for losses incurred as a result of the development of a new technology.

This system, which initially applied to audio cassettes, CD-Rs and DVD-Rs, generated significant amounts of money. In 2008, for instance, the figure was \$27.6 million. The following year, the amount raised through this private copying compensation system dropped to \$10.8 million and it continues to decline. Why? Certainly there are those among you who have purchased CD-Rs at one time or another, and very few people buy them these days. As far as music consumption is concerned—I am talking about legal consumption in a suitable format—people now copy their music onto a portable digital player, an iPod or an MP3. The format the royalty was based on, in other words the CD-R, has become completely obsolete by the current changes.

That is why the copyright owner lobbies have asked that this private copying compensation system be extended to include portable digital players or iPods. As the hon. member was saying earlier, the members opposite reacted by wearing t-shirts that said *No iPod tax*. This is great. It is a very good response to the creators who were feeling forgotten, cheated and abandoned.

Statements by Members

What can we offer those creators today when Bill C-11 does not address the problem of the private copying system? This is certainly the most important aspect of all. We could talk about exemptions for the likes of YouTube, which is increasingly becoming a competitive alternative to the way music has traditionally been distributed. I keep talking about music because it is an area I am familiar with and also because music was the first victim of this digitization and this new accessibility. In a few years we will have the technology to download feature films very quickly. Some may say that is already possible, but it is still not very common.

The thing about music is that the video for the song being copied takes much longer to download. The problem that music is currently experiencing will very quickly spread to the other cultural media we find on the Internet.

I will stop there for now.

• (1355)

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Longueuil—Pierre-Boucher will have 10 minutes to finish his speech and 10 minutes for questions and comments when the House resumes debate on the motion.

STATEMENTS BY MEMBERS

[*Translation*]

JUSTICE

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, Quebec taxpayers and children are the first innocent victims of the Conservatives' omnibus bill. They are being forced to accept measures that conflict with the approach that has made Quebec a model in the fight against crime—its pride and joy. Plus, they will have to put up millions of dollars to pay for these Conservative measures.

The Minister of Public Safety even said that Quebeckers will have to cut \$500 million from health and education to focus on the government's priorities, such as criminalizing teenagers.

The Minister of Justice has made a point of ignoring the repeated demands of Quebec's justice minister, who said, and I quote, "I am disappointed that, despite much correspondence and one meeting, the concerns I raised with you have not been addressed in Bill C-10."

It is clearly going to be harder and harder to ensure that Quebec is heard. May we soon see Quebec's own criminal code.

* * *

• (1400)

[*English*]

KOOTENAY—COLUMBIA

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, I rise today to give thanks to the people who elected me to represent the great riding of Kootenay—Columbia.

Although I was blessed with a number of volunteers, I would especially like to thank Wilma Croisdale, my campaign manager;

Sheryl Stephenson, my official agent; and John Kettle, who was instrumental in fundraising.

The Kootenay—Columbia riding is nestled in the Rocky Mountains of British Columbia and is blessed to have a diverse economy which includes Teck coal, the world's second-largest exporter of metallurgical coal, and a number of logging companies which create a vast number of jobs.

My riding boasts four national parks: Kootenay, Yoho, Glacier and Mount Revelstoke. We have world-class ski resorts in Revelstoke, Golden, Invermere and Fernie. Our tourism sector is one of the strongest in Canada.

The Kootenay—Columbia riding is a great example of balancing big industry with nature and recognizing the importance of protecting the environment. I invite everyone to come and visit what we in the Kootenay—Columbia riding believe is one of the greatest places on earth.

* * *

SUDBURY FOOD BANK

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I would like to take this opportunity to honour the hard work of the people at the Sudbury Food Bank and to congratulate them on the imminent opening of their new warehouse facility.

The first employee food drive in Sudbury took place 24 years ago, launched by Edgar Burton. Although we lost Edgar, today the Sudbury Food Bank's Christmas food drive still bears his name.

The 45 member agencies ensure that every month 14,000 Sudburians have enough food to eat. In 2010, over 400 tons of non-perishable food and hot meals were provided to individuals in need.

On October 25, the food bank will launch its new warehouse facility which will allow the food bank to expand into fresh and frozen foods, as well as streamline its current food distribution. It will also aid individuals across northern Ontario by doubling as the northeastern Ontario distribution centre for the Ontario Association of Food Banks.

Although I dream of the day when food banks are no longer needed, I am glad that, until that point, we have wonderful organizations like the Sudbury Food Bank to support our local communities.

* * *

UNDERGROUND RAILROAD

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, October 22 marks the 10th anniversary of the International Underground Railroad Memorial monuments. Established in 2001, the Gateway to Freedom Monument in Hart Plaza in Detroit, Michigan, and its companion, the Tower of Freedom Monument across the river in Windsor, Ontario, forever mark the hope, thanksgiving and bittersweet reality of loved ones lost or left behind on the perilous northward journey to freedom in Canada of slaves of African descent fleeing the southern U.S.

Statements by Members

As we celebrate our collective heritage this anniversary, let us stand in solidarity to declare that all mankind is created equal; to honour the courage of those fleeing slaves, and all people of good will who were an indispensable part of the underground railroad, and the ultimate abolition of slavery; and resolve to do all we can today to ensure our birthright of freedom is experienced by all.

I call on members of this House to join members of the U.S. Congress, who resolved earlier this week to celebrate the 10th anniversary of the International Underground Railroad Memorial monuments.

* * *

HAMMONDS PLAINS VOLUNTEER FIREFIGHTERS

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, last Saturday the Hammonds Plains Fire Department celebrated a major milestone, its 50th anniversary.

Since 1961, countless volunteers in the department have risked their own safety to protect the lives and property of the people in their community. They sacrificed time with their families to answer the call of duty, regardless of birthdays, holidays or lost sleep. Their commitment is an inspiration for us all.

It was an honour to take part in the celebration along with some of the founding members, current firefighters, and representatives from the Halifax Regional Fire and Emergency Service.

I want to take this opportunity to thank the members of the Hammonds Plains Fire Department and their supporters for 50 years of service and I invite all hon. colleagues to join me.

* * *

KITCHENER OKTOBERFEST

Mr. Stephen Woodworth (Kitchener Centre, CPC): Mr. Speaker, last week Kitchener celebrated Oktoberfest, the premier North American Bavarian festival. It is a major cultural event and it brings in major tourist revenue. It is all organized by hundreds of volunteers who devote countless hours. A big thanks to all who contributed, including President Vic Degutis and Onkel Hans himself.

To my colleagues who have not yet sampled this celebration, they have to visit Oktoberfest at least once in their lives. Make it next year.

Our Festhallen are the world's best, but there is so much more to Oktoberfest. There is German Pioneer Day, the Miss Oktoberfest Gala, the Tour de Hans Celebrity Dinner, and the Family Breakfast.

Visitors can watch our "So You Think You Can Tanz" competition, join the Great Oktoberfest Barrel Race, or experience an 1890s Thanksgiving at Woodside.

Dirndls and lederhosen are everywhere.

Members should put this event in their calendars now.

It is another reason I am proud to be the member of Parliament for Kitchener Centre. *Prost.*

● (1405)

RESTAURANT INDUSTRY

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, today on behalf of all parliamentarians we welcome the Canadian Restaurant and Foodservices Association and all its members to Ottawa for its restaurant summit.

Whether we have a Triple-O at the White Spot in Vancouver, fish and chips at Ches's in St. John's, Newfoundland and Labrador, a clubhouse on brown bread with fries at my favourite, Hella's Restaurant in Lower Sackville, Nova Scotia, or great bacon and eggs at Dunn's here on Queen Street, it is the Restaurant and Foodservices Association of Canada which promotes over one million Canadians, many of them new immigrants. They bring in millions and millions of dollars to our economy. It is a vital link to our economy.

On behalf of all members of Parliament, we salute the members of the Restaurant and Foodservices Association of Canada. We thank them for coming to Ottawa. We look forward to working with them and solving their issues in the near future.

God love them and thank them.

* * *

AGRICULTURE AND AGRI-FOOD

Mr. Ray Boughen (Palliser, CPC): Mr. Speaker, earlier this month I was on hand as the Prime Minister and the Minister of Agriculture and Agri-Food announced that a pasta processing plant will be built at the Global Transportation Hub outside of Regina.

Alliance Grain Traders will invest \$50 million in a flour milling plant, creating 60 full-time permanent jobs and 150 construction jobs. This multi-purpose flour milling facility demonstrates that an open market will attract investment, encourage innovation and create value-added jobs.

Within an open market system Alliance Grain Traders will be able to negotiate directly with farmers, cutting out costly red tape, administration fees and delays. Farmers will be able to decide to sell to Alliance Grain Traders or a different buyer at the time and price of their choosing, with maximum revenue in mind within an open market.

I am pleased to announce this investment in Saskatchewan today.

*Statements by Members***RESTAURANT INDUSTRY**

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, the Canadian Restaurant and Foodservices Association is organizing its first ever restaurant industry summit on the Hill. I personally would like to welcome to Ottawa CRFA immediate past chairman of the board Gerard Curran, president Garth Whyte, executive vice-president of government affairs Joyce Reynolds, and their entire delegation. I congratulate them on this proud achievement.

As a former restaurateur myself, I appreciate the tremendous contribution the restaurant industry makes not only to the economy of Canada, but to its social fabric as well. The experience one gains working in the restaurant industry goes far beyond food and drink. Lessons in customer service, teamwork, organization and commitment all provide skills and training that are vital to success in any job.

Based on a study conducted by the CRFA, 22% of Canadians found their first job in the restaurant industry, compared to 16% in retail. Simply put, Canada's restaurant industry puts jobs and economic growth on the menu.

* * *

[Translation]

LUCIE JOYAL

Mrs. Sana Hassainia (Verchères—Les Patriotes, NDP): Mr. Speaker, I am pleased to highlight the exceptional work of someone in my riding of Verchères—Les Patriotes. Lucie Joyal, a resident of Boucherville, was chosen to receive the 2011 Governor General's Award in Commemoration of the Persons Case.

She has worked tirelessly to eliminate violence against women and children. Since the 1990s, she has worked to advance research as well the detection and prevention of spousal and family violence throughout Quebec.

In 2005, she helped create the Marie Vincent sexual abuse centre of expertise, the first of its kind in the country. This centre is internationally recognized as an innovative model for improving services provided to young victims of sexual abuse.

In Quebec and elsewhere, she has been described as a visionary in social innovation for young victims of violence.

I would like to congratulate Lucie Joyal for her involvement and her contribution to Quebec and Canada.

* * *

[English]

EARL MCRAE

Mr. Peter Goldring (Edmonton East, CPC): Mr. Speaker, we have lost a great Canadian writer and journalist, Earl McRae, a man I came first to know personally when I took on the task of raising funds to allow war veterans of the Loyal Eddie's, Seaforth, Three Rivers, Provost Corps and Royal 22nd—the Van Doos—to return to Ortona, Italy for Christmas 1998.

Earl immediately saw the vision of former foes, Canadian and German, joining together for a re-creation of the 1943 Canadian

battlefield Christmas dinner, to reflect and celebrate in the season of goodwill to mankind the years of peace that followed.

His prodigious newspaper columns, along with Lowell Green's prolific airwaves plea for help, made Christmas in Ortona happen. Earl then travelled with the veterans to Ortona to report on the pilgrimage.

Earl McRae was a friend to veterans, an extraordinary journalist, a champion of what is right. May his deserving soul now rest in peace.

* * *

● (1410)

[Translation]

GOVERNOR GENERAL'S AWARD IN COMMEMORATION OF THE PERSONS CASE

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I would like to congratulate the six recipients of the 2011 Governor General's Award in Commemoration of the Persons Case. The following women were honoured at Rideau Hall earlier today: Madeleine Boscoe, Nancy Hartling, Lucie Joyal, Sharon Donna McIvor, Kim Pate and Amber JoAnn Fletcher.

Every October since 1979, this award has highlighted the exceptional contribution of certain Canadian women to the advancement of women's equality in Canada. This year's recipients have long worked to eliminate violence against women, advance equality for their aboriginal sisters and improve the lives of the most marginalized among us.

But the fact that this award exists demonstrates that there is plenty of work to do before there is true gender equality in Canada. We cannot be content with equality on paper—we need to take action, as these six women have done.

I invite all members to salute these great women. They are true models of social justice in our country, and they deserve our sincere congratulations.

* * *

[English]

TORONTO RADIO STATION

Mr. Terence Young (Oakville, CPC): Mr. Speaker, I rise to recognize and congratulate radio G98.7, Toronto's first radio station dedicated exclusively to black and Caribbean music and talk programming which began broadcasting on Monday, October 3. Noting a lack of urban programming on the GTA airwaves, our government welcomed this initiative and G98.7 received its broadcast licence from the CRTC on June 9 of this year.

Statements by Members

CEO Fitzroy Gordon announced that G98.7 has officially begun broadcasting to all of Toronto, Niagara Falls, St. Catharines, and areas of Hamilton, Brampton, Aurora and Ajax. G98.7 has begun with music only and will commence full-scale programming in November, including news, sports coverage and talk shows on issues relating to and affecting the black and Caribbean population.

In the GTA and beyond, we are also looking forward to hearing more music with heart and a lot of soul. On the FM dial, that is G98.7.

* * *

BARNEY DANSON AND REG ALCOCK

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, this House, the Liberal Party and Canada have lost in the last few days two fine and unforgettable people.

Barney Danson was a member of this House for 16 years. He was a popular minister in many portfolios, particularly the minister of defence, a veteran of the Second World War of great distinction and courage, and a man of great good humour and good will. He passed away peacefully last night surrounded by his family.

Reg Alcock was a member of this House from 1993 to 2006 and a minister in the Martin government. He returned to teaching in recent years and continued to consult widely on issues of public policy. He lived his life with gusto and extraordinary energy and died suddenly last week in Winnipeg.

Barney and Reg shared something greater than their party affiliation, which they wore with great pride; they were politicians and public servants and proud of that as well. They knew it to be a life not without difficulty, but a life of good humour, of great effort and warm fellowship.

Let us put partisanship aside for a moment and say that these were good men. They served their country well and their communities with great pride and great affection.

* * *

[*Translation*]

GOVERNOR GENERAL'S AWARD IN COMMEMORATION OF THE PERSONS CASE

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, this year marks the 90th anniversary of the “persons” case. In October 1929, a group of determined, forward-thinking women from the Prairies, today known as the Famous Five, rallied and won the right for women to be recognized as persons before the law.

That historic decision reversed the position that had been held until that time that women were not legally persons and therefore could not be appointed to the Senate.

Today, the Governor General's Award in Commemoration of the Persons Case was presented to five outstanding individuals who embody the pioneering spirit of the Famous Five. I would like to join all Canadian women in congratulating and thanking these women, as well as all women who work to improve Canadian communities.

● (1415)

[*English*]

REG ALCOCK

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I rise today to recognize and pay tribute to the memory of a friend and colleague, the former member for Winnipeg South and former president of the Treasury Board, the Honourable Reg Alcock.

Reg served in the House of Commons from 1993 to 2006 after serving in the Manitoba provincial legislature. He earned the respect of colleagues from all parties as a decent and civil politician whose competence and intelligence gave him the self-confidence to be gracious and generous in his dealings both inside and outside the chamber.

Uniquely qualified to be the president of the Treasury board with a master's degree in public administration from Harvard, he had a special aptitude for honing the delivery of government services. He believed firmly that e-government would be egalitarian government, and he championed and pioneered many of the innovations that deliver services online today.

Among his other achievements, he was the founder and first chair of the Standing Committee on Government Operations. He was a champion of open government and reform to access to information. He created a school of public service management. He was instrumental in securing the financing for the pride of Winnipeg, the Canadian Museum for Human Rights.

Reg Alcock represented the very best in public life. He served with distinction as an MLA, an MP, a cabinet minister, and as a senior political minister for Manitoba. He performed all these duties with dignity and professionalism, courtesy and respect.

We mourn his all too early passing and we extend our heartfelt condolences to his wife Karen and his three children Sarah, Matthew and Cristina.

* * *

CITIZENSHIP WEEK

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, it is with great pleasure that I rise today to inform the House that this week is Citizenship Week in Canada.

Our citizenship defines our rights and our responsibilities to one another. It is a shared commitment to our country's core beliefs in freedom, democracy, human rights and the rule of law, values which we all hold dear and which serve as a beacon for other nations.

There is perhaps no better way to remind us of just how valuable our citizenship is than to witness the pride and joy of new Canadians as they take the oath of citizenship. I encourage Canadians to attend the over 60 special ceremonies taking place across the country this week.

Oral Questions

During Citizenship Week I encourage all Canadians to reaffirm their citizenship and reflect on what it means to be a citizen of Canada, the greatest country in the world.

before them. The middle class is becoming poorer, fewer people are working, the gap between rich and poor is widening, and profitable big business is receiving billions of dollars in tax cuts.

ROUTINE PROCEEDINGS

[English]

OFFICIAL LANGUAGES

The Speaker: I wish to inform the House that due to an administrative error, a report was not tabled during routine proceedings this morning.

[Translation]

Accordingly, I have the honour, pursuant to section 66 of the Official Languages Act, to lay upon the table the annual report of the Commissioner of Official Languages for the period from April 1, 2010, to March 31, 2011.

[English]

Pursuant to Standing Order 108(3)(f), this report has been permanently referred to the Standing Committee on Official Languages.

[Translation]

I regret any inconvenience this may have caused hon. members.

Is the Prime Minister aware of the inequality he is creating in the country?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, we have reduced taxes for all Canadians. In any event, the NDP, because of its ideology, voted against tax cuts, including those for the poor.

The Canadian economy has created more than 650,000 jobs since the recession. That is the best performance in the developed world, and that is how we are ensuring that Canadians participate in the economy and the economic recovery.

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, the government is mocking Canadians when it says that 650,000 new jobs have been created since the recession. That is false and the Prime Minister knows it. That is why the unemployment rate is higher now than before the recession. That is why the unemployment rate is rising and the employment rate is declining. The Prime Minister should stop deceiving everyone and tell us the truth.

Where is the job creation plan?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the figures I gave are correct. Everyone knows that. We have brought before the House other measures to create more jobs. However, just last night, the NDP again voted against these job creation measures.

[English]

The NDP seems to misunderstand its role when it stands up and votes against job creation measures. It is not supposed to just occupy the House. It is supposed to do something for the Canadian people.

* * *

CANADIAN WHEAT BOARD

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, the Canadian Wheat Board is the largest and most successful grain marketing company in the world. It is a Canadian success story with a proven track record of providing the best possible returns for farmers and minimizing their risk.

We can prove our arguments with detailed, empirical evidence, but there is no business case for dismantling the Canadian Wheat Board. There has never been one shred of evidence that farmers will be better off without the Wheat Board.

In these uncertain economic times, how can the government be so reckless and irresponsible as to turn the prairie farm economy on its head without even doing a cost benefit analysis?

ORAL QUESTIONS

[English]

THE ECONOMY

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, instead of answering the concerns raised by the Occupy movement, the Conservatives are boasting that Canada's level of inequality is better than others, but the very conservative Conference Board has a different take: Canada has the highest increase of inequality of 16 peer nations, including the United States.

Surely the Prime Minister is aware of this. Instead of bragging about its record, where is the plan to reduce inequality in Canada?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as this government has said repeatedly, our focus is on jobs and growth. I would take this opportunity to note the job creation figures last month, which indicate that Canada has now created over 650,000 jobs since the recession. This is of course one of the best records in the developed world.

We have important measures that are before the House right now to continue making sure we have jobs and opportunities for all Canadians so they all participate in Canada's recovery.

• (1420)

[Translation]

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, in the past 10 years, more than 30% of economic gains went to 1% of the population, the wealthiest people. That is the result of the fiscal policies adopted by the Conservatives, and the Liberals

Oral Questions

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, the first thing the member for Winnipeg Centre should do is check his research. The Wheat Board is actually the third largest exporter just in Canada. Viterra is first, Cargill is second and then it is the Canadian Wheat Board. That is how much it has slipped in value to western Canadian farmers. That is why we are nowhere on solid ground with western Canadian farmers. Moving ahead with marketing freedom will get that done, despite that member.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, the Americans certainly understand what an advantage the Wheat Board is to farmers because 13 times they went to the WTO and complained that it was an unfair trade practice because it was such an advantage, and 13 times the WTO ruled that there was nothing unfair about Canadian farmers acting collectively to stand up in their own best interests.

If the Wheat Board is not such an advantage to prairie farmers, why is the American agri-food business so eager to kill it and, the big question is, why is the government willing to do its dirty work for it?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): It is very interesting, Mr. Speaker, that the first person out of the gate announcing value added in western Canada is a western Canadian. Murad Al-Katib, with Alliance Grain Traders, has announced a \$50 million investment for durum production in the lower part of Saskatchewan where the durum is grown. He will create 60 value-added jobs. I do not know why the member opposite is against farmers and against jobs in western Canada.

* * *

• (1425)

TAXATION

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, my question is for the Prime Minister.

One practical step that could be taken to deal with the lack of progressivity in the tax system—which, by the way, was referred to yesterday by the Minister of Finance as a big plus for Canada—would be to make the non-refundable tax credits refundable. Those tax credits apply to kids who are taking piano lessons, kids who are on the margins. Their parents are so poor that they cannot pay taxes.

Why will the Prime Minister not change the bill before the House and ensure those kids can get those benefits?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, it is interesting to hear the NDP call for the embellishment of tax credits that it voted against.

An hon. member: We are Liberal.

Right Hon. Stephen Harper: I should say the Liberals. I get confused.

There are a number of additional tax reduction measures before the House that are very important to small business and to job creation across this country, strongly supported by stakeholders. I would encourage the NDP and the Liberal Party to stop opposing those measures.

[*Translation*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, one thing is clear and that is that, despite the Prime Minister's confusion, when the Conservative Party has the opportunity to make a change that will make the tax system far more progressive, it does not want to make that change.

I will repeat the same question: why not give tax credits to the poorest people in the country? That is how to make the system more progressive. That is what the government needs to do.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the leader of the Liberal Party is talking about tax credits that his party voted against. These are important measures for Canadian families. Other measures that are important to job creation, the business community and SMEs are now before this House. I encourage the Liberal Party to reverse its position and support these tax credits, which are very important for the Canadian economy.

* * *

[*English*]

CANADIAN WHEAT BOARD

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, the Prime Minister's position with respect to the Wheat Board becomes even less understandable when the American ambassador announced today at lunch that there would be no change in buy America and that buy America would be the policy there.

We have a thickening of the border, a continuing attack on the marine tax and other continuing attacks on the Canadian economy, and the Prime Minister at this moment decides to make the biggest single unilateral trade concession it could make, this by a government that has been trying to get rid of the Wheat Board for 15 years.

The Prime Minister should be ashamed of himself.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the logic of the Liberal Party, judging from that question, is that, because the Americans want to buy certain products in the United States, we should not allow Canadian farmers to sell their own products.

The Liberal Party should ask itself why it does not have a single representative whose riding is predominantly in rural western Canada. It is because it does not listen to western farmers. This is something western farmers have been needing and demanding for decades, and that day is finally here.

* * *

[*Translation*]

RESEARCH AND DEVELOPMENT

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, a group of experts has said that \$3 billion is handed out every year in tax credits for research and development and that this does not have any significant impact on economic growth and business development. Yet the government continues to provide ineffective tax credits.

Oral Questions

Will this government recognize that it would be better off creating a plan to help businesses innovate and create jobs?

[English]

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, our government is focused on encouraging businesses to do more research and development because not only will that help the business itself but it will create more jobs for Canadians, and that is what we want.

We did launch a panel to review our programs to see how we could make them better to get more results for Canadians. This is very important to Canadians so we will look at the report and consider all the recommendations quite seriously.

[Translation]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, according to *The Globe and Mail*, nearly one-third of funds allocated to research and development is used to pay consultants, because the claims process is extremely complicated. These billions of dollars are also used to review claims that are questionable or even misleading.

When will this government come up with a plan to create innovative jobs instead of lining the pockets of consultants?

• (1430)

[English]

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, that is exactly why we launched the panel.

If we can get businesses to do more research and development, develop new products or a new process on which they make a product now, or perhaps find a new market for existing products, that will create high-paying, high-value jobs for Canadians. That will improve the quality of living for Canadians. That is what the government wants. That is why we are looking at the panel.

Last night, the NDP voted against improving the quality of life for Canadians.

[Translation]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the Jenkins report released yesterday confirmed that this government's innovation strategy in its research and development support policy is a failure. This government is the worst performer among major industrialized countries as far as direct public investment in research and development is concerned. This government is a laggard in terms of the number of patents issued. It is ranked last in terms of the number of doctoral graduates and is among the worst performers when it comes to businesses' financial contribution to research and development.

What is the government going to do to finally address this pitiful situation?

[English]

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, as I just mentioned, we did

launch an R and D panel to review all of the government's programs that encourage small and large businesses to do more research and development. The panel reported yesterday. It is a great report. We are looking at it. It is a very serious issue for Canadians. We will give it serious consideration.

We will improve the quality of life of Canadians because that is what we on this side of the House want.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, on this side of the House, we believe in research and development and sound industrial policy. On that side of the House, the facts speak for themselves.

The government has failed on patent development. It has failed on supporting PhDs. It is pouring billions into blind corporate tax cuts and costly tax credits that have failed to stimulate research and development. Canada is last in direct R and D public investment among all industrialized countries.

Will the government commit now to increasing direct R and D public investment? We have said it. The reports are saying it. When will the government do the right thing?

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, obviously, the government wants to encourage businesses to do more research and development. That is where the high paying, high quality jobs of the future will come from.

I thank the member for finally getting interested in science and technology, research and development, because in his party's election platform it was mentioned nowhere.

* * *

INTERNATIONAL TRADE

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, we are increasingly concerned that the government is selling out Canadians in order to push through a flawed deal with Europe. However, members should not take our word for it. I will quote Anna Robasch, a Danish member of the European parliament, who said, "At the moment Europe will be able to export more than what Canada will be exporting".

When will the government admit that it is losing out in these negotiations and start putting the interests of Canadians first?

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, for the Atlantic Canada Opportunities Agency and for the Atlantic Gateway, CPC): Mr. Speaker, that question only proves once again that the NDP is ideologically opposed to free trade.

On our side of the House, we welcome the ninth round of negotiations as the benefits to Canadian workers and businesses through a free trade agreement with the EU are expected to be enormous: a 20% boost in bilateral trade; a \$12 billion annual boost to Canada's economy; 80,000 new jobs for Canadian workers; and \$1,000 average extra income for Canadian families.

Oral Questions

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, the problem is that the minister and the government cannot see because of their rose-coloured glasses.

We need some straight talk on the impacts of this deal. European officials are quite happy to tell us what is going on. One European official boasted that Europe stands to gain while Canada loses. He said, “there will be some losers, there are always losers”.

Why is the government content with this loser status? Why will the government not start giving the straight goods to Canadians and stand up for them?

• (1435)

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, for the Atlantic Canada Opportunities Agency and for the Atlantic Gateway, CPC): Mr. Speaker, there was some chattering across the way and I did not hear the end of the question but I will give what I expect the member is looking for as an answer.

Some hon. members may not have realized it but we received a strong mandate from Canadians, which is why we have a majority government and why we are pursuing free trade agreements that will benefit Canadians, benefit Canadian workers and supply Canadian jobs to Canadians who need those jobs.

* * *

AIRLINE SAFETY

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, Porter Airlines was nearly grounded by Transport Canada for failing to comply with air safety rules and yet, despite this extreme measure, the minister refuses to say what went wrong and whether the public was in any danger.

Why will the minister not tell Canadians what safety rules were violated by Porter Airlines? Why the extreme measures? Canadians have a right to know. Why is the minister hiding the truth from the public?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, I do not accept the premise of that question.

Transport Canada's top priorities are safety and security. Porter Airlines is in compliance with the Canadian aviation regulations. In 2008, Transport Canada's inspectors identified a minor concern with Porter's maintenance quality assurance program. The company fixed the problem and everything is fine. Porter is doing a good job in Canada.

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, northern Canadians have been severely challenged by a spate of plane crashes in recent weeks killing 16 people. The government has failed to live up to its plans to beef up Transport Canada's team of safety inspectors. In fact, the number of inspectors has actually declined in the last two years.

Air travel is a way of life for northerners and many other Canadians. They should not have to roll the dice when they board a plane.

Why is the government dragging its feet on air safety? When will it live up to its promises and get serious about keeping—

The Speaker: The hon. Minister of Transport.

[*Translation*]

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, that is completely incorrect. There is no justification for attacking the aviation safety of a nation that takes such matters so seriously. Our inspectors are extremely competent. Transport Canada does exceptional work and enjoys worldwide acclaim, and this member is attacking the integrity of Transport Canada workers. I cannot accept that. It is improper.

Mr. Jamie Nicholls (Vaudreuil—Soulanges, NDP): Mr. Speaker, let us discuss safety in general. There were threats made to ground Porter because the carrier did not comply with Transport Canada's safety regulations. Transport Canada refuses to say why or to indicate whether passenger safety was jeopardized.

This government is incapable of acting in a transparent manner. Whether it is a question of costs of bills or even international agreements, the public has the right to know.

Why is the government not protecting Canadians instead of hiding the truth from them?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, instead of inciting public fear, the member should have listened to the answer that I gave earlier.

Aviation safety is Transport Canada's top priority. Porter Airlines complies with Canadian regulations. In 2008, Transport Canada inspectors were concerned about Porter's maintenance quality assurance program. The company has complied with all Transport Canada regulations. Porter is a great company. Transport Canada continues to carry out regular inspections.

* * *

DEMOCRATIC REFORM

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, it is only fair that the House add seats for British Columbia, Alberta and Ontario, provinces that are under-represented here.

However, on its first attempt at democratic reform, the government left out Ontario and insulted its premier. On its second attempt, it left out Quebec, making it the only province with a relative decline in population to be under-represented.

Will the Minister of State for Democratic Reform finally table a bill that makes sense, and will he do it soon so that the House can study it?

Oral Questions

●(1440)

[English]

Hon. Tim Uppal (Minister of State (Democratic Reform), CPC): Mr. Speaker, our government made three distinct promises concerning representation in the House of Commons. First, we would increase the number of seats now and in the future to better reflect population growth in British Columbia, Ontario and Alberta. Second, we would protect the number of seats for smaller provinces. Finally, we would protect the proportional representation of Quebec according to population.

Those are our three commitments and we intend to bring forward legislation shortly respecting those commitments.

* * *

[Translation]

CANADA POST

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, my question is for the Minister of State for Transport. We have learned that Canada Post is currently making significant cuts to work hours in post offices in Canada.

The problem is that Quebec is being asked, unfairly and disproportionately, to cut more. Out of 150,000 hours of cuts planned, 53% are scheduled for Quebec, when it is 4% to 8% for the other provinces, on average. That means serious hardship in the regions, and doing this means that Canada Post is disregarding the suggestions made by the Fédération québécoise des municipalités.

Canada Post management is doing this. Why?

[English]

Hon. Steven Fletcher (Minister of State (Transport), CPC): Mr. Speaker, Canada Post is responsible for delivering mail to Canadians. We have done everything to ensure that the service charter that this government introduced is fulfilled, and Canadians will get their mail and Canadian businesses will be able to do their business.

I would like to point out that the opposition parties are the very parties that tried to prevent the government from ensuring that Canadians get their mail in a timely manner. The opposition parties should look at their own records.

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G8 SUMMIT

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, yesterday I asked the President of the Treasury Board, in a Tweet, why the labour minister could speak for herself under attack in the House, while he covered behind the foreign affairs minister.

He answered. He actually answered, albeit by Tweet, that the foreign affairs minister responded because he was the one in charge of G8 funding.

My question is for the Treasury Board President. Does this mean he will not answer G8 questions at his long-awaited appearance before committee?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, I know that the President of the Treasury Board is excited to

go to committee just because the member for Marham—Unionville will be there asking questions. We look forward to his participation in those committee hearings. I, myself, am prepared to come as well.

[Translation]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, let us see whether the Conservatives' new CEO knows how to manage. The member responsible for the department of Muskoka must explain to the House, and not in committee when he decides to do it, why he intervened in the Gravenhurst project. Why did he put that project in the building Canada fund? It is not just the NDP asking questions. At this very moment, the project is under police investigation.

Is the minister for Muskoka going to show that he has more backbone than the Liberal Party and rise to reply?

[English]

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, I deeply regret the tone the member has taken in his question. I do note that he has not had the courage to make any accusations against the President of the Treasury Board outside of this place, and there is a reason for that. It is because there is no substance to those allegations.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I would invite the hon. President of the Treasury Board to step out any time to talk about it, but he would have to stand up first.

Canadians put a lot of faith in the Auditor General to hold the government to account, and he broke faith with the Canadian people when he hid documents from the Auditor General, when the Auditor General was trying to get to the bottom of this slush fund.

We now learn he has a new way of undermining the Auditor General, which is to cut its budget. This will mean fewer reports, fewer issues being investigated, just at a time when the Muskoka maverick gets his fingers on the booty of the Canadian taxpayer.

Is this the lesson, to attack the Auditor General?

●(1445)

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I thank the hon. member for the question. Of course, it has been 2,667 days since he promised that he would vote against the long gun registry. He failed to deliver on that.

The Auditor General volunteered to participate in the review of its spending. Let us be clear. This is a separate review from the deficit reduction action plan. This was made voluntarily by the Auditor General, and members on this side of the House applaud the interim Auditor General for making that case.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, after 131 days of taking a dive, that is as good as it gets: guns. That is like trying to beat me to death with popcorn.

The problem the minister needs to note is that if he looks guilty and acts guilty, people are going to realize that he may be guilty. The Auditor General said the rules were broken. The Auditor General said it is Parliament's job to investigate.

Will the government commit to a full parliamentary investigation to figure out how this man managed to take \$50 million of border infrastructure and blow the money on untendered contracts in his riding?

Some hon. members: Oh, oh!

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, all that booing is going to hurt my feelings and it will also do nothing for my self-esteem.

The Auditor General has thoroughly looked into this matter. She wrote a report to Parliament. This government co-operated fully with her in the conduct of drafting her recommendations to Parliament. This government has accepted all the recommendations that the Auditor General has presented on how we can be more open, more transparent to Parliament.

[*Translation*]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, let us continue on the question of transparency. The Standing Committee on Public Accounts, which is dominated by the Conservatives, did not adopt a motion to study the Auditor General's past reports. To top it off, that was done behind closed doors.

There are reports that show us the full extent of the mismanagement of public funds by the Conservatives: millions of dollars wasted on helicopters and corruption in the Office of the Public Sector Integrity Commissioner. Before going behind closed doors, a Conservative member on the committee justified his opposition to this by saying that a lot had changed since the election.

Why will this government not let the Standing Committee on Public Accounts do its job? What does it—

The Speaker: The hon. Leader of the Government in the House of Commons.

[*English*]

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, our government lets committees be master of their own destiny because they are.

What we see from this side, that keeps being voted against by members on the other side, are measures to keep spending under control, to reduce taxes so Canadians have more dollars in their pockets, and measures to ensure our economy continues to grow and create jobs.

That is the focus of this government. We have delivered on accountability and transparency, and now we are delivering on economic growth.

* * *

CANADIAN WHEAT BOARD

Mr. Earl Dreeshen (Red Deer, CPC): Mr. Speaker, earlier today the Minister of Agriculture introduced a historic bill in this House. The marketing freedom for grain farmers act would fundamentally transform agriculture on the Prairies by giving farmers the freedom to market their grain when and where they choose, and to what buyer they choose.

Oral Questions

Farmers want economic opportunity. Farmers want freedom. Farmers want this legislation to succeed.

Would the Minister of Agriculture tell us what this historic piece of legislation would mean for farmers?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, I want to thank the member for Red Deer for his great work. As a farmer, he knows the value this legislation would deliver, giving marketing freedom to western Canadian farmers. Once passed, this bill would allow prairie farmers to seek their own contracts, the same as their friends and relatives have in Ontario. That is called fairness.

The Canadian Wheat Board would remain a voluntary pool in this piece of legislation, a tremendous option for farmers to use should they decide to. We encourage the opposition to pass this bill swiftly, to send market certainty and the right signals to farmers so they know what to plant next spring.

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, back in March the Minister of Agriculture said he would not scrap the Wheat Board unless western farmers were in favour of it. Over the summer, western producers voted and spoke out in favour of the single desk.

Why is the government failing to listen to the voices of western farmers? Why is it so deeply in the pocket of big ag and when will it stop taking the west for granted?

● (1450)

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, it is because we take the mandate that western Canadians gave us on May 2 very seriously and we campaigned hard on this issue.

I would like to ask the member for Churchill, if she is going to support this bill, since it would do everything for Churchill that was required and what it was asking for?

There would be \$5 million each year for the next five years to help with its transition; \$4 million to upgrade the port facility for better loading; and an extension of the \$4 million package from western diversification.

This is all great news. The mayor of Churchill, Mike Spence, is totally in favour of this. Will that member stand and support this bill?

[*Translation*]

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, we are well aware that the loss of the Canadian Wheat Board is a loss for all of western Canada.

The Canadian Wheat Board gives farmers and people in western and northern Canada prices and rates that the big agrifood businesses cannot equal, particularly during hard economic times, and yet the minister seems to have no problem shutting down one of the most successful Canadian agencies.

Oral Questions

When will the Minister stop ignoring the voices of people in the west, of farmers in the west, and when will he stop—

The Speaker: Order. The hon. Minister of Agriculture and Agri-Food.

[*English*]

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, as I said, the people of western Canada, including farmers, sent all of us here to ensure we follow through on our campaign commitments to give marketing freedom to western Canadian farmers. They deserve that right. They have earned that privilege. They have shown us, marketing canola globally, marketing pulses and other special crops globally, that they have the expertise.

What they need to do is ensure that the members opposite follow through and get this passed before the end of this calendar year, so that the new entity wheat board would be able to succeed and western Canadian farmers would have the right and the obligation to succeed as well.

* * *

[*Translation*]

OFFICIAL LANGUAGES

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, the Prime Minister's reaction to the most recent report of the Commissioner of Official Languages will decide the fate of the official languages in this country. The report clearly states that the Minister of Official Languages and the President of the Treasury Board are not complying with the law. All federal institutions must obey the law and respect official language communities when making decisions.

Will the Prime Minister react promptly to the report of the Commissioner of Official Languages?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, we will certainly react, as we have done in the past. I would like to quote the report of the Commissioner of Official Languages, which I have here. It says that our government “made it possible to initiate or continue numerous projects aimed at promoting linguistic duality to all Canadians, fostering the economic development of the communities, and improving their situations, especially in the areas of health care, education, immigration and culture.” This report highlights the fact that our government is making unprecedented investments in protecting and celebrating Canada's two official languages.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, vague answers like that do nothing to protect our country's two official languages. The proposals set out in the commissioner's report represent the bare minimum the government should be doing. If the Prime Minister refuses to follow up on the report's proposals, that will prove that he opposes the Official Languages Act.

Is the Prime Minister ready to pass a bill, as called for by the Commissioner of Official Languages? That is in his report.

[*English*]

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, I will answer in the other official language to avoid any vagueness.

Quoting directly from the report, which states:

The Department [of Canadian Heritage] [has] demonstrate[d] its commitment to the Official Languages Act by providing its services in both official languages at all times, and especially by making full compliance with Part VII of the Act a...priority. Canadian Heritage systematically consults official language communities through working groups and federal councils, and when developing cooperation agreements with provinces and territories. Not only does the Department have a thorough understanding of the needs of official language communities, it also takes these needs into account when designing and implementing programs.

Not vague, it is direct. We are getting the job done.

* * *

JUSTICE

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, the Conservative government's crime bill adds longer sentences for drug offences, increases mandatory minimums and cuts conditional sentences.

Some hon. members: Oh, oh!

The Speaker: Order, please. I would ask hon. members to applaud when he is finished asking the question, not during the preamble, so the House can actually hear the substance of the question.

The hon. member for Charlottetown.

Mr. Sean Casey: Mr. Speaker, however, even the toughest anti-crime advocates in America say that this strategy is just plain wrong. Even the staunchest conservative Republicans in Texas are repealing mandatory minimums and increasing drug treatment programs because they slash crimes at a tenth of the cost.

Why is the government ignoring the evidence and wasting billions of taxpayer dollars on a crime strategy that just will not work?

• (1455)

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, unfortunately there was a misleading report on CBC last night. In fact, the bill that we have before Parliament specifically excludes drug treatment courts that are already in existence in Canada.

If Texas and other places are emulating or copying the Canadian experience, that is a beautiful thing, and anything we can do to help them, we would be glad to do.

Oral Questions

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, under the Texas government's new approach of less jail time and more treatment, the rate of prisoners reoffending has dropped by 75%. In contrast, Conservative crime laws are already putting thousands more people into overcrowded jails and 85% cannot get the treatment programs they need, plus funding for treatment has been slashed while security costs soar.

Why is the government fast-tracking a bad bill that even Texans know will deliver more crime, more victims, less justice and spiralling costs?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, unfortunately the member is relying on a misleading CBC report.

The incarceration rate in Texas is proportionately five times higher than in Canada. In fact, the safe streets and communities act includes specific exemptions for drug treatment courts that are already operating across Canada. As the Minister of Justice indicated, if Texas wants to follow our example in respect of the drug treatment courts, I welcome that initiative.

Those members should vote in respect of the bill that we have before the House.

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FISHERIES AND OCEANS

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, infectious salmon anemia has been diagnosed in sockeye smolts in the Pacific. This is the same virus that infected and wiped out almost 70% of farmed salmon in Chile.

We do not know the long-term effects on wild salmon or how long this virus has been present in the Pacific waters. What is the government doing to investigate this serious threat to our salmon fishery?

Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC): Mr. Speaker, our government understands the importance of salmon for British Columbia economically, historically and culturally. That is why the Prime Minister established the Cohen Commission of Inquiry in 2009. I encourage the member to support the work of Justice Cohen and the Cohen commission.

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, the government's silence on fisheries is deafening. Instead of providing answers, there is no communication from the department, and scientists remain muzzled. Conservatives are gutting the DFO and cutting funding to fisheries conservation councils. Their policy seems to be "hear no evil, see no evil, speak no evil" and they hope these problems will go away. They will not.

When will the minister agree to a full and transparent investigation of this serious issue and threat to our fisheries?

Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC): Mr. Speaker, a strategic review was an opportunity for the department to assess performance of its programs. It also allowed us to ensure that we were responding to the priorities of Canadians. We have the responsibility to spend taxpayer money prudently and where it will do the most good. We

must ensure that government programs are efficient and effective and achieve the expected results of Canadians.

DFO is making steady progress in modernizing and improving our program and policy approach to meet the needs of Canadians today and in the future.

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FOREIGN AFFAIRS

Mr. Joe Daniel (Don Valley East, CPC): Mr. Speaker, I was dismayed to learn last week some of the details surrounding the apparent plot by Iran to assassinate the Saudi Arabian ambassador to Washington. While the plot was thankfully foiled this time, the threat that Iran poses to the world remains.

Could the Minister of Foreign Affairs please inform the House about measures that Canada is taking to respond to Iran's latest affront to international law?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, Canada finds Iran's actions absolutely and totally unacceptable. We condemn them without reservation.

Last week I committed to working with our international partners in considering the consequences for such actions. Today, Canada is imposing sanctions on five additional Iranian nationals. Four are members of the Iranian national guard. These sanctions are on top of others already in place against Iran.

As the Prime Minister said last week, this regime in Tehran represents probably the most significant threat to the world, to global peace and security, and I completely agree.

● (1500)

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, Majeed Uddin Ahmed and his family have been in a Saudi jail for almost a month. His two Canadian children are in jail. Their family in Canada is gravely concerned and has said, "It took three weeks for a Canadian official to simply visit the family from the time they were taken away. We have had no contact with my brother for a month now and his daughter is suffering illness and needs medical attention. Please help".

When will the minister get off her seat and offer some help? If not, will she step aside and let the Prime Minister appoint someone else to help the family?

Hon. Diane Ablonczy (Minister of State of Foreign Affairs (Americas and Consular Affairs), CPC): Mr. Speaker, in spite of his bombast, I can assure the member that Canadian consular officials are in fact providing the detained Canadian, his family and their relatives with consular assistance as requested both here and in Saudi Arabia.

We have been granted access to see the family. We will continue to engage with Saudi officials about this family's case and provide it with the support it has requested.

Oral Questions

[Translation]

POVERTY

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, poverty is no longer just an inner city problem. Pockets of poverty are appearing in the suburbs of cities across Canada. Inequality continues to grow in the regions. Because of isolation and underfunded community organizations, the suburbs are not properly prepared to address poverty. Meanwhile, the government has no action plan to fight poverty. Bill C-13 does not propose any solutions to improve the situation.

When will the Conservatives bring forward a real plan to fight poverty?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, during the global recession, we introduced measures to help people who had lost their jobs find new positions and get training in order to get the skills they needed to find new jobs. We also introduced several measures to help all Canadians, such as lowering taxes—particularly the GST—and several other programs. Unfortunately, the NDP voted against all—

The Speaker: Order. The hon. member for Vancouver South.

* * *

[English]

JUSTICE

Ms. Wai Young (Vancouver South, CPC): Mr. Speaker, Canadians are concerned about crime. This is one reason our government received a strong mandate to keep our streets and communities safe.

Bill C-10, the safe streets and communities act, contains targeted measures designed to disrupt criminal enterprise, while ensuring that those who sell drugs to children serve sentences that reflect the severity of their crime.

Contrary to a recent report by CBC, Bill C-10 contains specific measures to help those who are unfortunately addicted to drugs.

Could the minister inform the House on how Bill C-10 takes a balanced approach to tackling crime?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, the hon. member is quite correct. Canadians are quite concerned about crime. Contrary to the report, as I pointed out, there are specific exemptions in the bill with respect to drug treatment courts.

We have also been very clear that if individuals get into the business of selling drugs to children or bring illegal drugs into this country, they will go to jail, and that is what Canadians want.

* * *

[Translation]

VETERANS AFFAIRS

Ms. Annick Papillon (Québec, NDP): Mr. Speaker, our soldiers and veterans are not a priority to this government. How else can we explain the \$226 million cut to the Veterans Affairs budget, mainly in financial support for former soldiers?

We also learned recently that the new veterans charter would penalize our reservists, who face the same risks in the field as our regular soldiers.

Why did the minister decide that our reservists will receive half as much from now on?

Hon. Steven Blaney (Minister of Veterans Affairs, CPC): Mr. Speaker, on the contrary, we are investing in our veterans. With the new veterans charter, we are investing an additional \$189 million for our veterans. However, there is a reality we must all face in the House, and that is that our Korean War and World War II veterans are aging and, unfortunately, will be passing away in greater numbers over the coming decades.

I invite the hon. member to support this government's initiatives. She can support our "Helmets to Hardhats" initiative to encourage our soldiers. She can do so—

● (1505)

The Speaker: Order. The hon. member for Saanich—Gulf Islands.

* * *

[English]

DEMOCRATIC REFORM

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, earlier today I shared with the Minister of State for Democratic Reform the newsletter of the Saanich Gulf Islands Conservative Party.

I am so proud to represent the people of Saanich—Gulf Islands and I am sure he will be as distressed as I am by that party's transparent plan for gerrymandering in hopes of winning the riding back. They write, "If you lose South of MacKenzie, lose the Gulf Islands, lose Gordon Head, if you removed all these three areas, we would have won the last election"

Will the minister reassure us that the redistribution will be by population and not by population of Conservative voters?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, the statute is quite clear. It sets out a process for redistribution that is run on a non-partisan basis by independent commissions. Those will be under way in the appropriate time.

Under our legislation, we will ensure that there is a formula in place that ensures people of Saanich—Gulf Islands—or of British Columbia, in fact, and all of Canada—will have the fair representation that has long been denied to them.

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PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the Honourable David Alward, Premier of New Brunswick.

Some hon. members: Hear, hear!

Privilege

[Translation]

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the recipients of the Governor General's Awards in Commemoration of the Persons Case: Nancy Hartling, Lucie Joyal, Kim Pate, Madeline Boscoe, Sharon Donna McIvor, and Amber JoAnn Fletcher, the Youth Award recipient.

Some hon. members: Hear, hear!

* * *

[English]

PRIVILEGE

LEGISLATION TO REORGANIZE THE CANADIAN WHEAT BOARD

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I want to speak a little further on the points that were raised earlier today related to section 47.1 of the Canadian Wheat Board Act and the question of privilege on the potential contempt allegation that was raised by the member opposite. It was the hon. member for Malpeque who raised those questions.

Our government, of course, considers the bill, which would restore freedom to Canadian farmers, to be of great importance. We returned to office after the last election and after a broad consultation with Canadians, I hasten to add, with a clear set of issues that we promised Canadians we would tackle. Establishing marketing freedom for Canadian farmers was one of those critically important issues.

At the core of my friend's submissions, the hon. gentleman asserts that there would be a breach of section 47.1 of the Canadian Wheat Board Act if that act is amended or repealed by Bill C-18 without a vote of producers. In short, Mr. Speaker, the hon. member is asking you to interpret the provisions of the statute.

As noted earlier by the Parliamentary Secretary to the Leader of the Government in the House of Commons, it is well established that questions of law are beyond the jurisdiction of the Chair. In addition to that straightforward argument, which I believe is correct and directly on point here, it may be of some benefit to have some precedents for reference. I would observe that none of the hon. members for Malpeque, Guelph or Winnipeg North referred to any Standing Orders or Speakers' rulings, and of course those rulings are much closer to coming within the Chair's jurisdiction to consider.

I would refer the House to page 261 of the second edition of *House of Commons Procedure and Practice*, which reads as follows:

—numerous Speakers have explained that it is not up to the Speaker to rule on the “constitutionality” or “legality” of measures before the House.

Mr. Speaker Lamoureux, on July 8, 1969, at page 1319 of *Journals*, ruled on that point. He stated:

I have had occasion in the past to indicate that it is not the responsibility of the Chair to rule on questions of law or on constitutional questions. This ruling has been made in many instances by previous Speakers.

On May 2, 1989, a ruling by Mr. Speaker Fraser articulated at page 1175 of *Debates* some rationale for this perspective. He stated:

The Speaker should not sit in judgment on constitutional or legal matters. That role belongs more properly to the courts and to the administration of justice. Previous Speakers have been very careful in strictly addressing themselves to matters of a

parliamentary or procedural nature while avoiding dealing with constitutional or legal matters.

Another ruling by Mr. Speaker Fraser on April 9, 1991, at page 19233 of *Debates*, offers a comment which I would suggest is analogous to the situation raised by the hon. member. In that case, the Chair was asked to rule whether a motion to make certain amendments to the Standing Orders contravened the Constitution and the Parliament of Canada Act. Mr. Speaker Fraser observed the following:

The Chair must avoid interpreting in any way, even indirectly, the limits set in the Constitution or the Parliament of Canada Act.

In these circumstances, I would argue that the Canadian Wheat Board Act is no different. Your predecessor, Mr. Speaker, has also made similar rulings, including those found at page 6123 of *Debates* on May 13, 2003, as well as page 4498 of *Debates* on March 23, 2005.

I would go further than that. If one is to accept the logic that has been set out by the members opposite, what they are suggesting is that one can, by passing a statute in the House, effectively fetter the future discretion of the House in passing future laws. In effect, by simply stating it is a law, they are saying that some laws stand above others and they essentially become constitutional provisions that cannot be amended by the House. Clearly, that would not be appropriate.

The precedent set by that approach would potentially create a very difficult situation to manage in the future, in the sense that any government could ensure that none of its measures could ever be repealed by a subsequent government through our democratic process simply by providing measures such as those that are referred to in section 47.1, barriers that stand in the way of modification of a statute. The fact is that Parliament reigns supreme on the question of passing statutes, and that includes amending statutes that are already in existence. The only law that stands above that is, of course, constitutional law.

Mr. Speaker, I would suggest for that reason also—that is, the practical, logical problems that would result were Parliament able to fetter the subsequent discretion of all future Parliaments in this fashion—that our democratic system would indeed be paralyzed and held back by the heavy hand of history.

● (1510)

Therefore, Mr. Speaker, I would urge you to find that the claim raised by the hon. member is beyond the jurisdiction of the Chair and that therefore no prima facie question of privilege can be found here.

The Speaker: Is the hon. member for Malpeque rising on the same point?

Hon. Wayne Easter (Malpeque, Lib.): Yes I am, Mr. Speaker, just to add a little further.

Government Orders

Parliament clearly set out in its law, passed in 1997, the right of self-determination for farmers who ship through the Canadian Wheat Board. Parliament, this place that we call a democracy, passed a law, and here we have a government not going as far as allowing, as stipulated in the law, a vote of producers. What are we to see next? Will it be that there will not be elections every four years and that it will be ten years instead, because the Prime Minister so decides, and with his massive majority passes it in the House?

We have a responsibility as parliamentarians. My point of privilege is this: I am being asked as a member of Parliament to act on a piece of legislation to disband legislation that was passed in the House to give the right to farmers of self-determination in terms of their destiny. We are asked to look at a bill that takes that right away from them. It violates their right to vote as stated under section 47.1 of the act. Parliament made a commitment, and this is indeed a very serious issue. I believe it goes to the essence of our democracy. We are taking away rights.

No one is asking you, Mr. Speaker, to look at the legality of it. You are taking my right away as a member of Parliament if you rule with the government and you are certainly taking farmers' rights away if you rule with the government, because we passed a law in 1997. If you go back to the remarks I made this morning, I quoted from the minister of the day. He very clearly laid out the intent of that legislation, which was to give primary producers the right to have a say in their own destiny.

This is an extremely serious issue, and I do not put much merit in what the House leader opposite has said.

• (1515)

The Speaker: I will allow the government House leader a brief opportunity to respond.

Hon. Peter Van Loan: Mr. Speaker, responding narrowly to the point that my friend has raised, what he is saying logically is that Parliament has in effect delegated its decision-making power to another party and can never resume that power.

That of course would be an inappropriate delegation. Parliament cannot delegate its legislative or statutory powers. Those are powers that are held only by this body. They are not powers that can be delegated to any other group of individuals in the country. Therefore, the kind of delegation that he purports has happened here simply cannot be held to be a reasonable approach. Were it to be the case, we would have a situation in which Parliament would effectively become unable to govern the country, as powers could be delegated to other bodies by a previous Parliament, and this Parliament could never be able to legislate.

The arguments I have made are only further reinforced, I believe, by the logical outcome of my friend's position.

The Speaker: I thank hon. members for their further submissions. Once again I assure them that I will take these submissions under advisement and come back to the House with a ruling in due course.

GOVERNMENT ORDERS

[*Translation*]

COPYRIGHT MODERNIZATION ACT

The House resumed consideration of the motion that Bill C-11, An Act to amend the Copyright Act, be read the second time and referred to a committee, and of the amendment.

Hon. Andrew Scheer (Speaker of the House of Commons, CPC): The hon. member for Longueuil—Pierre-Boucher has 10 minutes to finish his speech.

Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP): Mr. Speaker, unfortunately, it is clear that this bill is really like an 18-wheeler that arrives at the homes of songwriters and copyright owners only for them to find that it is empty. In reality, there is nothing to compensate for losses related to the private copying system.

We will remember how it happened and it is not just theoretical; it is very real. In the past, music was purchased in a different way. Today, we have music on our computers, our BlackBerrys and our iPods, and it should have been purchased. There is no problem at all if it was purchased through businesses such as iTunes, Amazon or Archambault.ca. However, we know very well that such is not always the case and that the recording industry is suffering great financial losses because material is available online, despite the fact that it may be coming from places where it is illegal to download material.

This shortcoming shows how completely out of touch this government—a government that claims to want to protect Canadians' jobs and recognize this value—really is. In reality, where will copyright owners' money come from if they cannot sell their material or if it is being stolen or literally plundered from the Internet? Clearly, this bill cannot be passed as is. We will have to work very hard to add something, particularly with regard to the private copying system.

I fully understand rights holders when they say that it does not make sense, that with the right to copy that the telecommunications and broadcasting media are being offered, that the steak, if you will, is being taken off the rights holders' plates, and that the potatoes and carrots may vanish as well. Let us look at the basics: when songwriters, CD companies, producers, and rights holders produce music, they expect to have it aired by broadcasters. To do this, the broadcaster makes an initial copy and inserts it into the broadcasting system. Everyone is glad the broadcaster is giving the song airtime, but nevertheless a mechanical reproduction right has until now been enshrined as part of the copyright. Now songwriters and rights holders are being told that the broadcasters will not be bound by this obligation. They will be permitted to make their working copy without fear of retribution. This is not the major issue affecting rights holders when it comes to Bill C-11, but it is just one more consideration. It adds insult to injury.

Government Orders

To my mind, the major problem remains the private copying system, which applies almost entirely to outdated platforms. The private copying system provides a form of royalty earned from each CD-R. But we all know that consumption of CD-Rs has fallen to infinitesimally low levels, because portable digital players such as iPods, MP3 players and other such devices have completely replaced the equipment and song transfer system used with CD-Rs.

The levy system is dying, and Bill C-11 is turning a blind eye. Nevertheless, this problem must be addressed. It is the biggest problem currently facing the rights-holder community. Not only is the initial mechanical reproduction right being taken away in broadcasting, copies may be made free of charge in educational and learning environments. One can understand how rights holders might be sympathetic to this situation, but royalties should still be paid all the same, although they could potentially be waived in writing. Rights holders may receive a request from a teacher and make exemptions in writing, or exempt someone from paying a fee in a particular context. Once again, the bill would stand in the way of this and seeks to abolish private copying, abolish the broadcasters' copy, and also remove the tiny amount of money that would otherwise have come from the education sector. What are artists and rights holders left with when it comes to copyright? This really must be addressed.

One possible solution could be to look at who benefits from this situation. As members know, when we look for music on the Internet, there is a place to buy music. But some people might also look for music elsewhere. That increases information trafficking on the Internet.

● (1520)

There are people selling high-speed connections with varying upload and download bandwidth limits. Could the government at least show an interest in exploring other avenues to compensate for this loss to the private copying regime? That is the essence of it. In the case of transfers over the Internet, that would be the least we could do for all of the subscribers we represent. The Internet has replaced traditional in-store CD sales. If we cannot apply the private copying system to devices like MP3 players or iPods, what is left for copyright owners? These people are left out in the cold with a new bill that should be providing some relief, since our copyright legislation is way behind—stuck in the times of Séraphin Poudrier—compared to the rest of the world. It is time for us to revamp copyright legislation. And with copyright collectives in particular, we have a long way to go.

In conclusion, I would like to make sure that we have a chance to look at other avenues to compensate for losing the private copying system.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I want to thank the hon. member for his comments. He talked about compensation for piracy. What type of compensation was he thinking of and what form could it take?

Mr. Pierre Nantel: Mr. Speaker, that is a good question, and fitting, since I have talked both before and after question period. We are essentially talking about compensation methods because it is very difficult to track every little transaction made by a user at home who sits in front of a computer searching for a song, ideally on a legal site. Unfortunately, we all know that people are more likely to

search for music on illegal peer-to-peer sharing sites. It has been mentioned many times that most artists do not want to be in a position where they have to sue the people who like their music. It is also very difficult to track all this with any accuracy.

That is why the principle of compensation was proposed. At the time, the compensation was easy to apply. It was applied to blank recording media, to which a work could be copied. Today, copies are made on portable digital players. When people tried to extend the private copying compensation system from blank CDs to the portable digital player, they wore t-shirts that read, “No iPod Tax”. They refused to add another tax. This compensation measure will have to be applied. The reality is that we have gone from copying on a CD-R to a portable player with virtual songs that, theoretically, do not exist anywhere, and to which we cannot apply royalties. Who would get the royalties when we are not always able to get an accurate record of these millions of transactions per year that can be made on the Internet?

● (1525)

[*English*]

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, there is absolutely no doubt that, with all the advances we have seen in technology in my lifetime, there is a need for us to address the copyright rules we have.

I have come a long way from my beginnings as a student and then my teaching career. Now we are seeing the kind of technological change that absolutely amazes all of us. When I was home for the break last week, over Thanksgiving dinner my grandson, who is in grade seven, showed me a YouTube video of himself playing in a rock band that is making the rounds and getting loads of hits. There we can see the creativity of 11-year-olds as they get into using this new media in a way that we cannot.

However, we can also see, as we are beginning to see the new creative ways of using the new technologies, as well as the old ones, like good old printed books, that there is a need for us to look at copyright in a very balanced way, in a way that we protect the rights of the creators, as well as those who then purchase the content and become the sellers, so to speak, and control that. If we move toward an unbalanced approach where the content owners actually have more power than those who are the creative agents behind that content, I feel we will see a loss in creativity and, in the long run, a loss in revenues for us.

Just to review for those of us who are here and those listening, ACTRA, the Alliance of Canadian Cinema, Television and Radio Artists, estimates that the industry contributes \$85 billion per year to our economy. These industries and the jobs that depend on them can only thrive in an environment where intellectual property is protected. That is the dilemma for us as we look at the new technologies where somebody can create a piece, hit a button and, before we know it, it goes around the world.

Government Orders

The ACTRA industry and all it supports is 1.1 million jobs. We are not talking about a few jobs here. We are talking about 1.1 million jobs and a lot of these jobs happen because we have creators who produce wonderful ideas and content that other people then pick up on and produce. So we need to ensure that those artists and their right to earn a living is protected.

Despite these significant contributions made by the artists to our economy, some would be surprised to know that the average earning of an artist in Canada is \$12,900 a year. When I read that figure and had that research presented to me, I was taken aback because, if that is what they are earning now, it is my belief that, with the changes that are being made to the Copyright Act, those earnings will diminish and many of these artists will be forced to look somewhere else and their creativity and all the wealth it introduces will be lost to us.

In 2008, the Conference Board of Canada reported that in 2007 the cultural sector generated \$25 billion in taxes for all levels of government. That is three times higher than the \$7.9 billion that were spent on culture by all levels of government. When we look at our level of returns there, it is absolutely stunning.

When we look at the federal government's investments in art and culture, we see that it invested \$3.7 billion in 2007-08 and yet typical households in that same timeframe spent \$1.4 billion on cultural outreach and participating in the performing arts.

• (1530)

That tells us that the bill the government has introduced must be paid due diligence. We need to examine that bill and make amendments to ensure we have balance not only for the creators who inspire the content owners eventually to make the kind of profits they do, and the content owners eventually, but also for consumers.

We can see that we have a lot of work to do. The bill is very similar to the one that was in the House previously. The NDP indicated then, and our position is the same today, that we do believe modernization is long overdue but that the bill has too many glaring problems. As a matter of fact, it seems to create problems where none exist right now. Therefore, we look forward to and will be making amendments that will examine some of these issues.

When we consider the legislation that is before us, we notice that it seems to be driven less by the needs of Canadians, the artists, the content owners and Canadian consumers, and it seems to be more an attempt at satisfying the demands of the large content owners in the U.S.

What we need to know is when Canadians will have copyright legislation that works for Canadians, whether they be the creators, the content owners or the consumers. We cannot, over and over again, pass legislation here that will actually damage our own industry to the benefit of those in the U.S. who would benefit from these kinds of changes.

The NDP is not the only one making these statements. Michael Geist, a renowned technology commentator, put it very succinctly when he wrote:

The foundational principle of the new bill remains that anytime a digital lock is used - whether on books, movies, music, or electronic devices - the lock trumps virtually all other rights.

When we actually listen to that and really understand what that means, all the rights the legislation would give in relaxation in some of the areas for educators, et cetera, and for satire, are then trumped as soon as this digital lock device is used. Therefore, in the long run, it would effectively take away the rights that the bill pretends to give in one part and then, through this lock, actually takes them all away.

There was also a comment made by the cultural industries. They say that the bill may be toxic to Canada's digital economy. During this very sensitive time, when the world economies seem to be teeter-tottering and we, in Canada, know we will suffer some of the echo effect of that, Canadians cannot afford to add toxicity to any one of our industries. That is a very strong signal being sent to us as the cultural group claims that the bill fails to ensure fair compensation for Canadian content.

That creates a great deal of concern for us, as Canadians. We value our Canadian culture, we value our Canadian artists and we celebrate when Canadians do well on the international stage. We have two Canadian book writers who are in London waiting to hear if they will get prestigious awards.

• (1535)

We celebrate when a Canadian makes it in the film industry. We celebrate when some of our theatre makes it out onto the world stage because we are proud to be Canadian. It is imperative for our children and our grandchildren that we safeguard and nurture Canadian content. Therefore, any message that we receive and any warning that we are creating an environment of toxicity for Canadian creativity should give every one of us in the House grave concern because, after all, we are members of Parliament for Canada and we value our Canadian heritage and our Canadian art, both domestically and internationally.

The Writers Guild of Canada also writes that it has a great deal of concern that the digital locks, at their best, will simply freeze current revenue streams for creators. What happens when we freeze revenue streams for creators? The creativity actually withers away because they then have to look for jobs that will put bread and butter on their tables. I urge the House to look at the bill and for the government to look at amendments that will not starve our artists away from their passion.

CIPPIC, also on the digital locks, says that wherever this has been tried it has proven to be a problem. It is urging the government to look for a fair balance between users, copyright owners and the needs of the creators.

Overall, there is not one group out there, except maybe some U.S. groups, that are saying that the system we have of the locks is good. I find that interesting in itself because usually when we put a lock on something we are closing the door. This actually does create a great deal of concern.

Geist also writes that this bill remains basically unchanged from a previous iteration of it and that it is the most inflexible, restrictive digital lock provision in the world. Why would we want to go down this road to kind of stranglehold the creativity among the artists across Canada?

Government Orders

It then leads one to beg the question as to why we are doing this. What is it that is driving us to do this? Once again, we know there has been a lot of pressure from the U.S. in a number of ways. We have Canadian organizations speaking against this but the government is sticking to this digital lock rule. Why? The answer, according to Geist, and I am beginning to agree with him, is that it seems to be that the digital lock rules are primarily about satisfying U.S. pressure, not Canadian public opinion. The U.S. pressure on Canada is not a secret, with the criticism of past bills and regular demands for action on copyright in return for progress on other board and trade issues. Surely we are not going to trade off our own creativity, our own heritage, in order to maybe have some talks on trade. Surely those talks should be had by two equal partners at a table looking for ways to improve trade and provisions.

When I look at some of the internal memos that have been brought to light, we see that Prime Minister Harper personally promised—

Some hon. members: Oh, oh!

Ms. Jinny Jogindera Sims: Sorry.

• (1540)

The Acting Speaker (Mr. Bruce Stanton): Order, please. I know the hon. member for Delta—Richmond East will want to refrain from using names. She has already apologized so we will carry on.

Ms. Jinny Jogindera Sims: I do apologize to my colleagues in the House, Mr. Speaker. Sometimes claiming newness does work, but I do apologize for that.

Our own Prime Minister personally promised U.S. President Bush in 2008 that Canada would pass copyright reforms. Former industry ministers raised the possibility of leaking an advance copy of the copyright bill to the U.S. Former industry ministers gave advice and encouraged the U.S. to pressure Canada by elevating us on its privacy watch list. Former heritage ministers caved to U.S. pressure by enacting an anti-camcorder bill despite departmental analysis that no changes to the law were needed. An official of the Privy Council Office leaked the contents of the mandate letters for the then prime minister's aide. Canada participated in a WTO complaint on copyright against China at the request of the U.S. despite the inability to amass credible evidence of harm against any Canadian interests.

After years of false starts, it is clear that the copyright bill will pass. The government has a majority. However, I appeal to the government and to the House to look at this and make it so that it appeals more to what Canadians need, what our Canadian creative talent needs, as well as our Canadian consumers.

As a teacher, I was pleased to see parts of the bill. I was pleased to see there was a bit of relaxation for educators. On the other hand, I wish there had been a bit more. I was then disturbed when I read that the material that students access will get destroyed within 30 days. When they finish a course they must shred whatever they have.

That made me think about what my history has been like. I know some members will be really wondering what planet I live on, but I do still have my high school notebooks and, believe it or not, I have actually used them when I was covering world history. We do not need to reinvent everything. In the same way, I still have many of the papers I wrote, including some of the research I did from my

university days. I do not have boxes of contents. It is all in one box neatly tucked away. However, those are the gems I have treasured over the years and, as a teacher, I have held on to those.

Here we are asking students to destroy things at the end of the course. However, a student who may want to retake the course in order to improve his or her marks, because GPAs drive everything these days, will have no documentation because it will have been destroyed. After 30 days apparently there will be a self-destruct motion, which I find absolutely fascinating.

We are a multicultural society and, as a multicultural society, we get bombarded with all kinds of media. I have an 84-year-old mother who is very fond of Bollywood productions. She purchases and watches those Bollywood productions. As I am looking this, I am thinking about the kind of restrictions this legislation would put on her as she tries to hang on to some kind of heritage and really enjoys watching a Bollywood movie when she cannot go for a walk. I hope there is nothing in the bill that would restrict my mother's ability to watch a movie more than once and then even play it when we visit her just so that she feels we are watching television some of the time, or at least what she watches. My mother is not the only person who could be impacted. Many communities will be impacted.

• (1545)

As I said earlier, there is an absolute need for us to modernize our copyright laws. They are outdated. They do not suit or address the serious concerns we have now or the advances we have made in technology.

In doing that, let us also ensure that we do not forget the rights of the creative talent that will seed a lot of those ventures that we are trying to copyright. As well, at a minimum, we need to address the lock and how that in itself affects not only revenue but could kill creative talent.

In a world that is so digital that once something is sent out by accident, one cannot recall it because it is all over the world, we have to be very careful as we move into this area of copyright.

I hope that members of government will take a serious look at the concerns raised and address some of those concerns through amendment.

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, I listened to hon. member speak and I believe her heart is in the right place, but some of the facts are missing in her argument.

Government Orders

When the bill was at committee in the previous Parliament, we heard from numerous groups that came forward: folks like Perrin Beatty from the Canadian Chamber of Commerce and John Manley from the Canadian Council of Chief Executives. We also heard from the entertainment software industry, of which Canada is one of the leaders globally in entertainment software, gaming software and so forth. We heard from the Canadian film industry and MusicCanada. Graham Henderson was here with Loreena McKennitt.

They did not get to give all of their testimony because we were cut short by a vote that was forced by the opposition members on that day. They would not extend the time to allow the witnesses at committee to speak their minds. However, they all spoke passionately in favour of the bill. One of the reasons is because the bill targets the wealth destroyers in this country.

Canada is a bit of a pariah. It may not be comfortable for some folks to hear that, but we have to pass the bill because we have wealth destroyers operating in this country like Pirate Bay and isoHunt. They want to take what is created by the artists in this country and give it away for free.

The bill would force that product back into the market. It would force people who want to consume a product to purchase it. Then the person who created it would get paid for it. What is so wrong with that?

Ms. Jinny Jogindera Sims: Mr. Speaker, none of us have too much of a problem in going after people who do illegal things and break the law. Absolutely, there should be punitive measures.

However, when we are looking at changing a copyright law to address the new world we live in with the new technologies, surely it behooves us to look at the impact of the bill, and not just on the software companies and the content owners who do make huge profits. Surely, at the same time, we have to look at protecting the rights of the creative talent without whom these software companies would not be able to make that kind of profit or be the wealth makers.

We are not saying that we should not make changes or modernize. We are saying that we should take a look at the impact of the lock system being proposed, and how it would limit and destroy creativity and force people out from working in this area.

I have to admit that I am delighted that my grandchildren love the piano and music. They see futures and a career, not at the selling end but at the creative end. I would hate to see us do anything to limit that. I see some problems with the bill.

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, this debate reminds me of something that my brother told me. He is a musician and music teacher. He told me that the training and education of musicians today, because of modern technology and the Internet, is radically different from what it was when he and I were growing up. The reason is that musicians are listening to a vastly greater amount of music and a much more varied collection of music than we did when we were growing up and learning to become musicians.

My question to the hon. member is in regard to the exemption for education. Does she think that the definition of education needs to be

made more precise or elaborated on more in the bill than it is at present?

• (1550)

Ms. Jinny Jogindera Sims: Mr. Speaker, I always think that the definition of education needs to be broadened because I believe everything we do in our life, in one way or another, is an education.

I do agree that when we are looking at the kind of education that young musicians and artists are going through today, it is in a very different world. Because it is happening in this new environment, we need to relax the rules a little bit, so that they can benefit from other artists' work and learn from it.

At the same time, as we are doing that, when we look at this bill, it actually further restricts the education definition.

[*Translation*]

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, I listened closely to the hon. member's speech, and she touched on a number of important points. The Conservative member said that authors need to be protected through punitive measures. I am wondering if the hon. member shares my belief that it would be much better to pay a levy on the new technology we are using. I am not talking about a tax, but a levy that would be paid at the time of purchase. This money would go to the creators.

When a composer writes a song that is then stolen by thousands of people, he gets no revenue, so he has no way of suing the thieves, the people who are stealing his work. That is the problem. It is easy to say that artists can just sue someone who steals their work, but they do not have the means to do that.

The easiest way to avoid the problem of massive legal costs would be to just collect a levy when someone buys a device that can record 1,000 or 2,000 songs. That would bring an element of fairness, as was the case with blank cassettes when everyone was recording songs on them. There was a levy of 50¢ or 60¢. Or it may have been 28¢; I do not remember the exact amount. This money was given to the creators. We could do the same thing with new electronic devices.

[*English*]

Ms. Jinny Jogindera Sims: Mr. Speaker, I absolutely believe that we need to find a way to ensure that artists receive fair compensation. How that can be achieved is a much bigger discussion than we can have here today.

With the system that is currently proposed, we actually have a real danger that consumers will be able to purchase content that they will not be able to use later on. So even if consumers buy something, there is no guarantee that they can continue using it for the purpose it was purchased.

Also, because the digital lock actually supersedes other rights guaranteed in the charter, an area that I actually really wanted to talk about before I ran out of time, it will impact our citizens with disabilities and that lack of ability could change the format of digital materials.

Government Orders

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, I would like to thank the member sitting behind me for her eloquent speech on this bill. Since the member is an educator, I would like her to comment on the fact that digital locks are going to exist on some of these discs and after five days they will be destroyed, and that course material used by long distance students will have to be destroyed after 30 days. I would like the member to comment on how she thinks long distance education is going to be affected by this bill?

• (1555)

Ms. Jinny Jogindera Sims: Mr. Speaker, I am always fascinated by the term “self-destruct”. It always reminds me of some science fiction movie I have watched over the years. However, it is a concern that within five days, the digital material will self-destruct, whatever that looks like.

My greater concern is the impact this would have on every day students, but more on distance education. Those who have been in the education field would know that distance education actually allows students to work at their own pace. When they are working at their own pace, we could imagine that some might finish an assignment in a couple of days while others might take longer. One student can finish a history 11 course in a semester, and another one can take three semesters.

In education we celebrate the fact that the students complete the course. This kind of limitation would put all kinds of barriers in the way, and once again, once the students have received this material, 30 days after the course they have to destroy everything.

Why would we be asking students who have learned material, who have gathered things together, to destroy it all after 30 days? Surely we want them to have ongoing learning. They may even read it in the bathroom a few years down the road, we never know.

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, I would inform you that I will be splitting my speaking time with my colleague from Québec.

Today we are talking about Bill C-11. Never has a name suited a bill less. This is not a bill about copyright, it is a bill about the denial of copyright. Coming from a Conservative government whose trademark is hate, fear and despair, this is not surprising. It is not surprising that this same government, which has cut international representation of artists, is again attacking people who advocate something other than hate, fear and despair.

With this bill, the Conservatives are giving the digital industry complete ownership of Canadian culture. It has all the rights, all the resources, and the financial sacrifices made for it. Canadian artists are no longer anything but foils. They are no longer entitled to any financial compensation for their works.

This evolution is taking place internationally. There are two trends. The American trend is to simply try to install technological locks to prevent copying, and give the owners of search engines or Internet sites the right to penalize people who violate their rights or have them sentenced to lengthy prison terms. The artists are the ones forgotten in this debate, because there are also effects on private copying in Canada. They are also totally ignored and deprived of the economic right to earn a living from their works. This bill gives the

owner of the Internet content complete power by controlling a lock. It also gives them all the rights in copies and the right to deprive artists, what was called private copying.

At the time, this was not a problem. There were vinyl records and cassettes. They were produced and sold by the unit. Artists received royalties on their works with each sale. When the compact disc and the computer arrived on the scene, there was a financial problem. Records, films and any artistic content could be copied. The response from the Canadian industry at the time was to add a levy for private copying to the price of a compact disc. That generated very substantial sums for Canadian artists—over \$60 million. But the technology has continued to evolve. We have seen the emergence of new digital devices like the iPod and the BlackBerry, which allow a work to be reproduced ad infinitum without necessarily having a physical medium like a CD.

For the first few years, we got around the problem by expanding private copying rights from CDs to all digital equipment. This allowed artists to continue receiving the same amount of money. Unfortunately, the legislation was not adapted in that respect, which meant that all of these private copying rights became obsolete. The owners of these rights were deprived of their revenues. For the industry, this meant the end. The music recording industry disappeared. Manufacturers do not produce records anymore. Artists now produce their recordings themselves. The large corporations provide only marketing and commercial support.

Sales have dropped considerably. Not only did these people lose all financial support, but they were told to simply accept it. Educational institutions were even told they had to give up their rights. It was left to artists themselves to pay for the rights of educational institutions to have artistic material.

• (1600)

The creation of these infamous digital locks, intended to prevent piracy, led to two major problems. The first has to do with consumers' rights. There is no guarantee that consumers will really get the artistic performance for which they have paid, to be able to put it on their computer, through the Internet. This basically depends on the capacity of the search engine, the website they are using, the links. It depends entirely on all of that.

The second problem has to do with artists' rights, copyright, which is completely absent from this bill. It has completely disappeared. It is no longer there. That is why Bill C-11 is not the Copyright Modernization Act, but rather an act to deny copyright. It cannot be called copyright if the individual who has produced or invented something derives no financial benefit. That person's work is being stolen and the government is letting it happen.

Government Orders

It is quite clear whose side this government has come down on when it comes to the new digital economy and the Canadian artistic community. Once again, the government has decided not to be Canadian. It has decided to favour foreigners at the expense of our economic rights and our cultural rights—because Canadian culture is also at stake. The Canadian economy is financially well off. Prosperous, according to reports. Unfortunately, it has been determined that this prosperity will not trickle down to the artistic community, that this community will be deprived, and that only foreigners will benefit from it. Canada is being stripped of a key part of its makeup: its culture. Culture has never been a strong suit of the Conservatives, nor of this particular government.

Need I remind you that this very same government slashed budgets for culture and is cutting the CBC budget, and that it continues to cut and cut deep. It even presided over the demise of grants for international representation. The government hates everything to do with culture. It is an area over which you have no control, and that which you do not control, you usually do away with. That much does not change. Once again, you are attempting to do away with something that you do not like, that you do not control, that is not there to serve you, that does not fit in with your philosophy on wealth creation. It is as if creating something, creating a cultural asset, is not in and of itself important. You do not give it an economic value. You do not assign it a monetary value.

The problem is that, as a consequence, the Conservative government is robbing Canada of its soul. It has deliberately decided to do away with everything that artists need. What do you expect them to do? How do you expect them to live with no income? These people should still have a right to earn income for what they have created, but you have decided to steal from them legally. Because that is what it is, theft.

• (1605)

[English]

The Acting Speaker (Mr. Bruce Stanton): I remind hon. members to direct their comments to the Chair.

Questions and comments, the hon. Parliamentary Secretary to the Prime Minister.

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, it would be so helpful if before members rose to speak to a bill they would actually do some work to understand the issue at hand. The member went off on a complete tangent talking about how this is an attack on artists. What complete nonsense. Does the member know what is an attack on artists? The fact that wealth destroyers like isoHunt and Pirate Bay allow people to copy works by artists as much as they want onto their hard drives and never pay a dime for it. That is an attack on artists.

What is the member's solution for it? This is what he is not saying because he is speaking in code. He is saying that we should put in place an iPod tax. Why does he not just come out and say that an iPod tax is what he wants, instead of talking in tangential comments that do not even make sense? Nobody at home even understood what he said.

This is not an attack on artists. This is a support for artists. It is a support for industry. That is what the Chamber of Commerce said.

That is what Music Canada said. That is what the Canadian television and film industry said. They said that this will create jobs and investment. That is what the member stands against.

[Translation]

Mr. Alain Giguère: Mr. Speaker, the right to private copying is not a tax; it is a levy. Our Conservative friends make this type of mistake, and they also make the mistake of confusing taxes with savings. This is similar to the debate on pension funds, which they consider to be a tax. They confuse savings and taxes. Now again, they are confusing the money levied through private copying with taxes.

Here is the problem. The hon. member can present this however he would like but, basically, it is a well known fact that some people will have money and some will not. It is the artists who will not.

[English]

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, the bill eliminates a multi-million dollar revenue stream for artists by eliminating ephemeral rights. There is no plan for a revenue stream to help artists adjust to that.

I was wondering how the member might propose amending this legislation to take care of that issue.

[Translation]

Mr. Alain Giguère: Mr. Speaker, with regard to private copying, if I am not mistaken—the hon. member can correct me if I am wrong—for two years, we had the right to put a levy on digital equipment, and people made money. We are talking about approximately \$60 million. This allowed artists to keep their heads above water. However, this amount keeps falling, keeps dropping. That is why the legislation must be amended to include a private copying levy on all digital electronics. A levy. It is quite normal for equipment used to distribute an artistic work to include a levy, a copyright payment for the artist providing the content. An empty iPod is worthless. It is the content that makes an iPod valuable.

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Mr. Speaker, I would like to thank the hon. member for his wonderful speech, which was so heartfelt and passionate. We, on this side of the House, have always been open and we remain so today. That is how the NDP works, by reaching out.

I was wondering if the hon. member could give us one example of a change he sees as necessary for this bill.

• (1610)

Mr. Alain Giguère: Mr. Speaker, with all due respect for the hon. member, I would say that the first thing that should be done with this bill is to put it in the garbage. This bill is terrible, right down to its spirit and essence. It does not respect artists; it respects owners of communications sites. That is the main issue. This bill is fundamentally biased. There is not a single clause in this bill that is good. The very spirit of its content is flawed. This bill should be rewritten. I said at the beginning that this bill is about denying copyright. The reverse is not true.

Government Orders

Ms. Annick Papillon (Québec, NDP): Mr. Speaker, it is my pleasure to speak today to Bill C-11, An Act to amend the Copyright Act, because this is an important bill whose purpose is to make changes that have been needed for a long time. Certainly this is a somewhat complex issue, since the last version of this act dates from 1997, and the technology has changed a lot since then.

Copyright is a sensitive thing, especially in the electronic age when file sharing and a plethora of content are available on the Internet. Consumers should not be able to download from illicit sources on line without having to pay. Reform of the Copyright Act was needed in order to provide greater protection for our creators. It is also essential to update the Canadian legislation, which is several years behind what is provided in international agreements.

While the government's intention to focus the battle against piracy on the big offenders is laudable, unfortunately, as my colleague said, Bill C-11 does not take into account the needs of the creators. With this bill, the Conservatives have intentionally avoided addressing the question of a possible expansion of the private copying exception, a measure that has been proposed by the NDP and a number of experts.

In Bill C-11 the Conservative government has brought us back exactly the same content as Bill C-32, which had already been severely criticized by the arts community. Bill C-11, unfortunately, does not achieve the balance that is needed between the rights of creators and the rights of the public. In spite of the fact that a number of artists, experts and spokespeople have addressed the parliamentary committee on this in recent months, the government is once again proposing a bill on which there is no unanimity.

And so the Conservatives have ignored the opinion of the experts heard in committee and the conclusions from their own copyright consultations in 2009. The result is that they have brought in a bill that could do more harm than good, and that is why we need to understand it clearly. We can therefore say that although a number of worthwhile proposals have been made and although there is a will on the part of politicians to work together to achieve a fair bill, the government has continued to turn a deaf ear to those proposals.

The National Assembly of Quebec has unanimously denounced this legislation, which does not ensure that Quebec creators receive full recognition of their rights and an income that reflects the value of their creations. In addition, on November 30 of last year, 100 Quebec artists, including Luc Plamondon, Robert Charlebois, Michel Rivard and Richard Séguin, travelled to Ottawa to tell the Minister of Heritage and Official Languages, the Minister of Industry and the entire Conservative caucus that they did not want the copyright bill in the form the government is stubbornly presenting.

Bill C-11 favours the big players in the creative world. Unfortunately, the small artists and artisans are not as lucky. What Bill C-11 does is to attack artisans' copyright directly, and in so doing it contributes to destabilizing the low incomes of Canadian artists. An example of the revenue that minor creators will soon have to forego is the tens of millions of dollars now paid to authors annually by the education system. From now on, the education system will be able to use our authors' works without having to pay compensation. Certainly the NDP supports the use of these works for

educational purposes, but it believes that this should not be done at the expense of the creators.

Nor does Bill C-11 provide for any compensation for downloading to an iPod. A solution suggested by many, to impose a \$2 to \$5 levy on iPods and other portable digital players has been dismissed by the government, once again at the expense of creators. Nor does this bill contain any provision in relation to Internet service providers obligating them to pay fees for music downloaded through their networks. The government is simply calling on providers to be partners in the fight against piracy by forcing them to take receipt of copyright violation notices issued by creators and the organizations that manage their rights.

• (1615)

Another controversial point in this bill has to do with digital locks. Under this provision, it will be illegal, for example, for a consumer to break the digital lock installed on a DVD that the consumer has purchased, just to copy it onto a personal computer. That could become particularly problematic when locks are installed on educational material.

Artists do not benefit because they are deprived of millions of dollars in levies, and students do not benefit because they will have trouble accessing the educational materials they need. Certain copyright owners, the big companies, will benefit.

The Copyright Modernization Act gives with one hand and takes away with the other. Even though the bill contains certain concessions for consumers, these are undermined by the government's refusal to compromise when it comes to the most controversial copyright issue in this country, the digital lock.

When it comes to distance education, for example, the provisions in the new bill mean that people living in a remote community will have to burn their class notes 30 days after downloading them. That is not an improvement on the current situation and it is not an appropriate use of the copyright regulations.

In summary, it appears that all efforts to reform the Copyright Act in Canada in recent years have had very little impact on the creation of a balanced system between the rights of creators and those of the public. One only need look at the demands made by the big content owners in the U.S. to see whom this bill will really benefit. It is a valid question: have the Conservatives forsaken Canadians at the expense of copyright interests in the United States?

Recent documents published by WikiLeaks clearly show that the Conservatives have acted against Canada's interests. The documents paint a dismal picture of the Conservatives who have conspired with the Americans in order to force the adoption of copyright legislation similar to that in the United States.

New documents reveal that the government encouraged the United States to put Canada on their piracy watch list in order to pressure Parliament to pass new legislation that would weaken the rights of Canadian consumers.

Business of the House

In the words of the NDP critic for copyright and digital issues, Charlie Angus, “The U.S. Piracy List is supposed to be reserved for—”

The Acting Speaker (Mr. Bruce Stanton): Order, please. I would like to remind the hon. member that it is not appropriate to mention a member's name. She should instead refer to his riding. That is preferable.

The hon. member for Québec has the floor.

Ms. Annick Papillon: Mr. Speaker, I am sorry. I was speaking about the hon. member for Timmins—James Bay, who said:

The U.S. Piracy List is supposed to be reserved for countries on the margin of international law. Instead it is being used as a bully tool to undermine Canada's international trade reputation.

If the Conservatives are prepared to use their majority to impose this legislation without amendments, Canadians will be deeply disappointed by a government that would ram through a bill that lacks balance and takes away some rights from Canadian authors and creators.

The NDP believes that it is high time to update the Copyright Act but that Bill C-11 has too many obvious problems. We will therefore work on amending the bill so that it better reflects the interests of Canadians. For that reason we are proposing, among other things, to delete from the copyright modernization bill the clauses that criminalize the removal of digital locks for personal, non-commercial purposes. Furthermore, we support shorter sentences for those found guilty of violating the Copyright Act because this would prevent the excessive recourse to litigation against individuals, a situation that is problematic in the United States.

• (1620)

[*English*]

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, Bill C-11 is written entirely technological neutral and that is important.

The member discussed a few items. I believe she touched a little on the issue of royalties and so forth. We refer to that as an iPod tax, the copying levy that her party endorses.

Part of the problem with the position of the members opposite on this and the reason why digital locks are so important is because storage of music, movies and so forth will not actually be on devices like this anymore. People will not buy them on cassettes, DVDs or CDs. I am sure members have heard of the iCloud that Apple has just launched. I am sure we have seen things like Rogers On Demand, Cogeco On Demand and Shaw On Demand. People just push the button and they have an inventory of movies.

Digital locks are absolutely imperative to be put in place so that material cannot be stolen, so that the rights holder, which is not Rogers or Shaw in most cases, is actually protected and paid for the use of that material.

That is why it is important. It is a business solution.

[*Translation*]

Ms. Annick Papillon: Mr. Speaker, I thank my colleague opposite for the question.

I would like to ask him the following: if it is neutral, as he claims, why do more than 80 arts and culture organizations in Quebec and the rest of the country say that the bill is toxic? They say it is “toxic to Canada's digital economy.” And how can he ignore all the economic benefits of the arts and culture?

In addition, as the member for Québec, I can attest to the extent to which all levels of government usually agree. I deplore the fact that the federal government does not currently recognize that investing in culture is a good way to contribute to the economy, which is important right now.

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, to learn to write, one has to read the works of the great writers. To learn to play music, one must listen to the performances of the great musicians.

[*English*]

The next generation of artists is in a really special position with technology that is available. It allows artists to immerse themselves in what has come before them and what people in other parts of the world do.

It concerns me a bit that education has not been clearly defined in the exemptions in the legislation. Would my hon. colleague agree with that and does there need to be a more careful definition of education in the legislation?

[*Translation*]

Ms. Annick Papillon: Mr. Speaker, I agree and I thank my colleague for his question and his heartfelt introduction.

Indeed, a number of things do not add up in this bill. The notion of education is very poorly defined. That is why, like my colleagues, I think we must absolutely amend this bill and make some major changes, if not completely take an axe to it. The artistic community has spoken out against this bill.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I congratulate my colleague on her speech and would like to quickly ask her what consequences digital locks would have on the industry.

• (1625)

Ms. Annick Papillon: Mr. Speaker, I think that digital locks would have some very serious consequences. They are the key point of the bill. I think there are many other elements like that in Bill C-11 that could cause problems.

* * *

[*English*]

BUSINESS OF THE HOUSE

Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC): Mr. Speaker, there have been consultations on the following motion. I move:

Government Orders

That, notwithstanding any Standing Order or usual practices of the House, when the House begins proceedings under the provision of Standing Order 53.1 today, no quorum calls, requests for unanimous consent or dilatory motion shall be received by the Speaker and; any member rising to speak during debate may indicate to the Speaker that he or she will be dividing his or her time with another member.

The Acting Speaker (Mr. Bruce Stanton): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.
(Motion agreed to)

* * *

COPYRIGHT MODERNIZATION ACT

The House resumed consideration of the motion that Bill C-11, An Act to amend the Copyright Act, be read the second time and referred to a committee, and of the amendment.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I welcome the opportunity to speak on Bill C-11, a bill that I understand has a bit of a history in the chamber. I can appreciate that at times the government is frustrated because it does not necessarily get what it wants.

In previous minority governments, the Conservatives attempted to pass legislation of a similar nature, almost a word-for-word bill, but because of the frustrations of not being successful in getting it passed, we once again have Bill C-11 before us, the same bill with a different number.

I would suggest that many of the concerns that were expressed over the last number of months and beyond still exist today and I would encourage the government to open its mind as to what types of amendments would make the bill a healthier one. At the end of the day, even though Liberals have moved an amendment to deal with the bill, we recognize that there is value to ensuring that we have copyright laws that are fair and balanced.

We recognize the importance of the individuals who create our music and other aspects of our culture and we want to encourage the industry. As has been pointed out by many, our cultural community provides a huge economic benefit for all Canadians. We need to do what we can as legislators to protect and encourage that industry and to ensure that it is going to be able to not only continue but grow and prosper. When that industry grows and prospers, we will see more jobs being created and the overall lifestyle in Canada being improved on many different fronts.

We recognize the value of artists and others and recognize how important it is for us to be there in a very real and tangible way, but we also value the importance of the consumer. We want to ensure that consumers' rights are in fact protected. This provides me the opportunity to share with the House some of the concerns I have with regard to that particular issue.

My biggest concern is the whole concept of the digital lock provisions in the legislation. I must admit that I am somewhat dated, in the sense that I can still recall the good old eight-tracks and record players. People went to Kmart or Zellers and bought blank cassettes. They had music at home on the record player and they recorded the music that they, or maybe even their parents, had purchased from the store. They recorded it on cassette so they could continue to enjoy

that music on a trip in the car, believing that they had acquired the song they wanted to listen to.

I recall hanging around with my buddies and talking about the fact that we had to buy records for x number of dollars just to get one or two songs that we liked. We ended up buying five or six records and put all our favourite songs on one cassette, and there was never any feeling that we were pirating anything or that it was an illegal act.

The vast majority of consumers want to do the right thing. Consumers are responsible individuals and contributors to our communities, and they recognize how important it is that we protect our artists.

• (1630)

Quite often when we think of artists, we think of big name artists, and there is a bit of resentment toward them. Some would look at the late Michael Jackson and ask themselves just much money this guy really needs and the type of royalties that one would pay. There might not be as much sympathy for big name artists, but we still have to protect artists through copyright laws.

A vast majority of the artists are not multi-millionaires. They are hard-working Canadians who have sacrificed their time, energy, thoughts and ideas. Maybe they rented a recording studio and put together a CD. Now they are hoping to make enough money from that CD to recover their costs, and if they can make a little extra, they are very grateful.

In Winnipeg we have a wonderful annual event known as Folklorama. I suspect a number of my colleagues in the House will be familiar with it, and I would recommend that all members visit Winnipeg during a Folklorama and become familiar with it. They would witness a litany of those types of artists who are so committed to making events like Folklorama work and who are so committed to what they do that they sacrifice a great portion of their energy and their time in order to produce that contribution to our culture.

One individual at the Indian and Métis Friendship Centre on Robinson Street in Winnipeg North—I believe his name was Lavallee—played the violin and performed a jig, which is a wonderful fancy dance I hope to be able to perform someday myself. This artist lives in a modest apartment in Tyndall Park. I did not ask him how much he was making or what the proceeds were on his CD, but he sure was proud of it. He felt it was right on, and good quality. At the end of the day, after the audience had been able to listen and hear this man playing live on stage and after the concert was over, he stood by the door selling his CDs.

I enjoyed the performance. I was pleased to meet him, shook his hand, and said I would love to buy the CD. I did not purchase the CD because I wanted to go home and listen to the music right away, but because I wanted to support a young artist and saw the benefits of doing that.

Government Orders

I would argue that there are tens of thousands of Canadians who would do likewise, because we get an appreciation of the artists' efforts. In many ways we are talking about our sons or daughters who are in this line of work or engaged in this creativity, and I suspect we would find a great deal of support, but when I look at the legislation, I see that the government seems to be determined that it has it right and it does not really matter what the opposition has to say: it will go to committee, where it has a majority, and pass it the way it is.

• (1635)

I do not make that assertion lightly. I was listening to some of the speeches earlier, and we hear that there were literally hundreds of people, if not thousands, who provided feedback to the government with regard to the legislation. They provided ideas that could have made it a better piece of legislation, yet the government, for whatever reason I am not sure, has made a determination that what it has is as good as it is going to get and that they are really not open to any changes or amendments.

That is why I believe the responsible thing for the Liberal Party to do was to bring forward this recent amendment. We want to see balance when it comes to copyright rules and laws. It is important that it be balanced, and the government has not recognized or acknowledged that.

I will give an example. If my daughter were here, she would be able to tell us anything we wanted to know about iPods. It is amazing what young people can do with one hand with these little items. From pictures to music and videos, the technology is incredible. Should not my daughter or millions of other Canadians who purchase an item in digital format, such as a song, have the right to use that purchase in different ways, as long as it is for personal reasons?

I am not going to suggest that my daughter or anyone else should be able to buy a song and download it onto the computer and send it out to two million Canadians. That would not be appropriate.

What would be appropriate? She has a cell telephone. She has an iPod. She has one of these iMac computers. Should she be obligated to buy one copy for each? I'm not entirely convinced that should be the case.

I would look to members to tell me if I was wrong when, in those younger teenaged years, I acquired records that I enjoyed and would pick and choose songs from each record and record them onto a blank cassette so that I could listen to the cassette with all of my favourite songs on it. Was that wrong? I do not believe it was.

When we require such things as digital locks, there are impacts. I have DVDs. We all have DVD movies. I have some VHS movies that have digital locks. There are some movies that I really enjoy, and quite often I will put on such a movie in the background while I work on my laptop doing constituency work or whatever else it might be. The movie is playing in the background, but DVDs get scratched up and VHS tapes get worn. Should I not be able to back up the material that I purchased? Do I not have the right to do that?

These are very real question marks. They are there today with regard to the proposed legislation.

• (1640)

We have to ask if this is the type of legislation we should be moving forward. We have to keep in mind that because there is a majority government, no matter what we hear in committee, all indications are that the government is determined to pass the bill the way it is. The government is not really open to amendments.

If we are trying to address genuine, bona fide concerns in the second reading debate, one can understand why the Liberal Party is suggesting that we pass the reasoned amendment. If government members were to stand and say they are prepared to listen and act on some of the concerns being expressed by opposition members, there might be the will to pull the reasoned amendment. There would have to be a clear indication from government members that they would accept some amendments or amend the bill themselves. I have participated in majority governments in Manitoba. Many amendments that originated from the opposition were passed. If an amendment would make the legislation better, why would the government not at least approach it with an open mind?

One of the more appropriate ways to do that would be for a government minister to approach the critics. There should be briefings for the critics to explain what it is the government hopes to do with the legislation. The critics could take that information to members in their caucus. The issues could be debated to see if there could be some changes. We should invite stakeholders outside Parliament to voice their concerns and if, through that consultation process and through the work of the critics and ministerial staff, there are some amendments that would make a better piece of legislation, we should be prepared to accept them.

I have heard other concerns. I do not know how extreme it is, but will students be obligated to get rid of their homework after a certain amount of time? To be honest, I have not had the chance to read every detail in the bill, but a lot of red flags go up the pole when I hear a member of the opposition say that after a certain number of days a student might have to shred the notes that were taken in class. That is worthy of more discussion.

Let us see what sort of amendments might come up. I look forward to the bill going to committee. I look forward to seeing how the government will respond to amendments put forward by the New Democratic Party or the Liberal Party.

One of the benefits of allowing for debate on the bill is that individuals such as myself can get up and express their concerns. Some members are very specific in their concerns. The government has the responsibility to digest what is being said. The government itself can bring in amendments at committee stage. Imagine the goodwill that would be shown if the government were to identify some of those concerns.

I suspect that if we were to check with most Canadians, a number of the concerns that have been raised this afternoon on this bill are quite legitimate. They are definitely worth looking into to see if things can be done to make the bill better. If the government is not prepared to do that, the best thing we could do is go back to the drawing board. Let us look at the reasoned amendment that has been proposed by my colleague.

Government Orders

•(1645)

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, the hon. member was elected toward the end of the last Parliament and as such he may not have followed what went on at the committee. We were hearing from witnesses but unfortunately the time was restricted by the opposition parties. We wanted to meet as much as possible, get through the witness list as quickly as possible and get to the consideration of potential amendments, when opposition parties could have brought forward any amendments they had. We had some great suggestions from a number of the witnesses who brought forward some very specific technical amendments which I think should get some consideration at the committee. I hope to participate in the committee that undertakes the review of this bill, following the committee's consideration, when we get to final consideration of the bill.

There is something I want to ask the member very specifically on the bill. I think he understands the need to pass this bill. I think the Liberal Party largely understands the importance of passing this legislation. John Manley came before our committee. He is a former Liberal industry minister who actually worked on amendments to the bill. I have some sage advice for all members: there is no such thing as a perfect copyright bill; there are too many competing interests. John Manley said not to throw out the good in pursuit of the perfect.

Does the member agree with that?

Mr. Kevin Lamoureux: Mr. Speaker, I appreciate the member's comment. I assure the member that I could find Conservatives who believe in the Canadian Wheat Board. He points to an example and says that John Manley said that for the most part the legislation is good and we should pass the bill. At the end of the day, if we can make the bill better, why would we not make it better? The member agrees with me on that point.

The bill will go into committee. Unfortunately, I will not be on that committee. I will be around after the bill exits committee and it will be interesting to see to what degree the opposition parties were responsible in bringing forward amendments and to what degree the government was responsible in terms of approaching those amendments with an open mind or bringing forward amendments too.

I have never been a big fan of any form of closure, but I am an optimist and we will just have to wait and see what happens.

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, copyright is an incredibly complicated topic. It is very difficult to craft the right balance between consumer access and protecting the rights of creators. However, there is a very real concern that digital locks as would be allowed through this bill would not allow consumers full access to content they have paid for. At the same time, artists who generate more than \$1 billion of revenue to our economy and the average artists who make less than \$13,000 a year would not be fully compensated for their creative work on which this content relies. This bill could wipe away millions of dollars in revenue that artists ought to be entitled to.

In spite of the fact that the Liberal Party supported digital locks in a previous version of this bill, is the member now saying that his

party supports amending the bill and that the Liberals will not be supporting it unless these amendments are incorporated?

•(1650)

Mr. Kevin Lamoureux: Mr. Speaker, I appreciate the concern that has been raised by the member. I spent a great deal of my time talking about how important it is that we support the industry. Ultimately we could talk about the consumer, but the biggest stakeholders are the local artists. I made reference to one who happened to live in my constituency.

I can assure the member that the Liberal Party supports the industry. We believe it is important that there be balance. That is something which we will fight for here on the floor of the House and in committee. We believe there is a need to improve this legislation. As it currently stands, it is not good enough.

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, I had the privilege of being on the legislative committee that looked at Bill C-32, the predecessor to Bill C-11. I met with the 132 witnesses and saw the hundreds of written submissions.

I would say that Bill C-11 has a lot of very good and very important things in it. I also feel there were some very good things that were presented by the witnesses representing all sides: the stakeholders, the industry, the artists, as well as the consumers.

What bothered me was that when Bill C-11 was brought forward very recently, it had absolutely no changes in it whatsoever. The Minister of Canadian Heritage said this morning that was done out of respect for the people who had spoken previously. I do not really understand what that means.

Does the member for Winnipeg North share my concern that perhaps we are going through a charade in terms of an exercise here? Nothing was changed between Bill C-32 and Bill C-11, so in the end we are going to end up going through a voting process that will make Bill C-11 the law with absolutely no changes, never mind how many witnesses came and spoke or how many written submissions were presented.

Mr. Kevin Lamoureux: Mr. Speaker, that is a valid concern. That was a good part of the presentation that I was hoping to make.

All members in the House will talk about the importance of copyright laws. Within the Liberal Party we will talk about the importance of the industry. I suspect most parties might have a different slant on it, but at the end of the day members want to see balance. The best way to achieve that balance, we believe, is to have listened to some of those 132 presenters and the hundreds of individuals who provided advice on the issue. The government has not necessarily shown that it has done that.

Again, we will wait and see once the bill reaches committee stage. That will be a wonderful opportunity for members of the government to demonstrate to what degree they are listening, whether it was to those who presented before or hopefully to those who were not able to present but might get the chance to present when this bill goes to committee.

Government Orders

Hopefully the government not only will listen but will act on amendments. I look forward to the bill's ultimate return from committee. If the reasoned amendment does not pass, I do not want to predict what is going to take place in this chamber.

• (1655)

Mr. Dean Del Mastro: Mr. Speaker, I want to address the issue of whether or not the government is listening. I want to speak about the genesis of this bill, the former Bill C-32.

The government undertook a process where we consulted broadly in major cities right across the country. We had a consultation in Peterborough, where folks came in from Toronto and other places throughout Ontario, but also in Toronto and major centres right across the country. We also received some 8,000 written submissions on the bill and considered them all.

I would hazard to say there is not a single group that has either appeared before the previous committee or in fact had interest in appearing that we did not consider its request and see some of what it was seeking to have addressed in the bill addressed.

Mr. Kevin Lamoureux: Mr. Speaker, as much as I want to give the member the benefit of the doubt, we have to recognize that between the two bills not one change was made, not even a comma.

We will have to wait and see what happens.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, I will be sharing my time with the member for Shefford.

I stand to speak to Bill C-11, the copyright modernization act, an act that would bring long overdue changes in Canadian copyright law and help us catch up with technological changes and with changes in international standards.

On the face, this is not a riveting topic for most of the public, but, when we go below the surface, it gets even more complex and we find law that even copyright lawyers have trouble understanding. This is an act of great importance to my constituents and to consumers who worry that once they have paid for content they will be unable to do things that they regularly do now, such as back it up, time shift it, shift the content from iPhones to MP3 players or to laptops. They are worried that these things, which have become routine in their daily lives, will be subject to penalties under the law.

It is also important for the creative industries in my riding which play an enormous role in the economy of greater Victoria, both as a part of our culture and being able to know who we are as a community, but also as a part of our vibrant tourist industry and as a job creator.

A study done by the Capital Regional District in 2010 showed that the economic activity of the arts and cultural sector in greater Victoria was worth more than \$170 million in net income and that it employed more than 5,400 people. This includes well-established groups like the Victoria Symphony, now in its 29th season and a relatively new kid on the block, and the Sooke Philharmonic Orchestra, which was founded in 1997 in the rural part of my riding.

It includes companies like Ballet Victoria, which has been operating very successfully since 2002, and the Canadian Pacific Ballet, which was founded in 2008. It includes probably the longest running community theatre, certainly in British Columbia I think, the

Langham Court Theatre, which has been operating since 1929, and the Belfry Theatre, which has been putting on plays since 1980, including premiering more than 158 Canadian productions. It also includes the small theatre company called Intrepid Theatre, which is the group that puts on what is called the Uno Fest for single performer productions and the Fringe Festival since 1986.

It also includes established visual artists, like Robert Bateman, who has just donated \$11 million of his work to the Royal Roads University in my riding, and other well-known artists, like my own personal favourite and friend, Phyllis Serota.

In music, it includes national artists, like Nelly Furtado, who come from Victoria, and again, a personal favourite of mine, Children of Celebrities, who some have described as old guys playing enviro-cowboy lounge music. It also includes a lot of new young bands: the Racoons, the Rocky Mountain Rebel Music, Pocket Kings, the Mindil Beach Markets and We Are The City.

Why am I listing all those groups? Those are all groups that are very much concerned about the reform to the Copyright Act and who believe that this needs to take place soon. What they are looking for is a balanced act that will balance the rights of creators, like themselves, to have an income stream from their product, with the rights of consumers who want to be able to purchase that material.

It is also a concern for the very large number of students and faculty members in my riding and in greater Victoria where we have more than 36,000 post-secondary students attending the University of Victoria, Camosun College and Royal Roads University.

In addition, we have new industries in the software area. One particularly famous one is producing online gaming software. Others are working in video games and other software in the computer industry. They are all very much concerned about the same thing, that they will have a constant and secure revenue stream from their creative work, but also that consumers get a fair deal so they will want to purchase their materials.

There is no doubt that we have a need for this new copyright legislation, one that protects intellectual property and one that does so in a way that ensures an income stream for those producers. We also need to ensure that we do not disrupt existing income streams for those working in the creative industries. One of the fears that we have about this bill in its current form is that it may inadvertently threaten the incomes of artists and other creative industry workers. This is critical in a country where the average artist in 2009-10, as my colleague mentioned earlier, earned just under \$13,000 a year.

Government Orders

● (1700)

We need to ensure that the revenues generated by new platforms actually flow to the creators of that material and not just to the big media companies, the big movie producers or the big record companies. Those who actually do the creative work need an income stream to continue to do so. We need a balance that ensures the right of creators to be compensated fairly for their work and the right of consumers to have access to the copyrighted material.

I do want the reform to go forward but not as the bill is currently drafted. Like other New Democrats, I will support moving this forward to committee to try to get the needed attention to the flaws in the bill.

A major concern we have on this side is with the digital lock provisions in the bill. As many have mentioned, if the bill goes forward in its present form, Canada will have the most stringent set of digital lock provisions in the entire world. These provisions would include punitive fines of up to \$1 million and 5 years in jail for removing digital locks. If we are going to have penalties like this, I would like to see amendments to ensure they actually apply to the pirates who the members on the other side like to point to and not to the ordinary consumer or, particularly, those with disabilities who quite often must have material shifted from one platform to another in order to make use of it.

In amending the bill, we need to ensure that those penalties fall on those who are trying to steal the copyrighted material and not on those who are simply trying to use it in ways that we have all become accustomed to in the new digital world.

We also need to ensure that we preserve the concept of fair dealing for journalist. I think that will take extensive amendments to the bill. As I mentioned, for those with disabilities, we need to ensure exemptions are provided for them, particularly for those with visual handicaps who will need an exception from some of the digital lock provisions in the bill.

We also need to ensure that we preserve exemptions for education. I spent 20 years teaching in a post-secondary institution. I am concerned when I see a provision that says that copies produced for educational use will have to self-destroy in five days. I spent 20 years trying to convince my students to start their projects earlier than five days before they were due. Five days is a timeframe that simply does not fit with the kind of work students need to do in their academic careers. We need to ensure, particularly for those who make use of distance education, that they can maintain and use those materials longer than 30 days. This is particularly important in more remote and rural areas where distance education is sometimes the only alternative people have.

Although I am from Esquimalt—Juan de Fuca and I talk about greater Victoria, a lot of people at the end of my riding are two and a half hours from downtown. There are people who lack public transit to get into town or get to educational facilities, particularly those who live on reserves in the rural part of my riding. They need the distance education. They need the alternative delivery methods. We need to ensure there are exemptions in the act to protect their access to education.

The New Democrats do not stand alone in our concerns about the details of the act. Experts like Michael Geist and Howard Knopf are both critics of these very strong digital law provisions. We have had more than 80 arts and cultural organizations express their concern about fair compensation for artists. We have had concerns expressed by the Writers Guild of Canada and the Society of Composers, Authors and Music Publishers.

When we come to consider the bill after second reading, I would ask all members to join us at the committee stage in standing up for artists to ensure their income stream continues, for students to ensure they have access to the materials they need for their education and for consumers to ensure they can use material they have already paid for in ways that are non-threatening to producers.

We need to ensure the benefits of the copyright reform flow to the actual creative artists, students and consumers, not just to the major U.S. media companies, the big movie studios and big recording companies. We need to ensure this is a copyright act that benefits ordinary Canadians and those who work hard in our creative industries every day to make this a brighter and better country where we understand each other better through the medium of arts and culture.

● (1705)

[*Translation*]

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Mr. Speaker, I would like to ask my colleague whether he thinks that this bill will protect creators and artists the same way Bill C-13 will protect refugees by taking away their means of integrating into society and being productive.

Something like a tablet has no value without any content from creators. If people are not protected and compensated for their work, I do not see how our society will be able to advance.

[*English*]

Mr. Randall Garrison: Mr. Speaker, my colleague raises the very good point that I was alluding to at the end of my speech. It is the arts and culture industries that help us understand ourselves as a society. It is the arts and culture industries that help us look at the social problems that we face and find ways to live together better.

We need to be very careful in amending this Copyright Act that we do not undermine the existing income streams of the arts and culture industries, but that, instead, we reform the act in ways that will help them earn additional income and make them more secure in the future so they can continue that important work which helps us understand ourselves better.

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, could the member for Esquimalt—Juan de Fuca tell us a little bit about some specific amendments that he would propose that would help improve the income stream to artists?

My brother is an underemployed musician.

Government Orders

Mr. Randall Garrison: Mr. Speaker, in second reading, we are talking about the principles of the bill. Therefore, what we are talking about here is the need to catch up with technology and ensure that one of the very positive things in the bill says that we will review it every five years to ensure we keep up with technological change.

The concept I really want to talk about is that income stream and ensuring it flows to the artists and the actual producers and not to the major multinational corporations.

The concept of digital locks that is in the bill is one that really does not help the original producer. It only protects those big distributors who probably already undervalued that content and allows them to protect their huge profits at the same time, when most of the artists receive very little in terms of income for their work.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the member for Esquimalt—Juan de Fuca has been involved in the educational sector for some time.

What we have is a badly botched bill from the government, and one of the botched aspects of the bill is the 30 day retroactive book burning of textbooks.

How does the member feel his students would react when their textbooks, which they received electronically, are burned retroactively after 30 days?

Mr. Randall Garrison: Mr. Speaker, one of the things I observed over the last few years with my students is that many of them could not afford to buy hard copies of textbooks. They are looking for new ways with lower costs to try to access educational materials.

I taught in the area of Canadian criminal justice and, as instructors we all know that textbook costs are extremely high for the hard copies. Students really need those alternative ways of accessing information. They need those books for a semester, not 30 days, and they probably need them for longer than that because most of the courses in the program that I taught build on each other and, therefore, students will want to keep those previous resources so they can do better in the next class they are taking. They are not using them to profit. They are not selling them on to somebody else.

Like my previous colleague from Newton—North Delta, who still has her notes in a box in the basement, they will probably keep these materials for a very long time and continue to use them as they launch into their professional careers.

This 30 day retroactive book burning is a very pernicious part of the bill. I hope at the committee stage we can remove that provision.

• (1710)

[*Translation*]

Mr. Réjean Genest (Shefford, NDP): Mr. Speaker, I am pleased to rise in the House to speak about this bill.

This is an opportunity for me to wear several hats: I am a member of the House of Commons and an author. My occupation as a gardener led to me write several books on the subject.

I would like to say that the work of an author requires perseverance, discipline, determination and confidence. It is mostly

solitary work. There is so much work to do that a book like mine can take three or four years to be published.

Copyright is a way of expressing respect for the author. Once again, I do not see the rights of the author in this bill. There is talk of respect but I do not see dividends for authors. As a producer and an author, I created and produced over 500 episodes of a gardening show on community television. For several years, I found it very enjoyable but that ended when my work was copied by others in both the format and the approach. There was nothing I could do. As an author, I created a gardening website of over 1,500 pages, which I have been maintaining since 1998. When you publish something on the Internet in French, you are speaking to the entire Francophonie. There too, my work was copied countless times and, as an author, I had no recourse.

In the government's bill, I do not see any possibility of recourse for authors or any way for authors to obtain payment from the party that copied their material. Various people will get a slap on the wrist but, in the end, the author's work has been copied and he or she has not been reimbursed. I know something about it. On the Internet, people often wrote to me to tell me that my pages had been copied and posted in various locations but I really could not do much about it. I even saw a world horticultural encyclopedia containing complete passages from my work. I had to exert pressure to have my work removed. As an author, I also had no recourse. In the bill, I see ways that the government could help an author to have recourse.

Authors earn a small income, often below minimum wage, but I do not see anything in the government's bill that would help an author whose work has been copied. There is a project in Quebec, somewhere in Montreal or elsewhere, that has been making headlines for years. Everyone knows that it was copied but nothing has been done. If the government wanted to take responsibility, it would find a way to make a system available to authors and legal experts whereby authors could be reimbursed by the parties who copy their work.

I am an author and I have written books, 10 of which are ready to be published. I am waiting to have the means to publish them, because the dividends paid to authors for the publication of books are between 5% and 10%, and they are paid out a year and a half later. In addition, nothing can be confirmed.

• (1715)

Personally, I plan to self-publish my books. Once again, the government has all kinds of legislation that helps publishing companies, but nothing that helps authors to self-publish. When will this government start taking care of authors and thinking like an author? Singers and people who record music were forced to create their own labels. Why is it that this government refuses to help people who want to self-publish? I do not understand.

Is there anything more logical and simple? We want to help people, but we want to penalize pirates and other offenders. Penalizing pirates will not help authors; it is a question of finding ways for authors to get what is owing to them.

Government Orders

Bill C-11 is identical to Bill C-32 from the previous Parliament. Artists from Quebec came here to Parliament Hill. Let us not forget their demands. This bill does not give artists any dividends. Consumers purchase songs or various things on the Web and copy entire pages of creations from the Web, but nothing goes to the artists. No dividends at all. When will this government bring forward a serious bill for authors, instead of just focusing on building prisons?

Indeed, it seems the government has big plans to increase the number of prisons in this country. We would prefer a bill that ensures that anyone who steals from authors would have to pay them back and not get out of it by declaring bankruptcy and going to prison. The artists must be paid back. We must find a way to ensure that offenders' goods are seized for longer than just a few years. The seizure should last many, many years so that the person has no choice but to pay back the author.

I wish the Conservatives would really act in favour of authors' needs and not in favour of the needs of their cronies. This is about the authors.

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, I would like to ask the hon. member an open-ended question. How can we compensate artists for lost income?

Mr. Réjean Genest: Mr. Speaker, I was looking for my earpiece because we are far apart and I did not hear the question. Could the member please ask it again?

The Speaker: I do not think that the hon. member for Shefford heard the question. There may be a problem with the translation.

[*English*]

I will give the floor to the member for Kingston and the Islands. He can repeat his question so the member for Shefford can answer.

• (1720)

[*Translation*]

Mr. Ted Hsu: Thank you, Mr. Speaker. It may have been my fault.

I completely agree that we should support artists. Could the hon. member tell me how we could compensate artists for lost income?

Mr. Réjean Genest: It is not complicated, Mr. Speaker. There is a royalty for someone who produces a CD-ROM. Normally, an arrangement is made and he receives royalties every time the CD-ROM is copied. It is very, very simple. When someone publishes a book, the author always receives royalties. The royalties owed to the author are calculated and then paid out to him. The same thing happens with a song, for example. The standard royalty is determined on a case-by-case basis. And that is how the creator is compensated. It seems quite simple to me.

I would like to thank the member for his question.

Mr. Mathieu Ravignat (Pontiac, NDP): Mr. Speaker, I want to thank the hon. member for his very interesting speech. In his view, does the difficulty authors have getting their work recognized represent a major challenge in stimulating the cultural industry in our country?

Mr. Réjean Genest: Mr. Speaker, the major problem right now is technology. These days, we can copy a movie with a mini-camera at

a movie theatre without being noticed. With all this technology, we can copy at every turn. It is indeed challenging to find a solution to this problem. We will never completely resolve the problem because there will always be someone who finds a way to get around things.

Regardless of whether we are talking about the movie, music or book industry, the works of artists and authors are being copied. There are even sculptors whose works are being copied with moulds and so on. It is a problem. The government has to put the right people in the right places to find solutions for each problem, and not five years after the problem has surfaced. We have to constantly address this in each field. The government has to protect the rights of Canadians and the rights of creators who contribute in their own way to Canada's good reputation.

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, I will be sharing my time with the member for Manicouagan.

We are very pleased to see that this government wants to take action to modernize the Copyright Act. These changes are long overdue. We are open to making changes. However, we would be even more receptive if the result was a balance that would benefit all stakeholders. The problem is that, contrary to what the government is saying, there is no balance in Bill C-11, as was the case for its predecessor, Bill C-32.

This bill will have fairly significant repercussions for authors, artists and consumers. Once again, despite the fact that the government says that the bill is balanced, we see that various associations and very important organizations representing the stakeholders do not concur.

First, let us talk about authors. We believe that they stand to lose the most with Bill C-11. The majority of writers' associations were opposed to Bill C-32 and now are opposed to Bill C-11, and with good cause. I would like to talk about one organization in particular, DAMI©, which is based in Montreal. DAMI© stands for Droit d'auteur Multimédia Internet Copyright. It is the umbrella organization for 13 professional associations of artists, authors, performers and copyright collectives. DAMI© represents 50,000 cultural artisans who are members of these 13 associations. What did DAMI© have to say about Bill C-32, which, I repeat, is now Bill C-11, currently under review? It had serious misgivings about Bill C-32, especially because of the free use of works protected by about 40 exceptions, half of which are new exceptions being made with respect to the current act.

I would like to read an excerpt from the DAMI© submission on Bill C-32, which, I repeat, is very pertinent because this is the same bill now being studied as Bill C-11.

Government Orders

Thanks to this bill, teachers will be able to use protected works [we are obviously talking about education] in their classes without asking permission, and they will be able to reproduce their course work to broadcast it by telecommunication in the context of remote or distance teaching. They will also be able to reproduce works in their totality for the purpose of display on interactive whiteboards or computer screens. Schools will no longer have to pay royalties to record news programs for pedagogical purposes, to present films, or to perform plays, for which they will be able to reproduce the sets, costumes, and lighting designs created by professional artists. This is a total expropriation of the intellectual property rights of creators in the educational sector. It is as if the government had declared that from now on literary, theatre, musical, and artistic works will be considered collective property.

This is in reference to education, but another important point to consider, especially at the university level, is the issue of the academic book market in Quebec. It is no secret that Quebec is an island of 7 million francophones in a sea of over 300 million anglophones in North America. The American book market serves primarily the Canadian English-speaking market. We need a strong academic book market in Quebec to be able to protect our culture, so that we can adapt or examine various issues—such as the economy, philosophy or other university subjects—from a Quebec and francophone perspective. This book market is small compared to the English-speaking American and Canadian market. It must fight against assimilation and against greater integration of these books that are quite often translated into French, but do not reflect Quebec's point of view or a francophone perspective, even in Canada.

This bill could end up further weakening the academic book market in Quebec—for university texts, for example—and creating even more problems for this market. The industry in Quebec will have to face more challenges if it wants to survive.

• (1725)

What justification will be given if the across-the-board use of photocopying is permitted or there is no adequate compensation for the authors of these books, as mentioned by DAMIC? What motivation will Quebeckers, and francophones across Canada, have to write a book that truly reflects the francophone and Quebec philosophy, vision and point of view? There will be no such books in the future.

This bill represents a real threat to an industry that is living on borrowed time in Quebec. That is why we are calling on the government to work with us to establish greater balance in this bill and ensure that all stakeholders benefit, not just the companies that own intellectual property, which are heavily favoured at this time. In response to our government colleagues' comments, this to a large extent explains why they have the support of John Manley, among others, and it will come as no surprise that he is the president and CEO of the Canadian Council of Chief Executives. However, they will not have the support of authors' organizations, artists' organizations and copyright collectives.

Nor will they obtain, despite what they claim, the approval, the consent or the support of consumer associations. As it stands, the bill does not permit consumers to make backup copies or transfer the documents they have purchased—content for which they have paid and enjoy certain consumer rights—to other formats. The Writers Guild of Canada, among others, raised this problem. This organization stated that the only option that Bill C-11 gives creators is the addition of a digital lock, which has the effect of impinging upon current revenue streams for creators and creates a defect in the

bill by depriving consumers of the very rights that are guaranteed them elsewhere in the bill.

The government said it was giving copyright owners a tool for developing and marketing their products and earning an income. It said it was protecting creators against acts of piracy. Although it is true that digital locks worked or can work when it comes to software, they are too restrictive and very unpopular when it comes to entertainment content. They risk being discriminated against by market rules, as they were in the case of music. Digital locks do not allow for progress and do not help defend the interests of consumers and creators. At best, digital locks will simply block current sources of income for creators.

This income is nevertheless very important. If this bill passes in its current form, authors, artists and cultural artisans could lose more than \$125 million in income a year. That is why we are calling on the government to work with the NDP in order to amend the bill. We welcome the desire to modernize legislation, especially since this modernization has been a long time coming, but it has to be done properly. Unfortunately, Bill C-11, as currently worded, does not benefit all stakeholders equally. We want to work with the government to ensure that everyone benefits and to modernize the Copyright Act in a coherent and lasting way.

• (1730)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, once again, I thank the member for Rimouski-Neigette—Témiscouata—Les Basques, the riding with the longest name in the country, which has elected an excellent member, for his speech.

He talked about all the problems this bill raises. We are well aware that even though the Conservatives had several years to do their job, they did not do it well. They botched the job, and this has resulted in a bill that raises a lot of problems. We have talked about them this afternoon and we will continue to talk about them in the days to come.

I have a few questions for the member. What are the biggest problems with this bill? Does it have to do with burning all the books, the students' notebooks, 30 days after their classes end? Is it the fact that artists are not compensated? What does he think are the biggest problems with this bill?

Mr. Guy Caron: Mr. Speaker, I would like to thank my colleague for his question.

Government Orders

In fact, this bill is extremely complex and technical. That is why we have identified a number of weaknesses. The one relating to the destruction of materials, of course notes, after 30 days is a striking problem, but the main problem I see in this bill is the lost income for authors, creators and artisans. At the end of the day, if we are not able to protect that drive to create—and that is what the objective of the Copyright Act should be—then that will present a problem. The same will be true if we do not find ways to modernize the law and at the same time adapt the flow of income that creators are able to receive. That is what was done in the past when new media were developed, when we saw, first, the vinyl record. Then we got CDs, DVDs and so on. We managed to adapt the flow of income to these new facts of life, one way or another. This bill does not do that. In fact, this bill could interfere with those sources of income by jeopardizing the income of artisans, creators and artists; it could be a disincentive to that flow of creativity and diminish creators' ability to disseminate Quebec and Canadian content on a large scale.

• (1735)

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I would like to congratulate my hon. colleague on his very informative speech.

My question for him is this: if we wanted to keep the title of the bill as is, a bill to modernize copyright, what are some of the main amendments he would propose?

Mr. Guy Caron: Mr. Speaker, I thank my hon. colleague for her question.

Hopefully, that kind of discussion would take place in committee. The committee members could propose various paths. Coming back to an academic perspective, I think measures to protect Quebec's book market would be necessary, particularly for professional books and text books. This has been done in the past. In a university, books and other materials can be photocopied, but this is done with dividends through various organizations that can then pass them on to the authors. In the case of new materials and new possible ways of offering courses, we need to be able to adapt and allow some flexibility, while still ensuring a dividend. This bill contains 40 exceptions, where content can be used without any compensation to authors. This must be changed. There must be a mechanism to allow these dividends to make their way to the artists so that they will be encouraged to continue their creative process.

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): Mr. Speaker, this speech is in line with my previous speeches and came about as a result of my thoughts on whether the current government is truly willing to protect and promote the public interest.

The purpose of the bill before us is basically to replace the current Copyright Act. Those present in the House all agree that this is necessary. Social and technological realities are, by definition, constantly changing and it is important to have legislative tools adapted to the current global economy, in which massive amounts of information are constantly being transferred electronically.

Both sides admit that the letter of the Copyright Act must indeed be modernized; however, the text of the bill proposed by the Conservatives does not address a number of key issues. As a result, the proposed solution could prove to be more risky and problematic than truly innovative and functional.

The opinion of a number of experts on the issue disputes the legitimacy of certain elements and even the adoption of such provisions by the federal legislative body since many issues addressed in the bill actually overlap with areas under provincial jurisdiction.

The legislative exercise must involve weighing the pros and cons. Given that the desired outcome of this exercise is to update a law on so-called progressive materials, the government must support an approach that strikes a balance between the rights of consumers and the rights of content owners.

Taking into account current practices in arts and technology, this bill favours major industry players, the ones that ultimately hold the prerogative power associated with copyright. I will now explain all the concepts associated with licensing and the transfer of ownership.

The agreements binding creators to stakeholders in the arts and culture industry in Canada make systematic use of provisions granting licences or transferring the rights of a creator to the benefit of major industry players. In addition, the real winners of Bill C-11 are the large movie studios and record labels, not Canadian artists and consumers.

Since I come from a family of artists, I was able to witness first-hand the terrible consequences related to the inequality of power that is common in the artistic production sector in its broadest sense.

As an illustration, I will delve into empirical studies by sharing a story about something that happened to my father. My father is an author-composer-performer who speaks Innu almost exclusively. Like me, he comes from the Uashat mak Mani-Utenam community. In the early 1990s, he went to the United States to promote culture and perform.

During his time in the United States, a digital recording was made of his voice while he was singing time-honoured songs from thousands of years ago. Some say that that is in the public domain, but someone made a digital recording of his voice and when he came back to Canada many years later, he was surprised to hear the recording in a major American film, of which millions of copies had been distributed. It was difficult for him to understand how his recording had ended up in a Columbia Pictures film. But nothing came of it and he still has a bad taste in his mouth when he thinks about what happened.

Government Orders

Next I want to talk about sharing. I will talk about the traditional way of looking at information sharing. This link with the sharing of traditional aboriginal knowledge is relevant in analyzing the situation before us. While first nations have thus far had limited recourse to Canadian laws pertaining to intellectual property to protect creations resulting from their traditions, it is recognized that unauthorized copies of works by groups and communities; the appropriation of aboriginal themes and images; artist copyright infringement; culturally inappropriate use of aboriginal images and styles by non-aboriginal creators and the exclusive appropriation of traditional knowledge without compensation are quite common within socially deprived communities.

• (1740)

Now, when I say “appropriation without compensation”, that is a direct reference to the pharmaceutical advance that resulted from traditional knowledge the indigenous people had on the land. When I talk about indigenous people, we may go as far away as New Guinea and Australia, but here in Canada, we know that the pharmaceutical and pharmacological industry has drawn on traditional knowledge on the centuries-old use of plants on the land. Today, there are multitudes of medications that derive from that direct application. There is a recognition, in a sense, of the contribution of the Innu and indigenous people in general, but very few patents, in my opinion, have been issued to the indigenous nations.

It goes without saying that the proposed legislation does not answer any of the considerations raised by the indigenous communities and highlighted in the study entitled “Indigenous Traditional Knowledge and Intellectual Property Rights”, prepared by the Parliamentary Research Branch in response to a request in 2004. In addition, the bill to modernize copyright will allow a third party to establish a system of digital locks that will supersede virtually all other rights that may be exercised by the indigenous nations over their ancestral works.

As we can see, the imbalance of power that can be observed in the arts industry gives rise to appalling situations, a reality that has unfortunately eluded the text of the bill. The proposed legislation simply exacerbates the disadvantage the artist is at, for the benefit of recording and movie studios that have enormous resources at their disposal for creating a system of digital locks that will supersede virtually all other rights provided in the legislation. Ultimately, this practice will enable the industry to protect its declining capacity to generate enormous profits.

Regarding the concepts of licence and assignment of rights, these are usual clauses that we see in contracts: the artist is not in a position to bargain since most often they are presented with a standard form contract. The clauses already exist. Assignment is a little rarer, but explicit licences are included and the artist is then bound by them. The artist has very few rights, other than the moral right in respect of the ultimate use made of their work, and they are not in a position to stand up to the armada of lawyers who work for the industry.

The government must therefore amend the provisions relating to digital locks before this bill is passed. Apart from its negative effects on artists’ income expectations, that measure grants exorbitant

powers to the rights holders, the players in an already very well-off industry.

• (1745)

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, my question is for my colleague. How can this legislation, which gives priority to the development of a digital economy, respect the culture and artistic performances of the members of a nation that needs to be respected merely to continue to exist and to have a cultural life?

Mr. Jonathan Genest-Jourdain: Mr. Speaker, I thank my colleague for his question. He will agree with me that social considerations carry very little weight on the other side of this House. This is a pattern that we are going to see in the coming years, namely that those who detain the monetary and economic power will always prevail over those who care about other considerations, whether environmental, cultural or social. The legislation before us today is no exception and it is a reflection of that pattern.

[English]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the member talked about aboriginal artists. Aboriginal artists and artists from all ethnic backgrounds have a great deal to contribute. Many of those contributions come from their heritage. It is one way we are able to benefit from the rich heritage of many of the communities that make up our beautiful country. I believe it is one of the reasons the government overlooks the importance of those artists. We should encourage that aspect of the industry. We can do a lot more in terms of supporting it.

Would the member give a general observation in terms of what he believes the impact of the bill would be on that industry? Also, would he agree that there is much more that we could be doing for that industry?

[Translation]

Mr. Jonathan Genest-Jourdain: Mr. Speaker, I thank the hon. member for his question. As regards communities, I am always going to refer to my own community, namely the Innu of Uashat Mak Mani-Utenam. One should realize that they are not at all familiar with the debates that are taking place in this House, particularly in the case of the current bill.

One should also realize that my community is very distrustful and rather reluctant to share its information and culture, for reasons that are now rather obvious. There have been problems like embezzlement and abuse, whether on a cultural or other level. So, it goes without saying that implementing the measures proposed in this legislation will not improve dialogue, and even less so the sharing because, ultimately, it is the industry that will hold the key and enjoy all the privileges. The artist as such will be pushed aside and will play a very minor role.

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Mr. Speaker, I would like to thank my colleague from Manicouagan for his excellent speech in this House.

Government Orders

My question is similar to the one asked by my colleague who spoke before me about the impact of the bill. The situation of aboriginal artists is quite unique. Does this bill take that into account, or have aboriginal artists again been forgotten in this bill to modernize the act?

● (1750)

Mr. Jonathan Genest-Jourdain: Mr. Speaker, I thank my colleague for his question. The text of the bill makes no mention of aboriginal people, contrary to the 2004 study, which was carried out by Parliament. It makes one wonder if people were paying attention. At the time, aboriginal groups pointed out what they needed and wanted. This bill, which updates the Copyright Act, clearly pays very little, if any, attention to the transmittal and protection of ancestral knowledge and the expression of oral culture. We all know that ours is a predominantly oral culture. It is marginalized, as it always has been.

[*English*]

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, I will be sharing my time with the member for Westmount—Ville-Marie.

Copyright legislation, the issue of digital locks and Bill C-32 have accompanied me from the beginning of my political journey a couple of years ago.

I live in a riding that has a large population of post-secondary students, and when I said I was running for the nomination in the riding, many of them wanted to talk to me about Bill C-32 and the concerns they had over the digital lock provisions in that bill. These are students. These are text savvy people. Many of them are the next generation of artists and creators. The bill is important to me.

Copyright is at the heart of how our society treats creators, artists, musicians, and composers. It is very important that we recognize their contribution, that we value what they have created, and the value that it brings to our society.

My brother is one of these people. He is a musician. He is a jazz saxophonist. He teaches for a living. He plays. Sometimes he records. It matters to me a lot that our artists are treated fairly.

However, every time technology changes there is a need to modify copyright law. A very simple example of that is photocopying. When it becomes much easier to copy a book, we have to think about what that means for protecting written material. When it becomes very easy to copy music, we have to think about how to adjust our copyright laws. One thing that has happened in the past to deal with that adjustment is that a levy has been imposed on the sale of cassettes and CDs to compensate artists for the work they have done.

Now we are in an age where technology has changed again, very radically. I am sure that when I was a young person, nobody had on their desks all the things I have: a phone, a couple of computers, and so on. Technology is all around us and we can copy all sorts of digital material from one device to another.

It is very important that the legislation before us is technology neutral. Probably the best way to talk about technology as far as this legislation is concerned is just to ignore all the technology in front of us and just think about all the copies of digital materials in the cloud,

on the Internet. We do not even have to think about the hardware in front of us.

It is important to have digital locks, since a lot of copyrighted material, material that is created by our artists, writers, musicians, is in the cloud, but we can improve this legislation as it pertains to digital locks.

The students I met with very early on in my political career were very quick to bring this to my attention, which is that digital locks should not trump the other rights that are being given to consumers in this legislation. Consumers should have the right to buy material and to copy it for their own use. Students should have the ability to have copies of materials so that they can learn.

A really good example of that is something my brother, the musician whom I want to get back to, related to me. I really did not appreciate it, but when he explained it to me, things suddenly became very clear. My brother says that the training, education of musicians today, as compared to, say, 20 years ago, is radically different. The reason why it is radically different is because young musicians today can listen to a lot more music than they could have 20 years ago, a lot more variations of music from around the world.

● (1755)

That is because of the Internet. Not only does the Internet allow a lot of different kinds of music and creative things to be brought to people, but a lot of creative people can communicate what they have created to others around the world through the Internet. This is a tool for the next generation of creators and artists and people who are creating.

This is really something special that has changed how artists, musicians and writers are being trained and educated. They are really able to immerse themselves in what is happening around them and what has been in the past as well.

I think it is very important that we take a bit of time. I hope this happens in committee, if the bill goes to committee. We must be more careful about defining fair dealing and education. I am not so sure what my brother related to me, this training of musicians which is not necessarily in schools and not necessarily in a formal setting, if that is something that would be properly considered in a definition of education.

As far as fair dealing is concerned, there are definitions that we could incorporate into the bill. The Supreme Court has made rulings about what fair dealing means in certain cases and has established certain criteria. These criteria could, I understand, be incorporated into the bill.

That is why in the recent amendment that has been brought forward by my party there are two provisions. One is to first of all uphold the rights of consumers to choose how they enjoy the content that they purchase, to avoid the overly restrictive digital lock provisions that would seem to take away the rights that are being granted consumers in this legislation, which does not make sense. The second is to take some time and write down a clear and strict test for fair dealing for education purposes.

Points of Order

There is a lot of controversy over this legislation. There are people for it and against it, and it is probably because, in my humble opinion, the legislation could be made clearer. Forgive me for throwing out this example, but I often find that in my experience as a scientist, if people disagree about something we should really sit down and look at the numbers and write down the equations, put everything on the table and define the terms more carefully. Often, in the field of science and research a lot of disagreements melt away when definitions are made precise and people look at actual numbers and hard data.

It makes sense to me, from my experience, that if we were to take some time and write down clear definitions of fair dealing and education in the exceptions to the copyright protections in the legislation that we could probably resolve some of the controversy around the legislation.

The third provision in the reasoned amendment is that there are certain streams of revenue that will be affected by this copyright legislation. We should take some time and think about how the streams of revenue will be affected and think about providing transitional funding for artists who adapt to the changes and the loss of some revenue streams that would be caused by the bill.

These are the reasons why the provisions in the reasoned amendment make sense to me. That is why my party and I are supporting this reasoned amendment.

• (1800)

Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, I find the hon. member's proposal kind of interesting. He talks about the amendment like it is just a simple amendment to a bill. This is of course a bill that has been consulted on probably more than just about any bill that I have seen in six years here. There have been thousands and thousands of submissions, 39 hours of committee testimony, and the Liberals today have introduced an amendment that the House decline to give second reading to the bill.

It is not an amendment to make changes to the bill, just an amendment to wipe out the bill altogether, instead of going through the process of continuing the committee hearings that we have had, and hearing from witnesses that have not had a chance to appear yet. The Liberals would just wipe out the 12 years, I think it has been, of consultation on the bill and four different iterations of the bill to this point.

In the interests of co-operating, why would the Liberal Party not just bring forward suggestions for amendments according to the regular process, get those to the committee stage, and put ideas on the table there as opposed to wiping out the bill here today?

Mr. Ted Hsu: Mr. Speaker, I assure the member that Liberals will be proposing amendments. If we wanted to jettison this bill, we would have proposed a hoist motion. The reasoned amendment allows us to specify the reasons why we oppose this bill going to second reading and they are very clear. I read them out before and will not read them again. They explain what is wrong and the sorts of amendments that should be made.

The member talked about all of the testimony that was given. Why did the Conservative government not look at all of that testimony

and maybe make a few changes between the legislation that appeared in the last Parliament and Bill C-11 that is before us today? There were no changes made, so I do not believe the government has really paid attention to all of that testimony.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I have received a lot of correspondence from constituents about Bill C-11. I received an email from a constituent named Mark Burge, who said what I thought was very thoughtful. He said, "A solution to Bill C-11's contentious core problem and the means to avoid the unintended consequences generated by the broad protection for digital locks is to amend the Bill to permit the circumvention of digital locks when done for lawful purposes. This approach is compliant with the WIPO Internet Treaties, provides legal protection for digital locks, and maintains a much better copyright balance—".

He urges the House to either add an infringing purpose requirement to the prohibition of circumvention or add an exception to the legislation to address circumvention for lawful purposes. Mr. Burge believes that in addition to linking the prohibition of circumvention to the act of infringement, it is paramount for consumers to have commercial access to the tools required to facilitate such lawful acts.

I am wondering if my hon. colleague would care to comment on what I think are some very thoughtful suggestions from someone who clearly has studied this issue in my riding.

Mr. Ted Hsu: Mr. Speaker, I thank the member for his comments, which accord very much with what I have been hearing from my constituents, many of whom understand the need for digital locks but also concede that the digital lock provisions are too stringent. They go beyond the need to protect lawful uses of material. It makes a lot of sense and I hope the member and his party will propose those amendments in committee.

* * *

POINTS OF ORDER

BILL C-317—INCOME TAX ACT

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I rise on a point of order regarding Bill C-317, An Act to amend the Income Tax Act (labour organizations), standing in the name of the member for South Surrey—White Rock—Cloverdale.

The bill proposes to amend the Income Tax Act in an effort to force labour organizations to submit for all to see, that is complete public disclosure, an incredibly onerous level of detailed financial information about their work on behalf of their members. While labour organizations already abide by financial disclosure rules, mostly imposed at the provincial level of government, they do that because it ensures they are accountable to their members and not just because they are driven by legislation.

The bill, which is mostly ideologically motivated, would seek to expose virtually every last detail of a labour organization's financial books. The risk of this is that it gives access to other business organizations in which members may be involved in labour negotiations or labour disputes, exposing their knowledge base to some risk in that regard.

Points of Order

Aside from the privacy concerns over making this level of financial detail available to the public, it shows the thrust of the government, as we have seen with the labour disputes, back-to-work legislation recently and more threats of it at this point, but that culminates now by a government member bringing forth as a private member's bill what should in fact be a government bill, and that is really where my point of order lies. By imposing these types of conditions Conservatives, they are precipitating action that should only be precipitated by a government bill.

The measures set out in the bill include a threat of delisting the labour organization for non-compliance. One of the points that has been missed in this regard about its consequences, because we are not just talking about national labour organizations or national unions, is it includes a local labour council, a union local, even a small one of say 20 or 30 members, a national labour organization, or even a federation of labour. It covers all of them. My concern with the admissibility of the bill is it would have the effect of raising taxes, which is the exclusive prerogative of ministers in the House of Commons and cannot be done by private members' business. At page 1114 of *House of Commons Procedure and Practice*, second edition, it states:

The power to initiate taxation rests solely with the government and any legislation which seeks an increase in taxation must be preceded by a ways and means motion.

As a result of this and the reasons I will set out in greater detail shortly, Mr. Speaker, I would ask you to rule that the proceedings on the bill to date, namely its introduction and first reading, which it already had, have not respected the provisions of our Standing Orders and are therefore null and void and further that you direct that the order for second reading of Bill C-317 be discharged and the bill be withdrawn from the order paper. Those are the two orders I would be seeking from you, Mr. Speaker.

To begin, I draw attention to Speaker Milliken's ruling on November 28, 2007, at pages 1463-64 of *Debates*. Therein he references page 896 of Erskine May's *Parliamentary Practice* 23rd edition, which states quite clearly, "

—“the repeal or reduction of existing alleviations of taxation” must be preceded by a Ways and Means motion.

It is not a discretionary call. It is a must situation.

It is clear to me and I suspect that you will agree, Mr. Speaker, that the income tax exemptions that apply to labour organizations and the reduction of taxable income as a result of writing off the dues paid by their members would easily qualify as alleviations of taxation. Further, the provisions of Bill C-317 would repeal those alleviations by terminating the labour organization's Income Tax Act exempt status.

Furthermore, while the *House of Commons Procedure and Practice*, second edition, at page 900, lists four limited categories of charges on the people, which would require a ways and means motion before tabling in the House, if you trace this passage back to the primary source of the reference, Mr. Speaker, you will find what seems to be much more clearly worded guidelines. I would ask you to pay particular attention because there seems to be, and I will not say a contradiction, greater clarity if we go further back in our history in this regard.

● (1805)

Citation 980 of Beauchesne's *Parliamentary Rules & Forms* sixth edition, on page 265 states that a:

Ways and Means motion is a necessary preliminary to...an extension of the incidence of a tax so as to include persons not already payers.

“Persons not already payers” is a much more specific restriction than creating a new class of taxpayers, which is the guideline set out at page 900 of the *House of Commons Procedure and Practice*, which I cited a moment ago. It is the difference between finding that a bill creates a new type of taxpayer and finding that a bill creates taxpayers out of those who did not pay tax before.

In the case of the 41st Parliament Bill C-317, examples are readily available to illustrate how the incidence of the federal income tax on dues-paying members of a labour organization might be extended under the proposed changes to the Income Tax Act to make federal income taxpayers out of persons who previously were not. Therefore, we are creating new taxpayers.

Consider if you will, Mr. Speaker, the hypothetical case of a dues-paying member of a labour organization who pays no federal income tax because the member's taxable income falls just short of the amount covered by the personal income tax exemption. If this person's labour organization were to lose its ITA exempt status for failing to meet the conditions set out under the provisions of Bill C-317, his or her membership dues would no longer be excluded from personal taxable income. This increase in taxable income could easily push his or her taxable income to an amount over that which is exempt, effectively creating a federal income taxpayer where there was not one before, which is the very definition of Beauchesne's description of what is not permissible in this place without a preceding ways and means motion, which only can be brought by the government of the day.

I am anticipating an argument from the government side on the private member's bill, so I reviewed a precedent on this matter. I fear there may be a temptation to use Speaker Milliken's decision of March 15, 2010, on Bill C-470 from the 40th Parliament, as a relevant precedent to the question on hand today, so I will ask you, Mr. Speaker to take extra caution when reviewing the decision. While there are some similarities between the two bills, I would submit that the many differences will lead you to rule the opposite particularly when using the much more specific delineation of the rule in question as laid out in Beauchesne's.

Government Orders

I am not sure it will be necessary in your deliberations, Mr. Speaker, but I would draw to your attention just one of the many important differences between the two bills, the one in the 40th Parliament and this one today, which is the stark contrast between labour organizations and charitable ones. In particular, members of labour organizations would continue to have an obligation to pay their membership dues, as they do under provincial legislation, even in the event of the organization's delisting from ITA exempt status, whereas charity donors' contributions are completely discretionary. Finally, labour organizations are selected, supported and held accountable by the very dues-paying members who make the financial contributions in the first place. Charities are not.

In conclusion, Mr. Speaker, I would again ask that you rule that the proceedings to date under Bill C-317, An Act to amend the Income Tax Act (labour organizations) standing in the name of the member for South Surrey—White Rock—Cloverdale namely, the introduction and first reading, have not respected the provisions of our Standing Orders and are therefore null and void and that you direct that the order for second reading of Bill C-317 be discharged and the bill withdrawn from the order paper.

• (1810)

It is quite clear that the bill should be presented, if it is going to be presented at all, by the government of the day. It would bring forth a ways and means motion and then the proper bill would flow from that. This attempt to do it through the back door by way of a private member's bill is really a serious breach of the Standing Orders of the House.

The Speaker: I thank the hon. member for his intervention.

Is the hon. member for Kitchener—Conestoga.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I would like to respond to a couple of the points raised by my colleague across the way regarding the bill.

First, his implication that this should be a government bill takes away from the freedom that private members have to promote legislation. I think he is jumping to conclusions in making that conclusion.

Second, the member will know that there is already a mechanism in place that vets these bills. There is a group, the private members subcommittee of procedure and House affairs, that meets to discern whether bills are votable or not. In fact, there will be a report tabled tomorrow in that regard, particularly in relation to the bill.

Third, it is obvious that the mover of the bill is not present today and at the very least he should be given an opportunity to respond to the issues that were raised by my colleague.

I would ask you, Mr. Speaker, to defer action on this until appropriate submissions are allowed on behalf of the member.

• (1815)

Mr. Joe Comartin: Mr. Speaker, with regard to the final point that the member makes, there is certainly no objection to the member who authored this bill being given the opportunity to speak to it and present whatever argument contrary to the motion I made.

However, as members know, private member's bills, and this is the very first one on the list, will start Thursday evening of this week. I

would ask that the member bring forth his arguments as quickly as possible.

I would then ask you, Mr. Speaker, to make your decision as quickly as possible.

The Speaker: I thank both hon. members for their intervention. I will take it under advisement but, as was suggested, I will be interested in hearing from the member who initiated the private member's bill and any other interested members who may want to have a say or who have some advice on it.

* * *

[Translation]

COPYRIGHT MODERNIZATION ACT

The House resumed consideration of the motion that Bill C-11, An Act to amend the Copyright Act, be read the second time and referred to a committee, and of the amendment.

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, I am pleased to rise and speak to this extremely important copyright bill. When I was the science and technology critic before the last election, I had the pleasure of sitting on the committee that addressed this extremely important issue which, as we know, goes back a long way.

[English]

Canada, of course, signed on to the WIPO treaty back in the 1990s. We all know that it has been a long tortuous road with respect to modernizing our copyright bill. We in the Liberal Party attempted to do so; unfortunately, with changes in government and other things, it did not happen, so here we are today with Bill C-11.

I participated in a legislative committee before the election when the bill was known as Bill C-32. As has been pointed out many times today already, there is no change in the wording of Bill C-11 versus Bill C-32.

This is surprising to me. In reality we listened to a very large number of witnesses from many different fields. They represented what I would call the three main stakeholders: industry, the producers of video games, movies, music sets, electronic books and those kinds of things; consumers, all of us who buy these copyrighted materials; and finally the third group, the artists. There are a great many artists who are ultimately the producers of the works that we buy.

We heard from a large number of these people, and from other groups in the education field, as well as librarians, photographers and a great many people who have an interest in modernizing the copyright law.

When we finally saw Bill C-11 as it was presented just recently, we discovered, as I said, that there had been no changes whatsoever to it, yet there were some very compelling testimonies presented by the witnesses who appeared earlier this year. Personally I would have thought, and I had hoped, that the version we would be dealing with today would have had some changes put into it.

Government Orders

In relation to many areas that needed to be modernized under copyright, I would say this is a good bill, and the Liberal Party is ready to support those aspects. However, there are also a number of areas on which we feel the points brought up by witnesses were valid. We feel there should have been consideration given to changing it to make it a more balanced copyright bill. Unfortunately, that did not happen.

I have to say that the thought went through my mind as to whether there had been any intention to listen to any of the witnesses who had appeared. So far, on face value, I would have to say no, because nothing has actually changed between Bill C-32 and Bill C-11.

Although we will be going to committee with Bill C-11, my question is this: are we going to end up with exactly the same bill at the end of that process, or is the government really willing to actually listen to some of the inputs? That is my concern.

This morning the heritage minister said that they did not change anything in Bill C-32 when they made it Bill C-11 out of respect for all those witnesses.

Now, there are two ways to take that, and I am not quite sure what he meant. One possibility is that the Conservatives have stored up the witnesses' input and at the end of the process will make changes. The other is that they are really telling us that we will go through this charade for whatever amount of time Bill C-11 will be debated in committee and otherwise, but will end up with exactly the same bill that was presented a while ago. We therefore introduced an amendment this morning.

As I have said, there are a lot of good things in Bill C-11 that we fully support. For example, I come from a riding where there is a major video game presence. It is a large industry. Canada is a leader in this area, and I support the desire and the need to protect against piracy. That is very important for Canada. That is an example of something we support entirely.

We also have no problem with certain other things, such as some of the fair dealing provisions that would deal with parody and satire.

However, there are other areas where valid points have been brought up. The first one, of course, has to do with digital locks.

● (1820)

Our point of view in the Liberal Party is that if people buy a copyrighted product such as a piece of music, a video, or an electronic book, download it and pay for it legitimately, then they have bought the right to that product. If they choose to transfer it to another device, again for their personal enjoyment and for a non-infringing personal purpose, then we do not believe they should be forbidden from doing that, even if it has a digital lock on it. That is fundamental in our position. It is because those people have paid for the product, and it remains a product that they want to use for personal purposes.

The argument presented by the minister of heritage is that if it has a lock on it and the buyers intend to transfer it, they have a choice of either breaking the law or not buying the product. We do not think that is the way we should approach this particular issue of digital locks, nor do the majority of Canadians.

The second thing has to do with fair dealing and the definition of fair dealing. As members know, "fair dealing" is defined under a number of criteria in the Berne Convention. The particular issue that was probably the most contentious was bringing education under fair dealing. When that happened, we in the Liberal Party and a lot of the witnesses asked for a definition of "education" under "fair dealing". In fact, we proposed, constructively, to codify a number of criteria established by the Supreme Court that would establish whether fair dealing had been infringed because, as members know, if people feel that fair dealing has been infringed, the onus is on them to get themselves a lawyer and say that there was an infringement of the fair dealing with respect to the use of their copyrighted material.

A number of criteria were proposed by the Supreme Court. We believe these are good criteria and that they should be codified. We made that suggestion during the hearings for Bill C-32; a lot of the suggestions were listened to and a lot of people mentioned this same idea, yet we do not find it in Bill C-11. That is something else we find very preoccupying.

Finally, there is the issue of transitional funding to help artists, particularly if we look at an example like the music industry. In relation to this industry, we recognized a number of years ago that artists should be compensated when their music is copied. As members know, we established a levy on CDs and cassettes, and for a while this gave a very good compensation. It got up to about \$28 million annually. An organization responsible for sharing that money out among artists did so, and that was accepted by the artists.

Of course, CDs and tapes are not used very much today for recording musical works, so we suggested that an alternative should be put in place, and we still believe it is important to address the requirement for fair compensation for artists who produce works and whose works are copied to other media.

That is the why we proposed this reasoned amendment today. We hope that the Conservative government, as it listens to the debate here and as it goes to committee, is sincere in paying attention to what witnesses say and to all the written submissions.

● (1825)

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Madam Speaker, my question is for the distinguished hon. member for Westmount—Ville-Marie, who seems to find some positive aspects in this bill. However, if he thinks they are positive, how does he explain that this copyright bill is being unanimously rejected by creators and is not getting any support from arts groups and organizations? How can we interpret this move by the government, which claims to be a true defender of culture? How can you claim to defend culture when every creative artist rejects this legislation?

Mr. Marc Garneau: Madam Speaker, I want to thank the hon. member for the question.

Government Orders

Indeed, among the key people affected by this issue, it is true that creators are getting the short end of the stick. I agree. We in the Liberal Party have worked on that. We have even proposed creating a fund to ensure that our musical artists are adequately compensated for works that are copied. We have shown through this example that we were prepared to make special efforts and create a special fund to compensate our artists. We met with them. We proposed changes. I think the approach we took with the artists was constructive and tried to recognize that they are getting shortchanged in this bill as it is currently worded.

[English]

Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Madam Speaker, I listened with interest as the hon. member talked about amendments that the Liberals had moved to the bill. The Liberals did not actually move any amendments, plural; they moved one amendment to the bill, and that amendment basically wipes out the bill. It is an amendment to wipe out the bill.

Of course, we have 12 years invested in this bill, as I mentioned earlier to his colleague on a question. We have seen four different versions of it. As was explained earlier today, we moved the same version that we had spent a lot of time on as colleagues. We spent time on the same committee last time discussing this bill. We heard the same testimony from literally dozens and dozens of witnesses in over 39 hours of committee testimony.

I do not really have a question. It is more of a comment. If we are actually going to be able to move forward, if we are actually going to respect the process and the dozens of witnesses who came forward to say how important it is for us to pass legislation, perhaps we can work more co-operatively than just moving an amendment to wipe out all the work—

The Deputy Speaker: I must interrupt the hon. member. We must stop at 6:30. We will give the hon. member a chance to respond.

The hon. member for Westmount—Ville-Marie, for one minute.

Mr. Marc Garneau: Madam Speaker, first of all I hope that my hon. colleague is going to take a hint. What we are trying to suggest here is that there are some changes required.

A minute ago and earlier today I listened to him talk about how we have listened to so many people and have received so many witnesses and so many written submissions, but what do we see in Bill C-11? Can he tell me that everything that has been suggested under the Bill C-32 legislative committee is actually being considered for the final version, or did we do a tape erase and start from zero? Are we going to go through a sham exercise that will not change a darned thing?

If he wants to talk about listening to Canadians, he has not done that yet.

• (1830)

The Deputy Speaker: Pursuant to order made on Monday, October 17, 2011 the House shall now resolve itself into committee of the whole to consider Motion No. 6 under Government Business.

[Translation]

I do now leave the chair for the House to go into committee of the whole.

DEMOCRACY IN UKRAINE

(House in committee of the whole on Government Business No. 6, Ms. Denise Savoie in the chair.)

The Chair: I would like to begin this evening's debate by making a short statement on how the proceedings will unfold.

[English]

Tonight's debate is being held under Standing Order 53.1. It provides for a take note debate to be held following a motion proposed by a minister, leaders of the other parties.

The motion providing for tonight's debate was adopted by the House on Monday, October 17, 2011.

[Translation]

Each member speaking will be allotted 10 minutes for debate, followed by 10 minutes for questions and comments. The debate will end after four hours or when no member rises to speak.

Pursuant to the special order adopted earlier today, the Chair will receive no dilatory motions, no quorum calls, and no requests for unanimous consent.

[English]

Pursuant to the rules used in the committee of the whole, members are permitted to speak more than once provided that there is sufficient time.

At the conclusion of tonight's debate we will rise and the House will adjourn until tomorrow.

We will now begin tonight's take note debate.

[Translation]

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC) moved:

That this Committee take note of concerns regarding the ongoing erosion of democracy in Ukraine, including most recently the politically motivated and arbitrary prosecution and conviction of former prime minister Yulia Tymoshenko by Ukrainian authorities.

[English]

Mr. Ted Opatz (Etobicoke Centre, CPC): Madam Chair, I will be sharing my time with the member for Dauphin—Swan River—Marquette.

It is worrisome to observe the recent developments in Ukraine and the ominous signs that democratic development is regressing and being undermined by the apparently politically motivated use of the judicial system in Ukraine.

Many Canadian members of Parliament, including the six members of Ukrainian heritage on this side of the House, along with political leaders from leading democracies around the world, have questioned the conduct of the Tymoshenko trial and subsequently the health of democracy, transparency, the rule of law and most certainly justice in Ukraine.

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Tymoshenko is being accused of abusing her authority as prime minister during the signing of gas agreements with Russia in January 2009. The prosecution claims that this caused significant damage to Ukraine in the loss of millions of dollars. For this she has been sentenced to seven years' imprisonment and fined approximately \$200 million. This is an apparent manipulation of justice designed to prevent her from seeking political office in three years' time.

The prosecution claims that she was able to achieve lower prices in negotiations with the Russian state gas company because she was guided by private interests. It is worth noting that the negotiations took place during a gas dispute between Ukraine and Russia wherein shipments of gas to Ukraine and western Europe had been halted.

The conduct of Tymoshenko's trial did not reflect internationally accepted norms of due process or fairness. Even though the hearings were originally transparent and open to the public, latter stages of the trial were conducted behind closed doors.

Furthermore, the court's treatment of Tymoshenko's defence team is highly suspect. Despite numerous petitions for the court to uphold the Ukrainian criminal procedure code for ample time for her lawyers to review case files, the judge ruled that three days was sufficient for the defence team to read and process 5,000 pages of evidence. That is 20 inch pile of paper. It is clear that any legal team would find it impossible to put together an adequate defence with such insufficient time to prepare.

Adding to my skepticism over the conduct of this trial is that Yulia Tymoshenko was charged by the security service of Ukraine with another criminal offence one day after her sentencing last October 11. It is alleged she embezzled \$405 million while president of United Energy Systems of Ukraine in the 1990s. This leads me to believe that the Ukrainian court system is applying selective justice and apparently allowing political interests to interfere with judicial impartiality and due process.

There is no doubt in my mind that Tymoshenko's conviction and pending charges are aimed at silencing an effective opposition leader, a necessary requirement for a healthy democracy. That is why I am speaking out today. This case is much greater than the fate of one Ukrainian leader. It goes directly to the issue of whether the Ukrainian government respects basic human rights and its responsibility to provide fairness and due process under its laws.

Viktor Yanukovich has made it clear that the cries of democratic nations for Yulia Tymoshenko will not lead to her liberation. He insists that the rule of law is supreme and an independent judiciary exists. Ukrainian authorities have to realize that their actions hold consequences for Ukraine's international reputation and its relationship with Canada.

Canada, and especially its Ukrainian Canadian community, is seriously concerned about democratic regression. The Ukrainian community in Etobicoke Centre has expressed its outrage to me. I have stood with members of the community and protested at the Ukrainian Consulate in Etobicoke and I spoke out about this apparent application of judicial vindictiveness. These concerns are shared with the Canadian Prime Minister who, in his letter to Ukraine's president, warned that bilateral relations, now dominated by free trade talks, could be damaged by these recent events.

In his address to the Ukrainian Canadian Congress just last week, the Prime Minister was very clear on Canada's position on Ukraine, a position I wholeheartedly support. He said:

Canada will support Ukraine whenever it moves towards freedom, democracy and justice.

Along with all of my constituents, I truly hope Ukraine does the right thing and upholds democratic freedom and the rule of law, ensuring a long lasting and productive relationship with Canada and all democratic nations that are now decrying this situation.

I stand with not only my constituents of Ukrainian heritage but all Canadians of Ukrainian heritage to denounce this apparently shameful course of action President Yanukovich has embarked upon.

[Member spoke in Ukrainian]

• (1835)

[Translation]

Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP): Madam Chair, I would like to thank my colleague for his eloquent presentation. Could he speak a bit more about diplomatic measures that Canada could take to resolve the situation and exert pressure on Ukraine?

[English]

Mr. Ted Opatz: Madam Chair, Canada is doing everything it possibly can right now.

The Minister of Foreign Affairs has issued strong statements in his own communiqués to the President of Ukraine, as has the Prime Minister, especially last Friday when he received the Shevchenko medal at the Ukrainian Canadian Congress event.

The Prime Minister sent a letter to President Yanukovich stating that he is jeopardizing relations with Canada.

Free trade negotiations are ongoing and our relations will be in jeopardy if actions and democratic regression continue.

Mr. Robert Sopuck (Dauphin—Swan River—Marquette, CPC): Madam Chair, Canada has a strong history with Ukraine. This year we celebrated 120 years of Ukrainian settlement in Canada. To date there are about 1.3 million Ukrainian Canadians in this country.

In 1991, Canada was the first country to recognize Ukrainian independence. The government has such a strong focus in terms of its dealings with the Ukrainian community that on October 14 the Prime Minister received the Shevchenko medal from the Ukrainian Canadian Congress.

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One activity the government has undertaken to cause it to earn this great award is the passing of the Ukrainian Famine and Genocide Memorial Day Act in 2008. I thank my colleague from Selkirk—Interlake for his great work on that. Another is our government's support for democratic reforms in Ukraine. We sent over 200 election observers to Ukraine for the 2010 presidential election. We are also entering into historic free trade agreements.

It is because of this relationship that the case of Yulia Tymoshenko is so troublesome for all members in the House. She is an extraordinary person. Before she became the first female prime minister of Ukraine she co-led the Orange Revolution. That was a time of unprecedented hope and progress in Ukraine where the world thought freedom, democracy and the rule of law would prevail. It is a country with magnificent potential. It has a strongly educated workforce, terrific farmland resources and abundant natural resources. The country seemed to be on the verge of greatness.

However, in May of this year Yulia Tymoshenko was subjected to a trial on a trumped up charge and sentenced to seven years' imprisonment. Officials in the United States and the European Union called the prosecution of Tymoshenko "selective prosecution of political opponents".

Our own Minister of Foreign Affairs in May of this year stated:

Canada is troubled by the manner in which the arrest, prosecution and conviction of Yulia Tymoshenko were carried out by Ukrainian authorities.

Interestingly, because of the seven-year sentence she received she is obviously precluded from running in the 2012 and 2015 elections. Yulia Tymoshenko is a very popular person in Ukraine but her very popularity appears to be her undoing in terms of dealing with the current Ukrainian judiciary.

There has been an international protest and what is now occurring in the House of Commons exemplifies the concern that the international community has. I have been informed that there are a number of demonstrations occurring in Ukraine itself where the citizens are protesting against this travesty of justice.

In a speech given by our Prime Minister on October 14 at the award ceremony hosted by the Ukrainian Canadian Congress, in terms of his letter to President Yanukovich, he said:

I let him know that I am deeply concerned...

That the conduct of Tymoshenko's trial does not reflect accepted norms of due process or fairness.

[...]

Canada will support Ukraine whenever it moves towards...democracy and justice.

However, our foreign policy is rooted in principle, and in the defence of freedom.

I am proud to be part of a government that exemplifies such principled foreign policy at home and abroad. We will always stand on principle. We will always uphold the rule of law. We will always defend Canadian values here and around the world. We are a valued and trusted friend of Ukraine and many of our other allies. We will always stand up for freedom and democracy.

The Prime Minister also said in his speech to the Ukrainian Canadian Congress on October 14:

The Ukrainian people can count on Canada to stand-up for their liberty.

It is time for the Ukrainian justice system to be fair to Yulia Tymoshenko.

• (1840)

Ms. Peggy Nash (Parkdale—High Park, NDP): Madam Chair, many Ukrainian Canadians are asking themselves what they can do here in Canada regarding the situation in Ukraine. I have had the privilege of participating in public demonstrations with the community a couple of times regarding the serious situation in Ukraine.

My question is with regard to Canada's trading relationship with Ukraine. Isolating Ukraine would be the wrong way to go. Does my colleague think we should encourage Ukraine to respect its own judiciary and democracy by telling it that respecting human rights is extremely important if it wants a free trade agreement with Canada?

• (1845)

Mr. Robert Sopuck: Madam Chair, my hon. friend has asked an excellent question. A thriving trading relationship is probably the best way to promote democracy and human rights. Canada will, and should, express outrage at what has been happening in Ukraine, but at the same time Canada should help move Ukraine toward a stronger and better relationship with the western world. It has to be a two-pronged approach where we express our concern for what is happening to Yulia Tymoshenko and at the same time increase our trading relationship with Ukraine.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Madam Chair, I appreciate the member's comments. It is a very important debate we are having this evening. I will put forward a thought and will be interested in hearing the member's response to it.

Given Canada's history in terms of wanting to help resolve issues in Ukraine, would the member be in favour of having representatives from all parties of this House make representation on an issue such as this? We would get one or two members from each political party in the House to show how serious we are on this particular issue. Is this something which he thinks the government might be open to do?

Mr. Robert Sopuck: Madam Chair, a few months ago I had the honour to be elected chair of the Canada-Ukraine Parliamentary Friendship Group, an all-party group dedicated to improving relations with Ukraine. Personally, I would have no difficulty with the suggestion that he had.

This is one of those issues that transcends partisanship. I know that all of us strive to get our place in the sun as political parties and MPs, but there are issues which I think transcend partisanship, and this may be one of them. I think that is something we could consider through the Canada-Ukraine Parliamentary Friendship Group.

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Madam Chair, I would like to congratulate my colleague on being elected as chair of the Canada-Ukraine Parliamentary Friendship Group. He does very fine work in that regard.

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The member was in attendance last Friday evening in Toronto when the Prime Minister received the Shevchenko award from the Ukrainian Canadian Congress. I understand that the Prime Minister is only the second prime minister in Canadian history to have been awarded that medal. The first was prime minister John Diefenbaker. Could the member share with us some of the comments the Prime Minister made last Friday night on that occasion about this matter that we are discussing this evening?

Mr. Robert Sopuck: Madam Chair, the Prime Minister was very forthright and principled in his comments. There was no equivocation, no hesitation at all. Canada is clearly on the side of the Ukrainian people.

I have a comment about the Taras Shevchenko medal. Taras Shevchenko is the heart and soul of Ukrainian culture. Indeed, in my own little community of Sandy Lake we have a Ukrainian museum and there are the poems of Taras Shevchenko. The common thread of freedom, democracy and the rule of law permeate Ukrainian culture from the littlest communities to the largest cities, and our Prime Minister's remarks reflected that.

Ms. H  l  ne Laverdi  re (Laurier-Sainte-Marie, NDP): Madam Chair, the NDP strongly supports this motion. The NDP is really concerned about the politically motivated persecution of Ukrainian opposition members and, in particular, the former prime minister, Mrs. Tymoshenko.

We in this room are not the only ones to be concerned about the current situation, nor are we the only ones to say that this trial was politically motivated. Amnesty International, which is a very trusted organization, said:

The prosecution against Yuliya Tymoshenko is politically motivated. The charges against her are not internationally recognizable offences, they are attempts to criminalize decisions that she made in the course of her work.... Poor political decisions of this kind – if that is what they were – should be punished by voters, not through courts.

We fully agree. In fact, we have been concerned for some time about the situation. In September the NDP finance critic and the foreign affairs critic sent a letter to the Minister of Foreign Affairs to underline our concerns on that issue. We are quite happy for this opportunity to discuss this very serious issue today.

As we all know, democracy is far more than casting a vote every four, five or seven years, depending on the regime. Democracy includes fundamental respect for institutions. In this case we can see a clear disrespect for normal institutions and the division of power. The persecution of Mrs. Tymoshenko is a politicization of the judicial system, not only her persecution but the persecution of other opposition leaders. It should be a wake-up call for all of us that our institutions can be so fragile and have to be protected seriously.

Democracy also includes respect for political rights. Here again we see a clear violation of those rights. As well, democracy includes respect for diverging views, such as in the media. More and more in Ukraine there is a shutdown of media that show different versions of things, and of course, opposition parties. Democracy is that and a lot more.

I started by saying that democracy is not only about voting, but democracy is also about the right to vote. There are serious concerns about the October 2012 election in Ukraine. How is this election

going to proceed if the main opposition leaders cannot participate in the said election? What kind of democratic election can that be?

We are all here today because we deplore this situation, but we are not the only ones. The EU has condemned the situation, as have the Americans. However, we should do more than deplore and protest.

• (1850)

We Canadians have such strong links with Ukrainian people. Their brothers among us have helped build this country. We have more than 120 years of a strong relationship, so we do care about what is happening in Ukraine. We do not want Ukrainians to lose all the benefits of the Orange Revolution. We do not want violence to erupt in Ukraine. This could happen; repression moves quickly. We want a democratic and prosperous Ukraine.

We should do more than stand here worrying and saying this is not good. We should communicate our concerns to Ukrainian officials. We should discuss with partners in the EU and our neighbours to the south to see what avenues there are to convince current Ukrainian authorities that they are going down the wrong path. We should also help in Ukraine. We should support, for example, human rights groups. We should support a training formula. We should support pro-democracy organizations.

We already give \$22 million a year to Ukraine. I am not saying we should stop giving this money, far from it, but we give it mainly in the business and agricultural sectors which are very important. If the situation gets worse, those sectors are going to suffer too. Maybe we should do a bit more on prevention. Maybe we should work more upstream and put all our efforts and money toward ensuring a healthy Ukrainian democracy where human rights are respected, where there is a clear division of power and where the prime minister does not hold all the power over parliament, government and everything else.

This is something we should clearly think about. We should think about redirecting our aid money to support on the ground human rights organizations and pro-democracy organizations. We should be looking very closely at the proposed Canada-Ukraine free trade agreement to see if we should move forward in the current circumstances and if so, if we can include in the agreement some safeguards and guarantees regarding human rights and the rule of law.

• (1855)

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Madam Chair, I want to congratulate my hon. colleague on her speech and on her selection as the foreign affairs critic for the NDP.

Government Orders

The member will know that the Prime Minister made a statement about the Tymoshenko matter just last Friday when, as was mentioned earlier, he had the honour of receiving the Taras Shevchenko medal from the Ukrainian Canadian Congress, the highest honour that organization bestows. As was pointed out earlier, he is only the second prime minister in Canadian history to receive that medal. He said:

I've written directly to President Yanukovich. I let him know that I am deeply concerned...that the conduct of Tymoshenko's trial does not reflect accepted norms of due process or fairness. Friends, we all know that vigorous political opposition and judicial independence are vital to building a democratic and prosperous Ukraine. Canada will support Ukraine whenever it moves towards freedom, democracy and justice. However, our foreign policy is rooted in principle, and in the defence of freedom.

I wonder if the hon. member could comment on the Prime Minister's remarks.

● (1900)

[*Translation*]

Ms. Hélène Laverdière: Madam Chair, I believe that his comments were quite pertinent. We thank him for that. His comments reveal a great deal about Canadian diplomacy, defending democracy and human rights, which has been an exceptional and longstanding tradition recognized throughout the world, and a source of pride.

As part of the response, such a gesture is absolutely essential. I also suggest that we could do more by examining the type of aid that we give Ukraine and by providing concrete assistance on the ground to developing democratic institutions and human rights organizations.

It is fine to say that we support democracy, but we must do our part. With Canada's expertise in democracy, human rights and democratic institutions, and given our longstanding friendship with Ukraine, we should be first in line to provide our support.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Madam Chair, I want to pick up on the member's point about getting directly involved. I had made the suggestion to a previous speaker that one of the things we could consider looking at is the possibility of having an all party group of members of Parliament go and deliver a message based on consensus.

I would be interested in hearing the member's response to that particular idea.

Ms. Hélène Laverdière: Madam Chair, I thank the member opposite for his suggestion, which seems to be an interesting one.

When we are dealing with such complicated issues, it needs to be a multi-prong approach. I think parliamentarians can play an important role, especially given that one of the problems in Ukraine is the lack of independence of the parliament in the current situation. This could be very important and I am sure some people from the NDP caucus would be interested in participating in that.

I think we also need to bring to bear governmental pressure and the on-the ground expertise that Canada has on these issues.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Madam Chair, I thank my hon. colleague for her very informed and helpful

comments. In the House, we all respect her long history in the diplomatic services. Her opinion is very valued on this.

It is interesting that the very recommendations being made in the House and by my hon. colleague are endorsed by the Ukrainian Canadian Congress. It has called for CIDA to divert its funding and its support toward more NGO support to build better governments, and so forth.

I appreciated my hon. colleague's comment that while we do not want to discourage trade between Canada and Ukraine, we want to build their economy. I come from a province where the former premier was of Ukrainian descent. We come from a very proud tradition.

I have a history with some of the side agreements to trade agreements, for example the NAFTA agreement in which conditions were imposed giving citizens the right to participate, access information and so forth. Apparently, the Ukrainian Canadian Congress has called for censuring the Ukraine government. If we look at the definition of censure. I wonder if perhaps those are some of the measures that we could pursue. Maybe there needs to be conditions on transparency, engagement and so forth in our trade agreements.

● (1905)

[*Translation*]

Ms. Hélène Laverdière: Absolutely, Madam Chair, and the tools already exist. This is not the first time that a country is in a situation where it is signing agreements with another country that still has progress to make. The European Union is a good example. It accepts into the union countries that still do not meet its standards, but it gives them benchmarks to reach. I think that is a policy that we should integrate into all of our free trade agreements. As my colleague said, it is not a matter of abandoning Ukraine. In such situations, it is important to maintain a dialogue and work together, and for Canada to bring what it can to the table.

If I may digress: in all of our free trade agreements, when necessary, we must have specific measures to ensure that human rights and democratic development are essential parts of the free trade agreement. That is true not only for Ukraine but also for Colombia and many other countries. We cannot do trade only without taking into account issues as important as human rights. If it is not a matter of being kind, it is a matter of being smart. Countries that do not respect human rights are often more unstable countries, and no one wins.

[*English*]

Mr. Peter Goldring (Edmonton East, CPC): Madam Chair, I congratulate my colleague on her dissertation on the matter at present. I just have one suggestion to possibly throw into the mix.

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The Organization for Security and Co-operation in Europe has delegates from Canada, the United States and 54 other countries, including Ukraine. It is an excellent forum to have these discussions with parliamentarians from 56 countries. Perhaps it is in a forum, not necessarily to single out but maybe to be inclusive, that we should have a discussion on parliamentary democracy. It might inch into this type of discussion on how to deal with matters, how to make the point and have a decision-making process with 56 countries of parliamentarians on a better way for parliaments to proceed with their own internal democracy.

[*Translation*]

Ms. Hélène Laverdière: Madam Chair, I thank my hon. colleague for his speech, which is in line with my comments. If we want to ask the OSCE to be a partner in the talks with Ukraine, we can do it at the parliamentary level, but we can also do it with the organization itself. It has a great deal of expertise in democratic development and the protection of human rights.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Madam Chair, I am disappointed over recent events in relation to the prosecution of former Ukrainian prime minister and opposition leader, Yulia Tymoshenko. Recently, a judiciary in Ukraine found that Ms. Tymoshenko had overstepped her authority as former prime minister in a 2009 gas deal with Russia. The government of the current prime minister, Viktor Yanukovich, has alleged that the agreement forces Ukraine to pay exorbitant prices well above market value for Russian gas. As a result, Ms. Tymoshenko has now been sentenced to seven years in prison and has been barred from holding governmental posts for an additional three years after the completion of her prison sentence.

Others have also been targeted. Recently, charges have been brought forth against former interior minister, Yuri Lutsenko.

I think it is clear, from these recent charges against the opposition in Ukraine, that the government is engaging in political silencing, especially in light of upcoming elections both next year and in 2015. As a result of her sentence, Ms. Tymoshenko will not be permitted to run in either election.

I take issue with these political trials that ultimately put at risk the ability of Ukraine to have free democratic elections. We must ask how Ukraine can uphold the rights and visions of its people when dissenting voices are threatened and effectively removed by the hands of the courts and through what appears here to be the influence of the government. Governments cannot prosecute the decisions of former governments simply because they do not agree with them, and governments must respect and safeguard the right of individuals to express their positions.

Dissension is not criminal. Rather, it is an integral part of the maintenance of a strong, dynamic and democratic society. Amnesty International has repeatedly called for the release of Ms. Tymoshenko and various international experts have questioned the legitimacy of the trial.

I urge the government to take measures so that the rights of Ukrainians are upheld and so that individuals and authority figures have the ability to speak freely of their positions without fear of prosecution. Ukraine needs to facilitate a fair and transparent appeal

process for Ms. Tymoshenko and to ensure that the judiciary maintains its independence.

It is a privilege for me to stand here today and speak to this very important take note debate. I find that Canada has a wonderful history in terms of friendship with Ukraine and the connections we have been able to develop over the years speak volumes. As has been pointed out, back in 1991, Ottawa was quick to recognize an independent Ukraine. On May 27, 2008, all four parties here in the House of Commons voted on a bill recognizing the Holodomor as an act of genocide.

Even though I was not in this particular House, I was in the Manitoba legislature. In the last number of years, the Manitoba legislature has had resolutions and bills dealing with the recognition of the Holodomor as an act of genocide. We recognize the valuable contributions our Ukrainian community has made to who we are as a Canadian society. In fact, one of the first issues I raised inside the House of Commons was an issue that I know is very important to our Ukraine community, and that was in regard to the Holodomor and the Canadian Human Rights Museum, and why it is that I believe, suspect and hope that others in the House see the value of having that permanent display.

I say that because we do have a role to play. We have a history where we have shown that Canada can have an impact. We have that rich heritage here. I could talk about Winnipeg North as a community that was, in good part, built by Ukrainian immigrants. They have not lost their caring or compassion for their homeland, which is something I personally encourage. We need to take advantage of the rich heritages that are brought from other countries. Ukraine is one of them and the Ukrainian community has made immense contributions to our country.

● (1910)

People can turn to organizations such as the Ukrainian Canadian Congress that have immense amounts of credibility to get a sense of what is actually happening. Organizations like that can help us in ensuring we are making good decisions on where to go from here.

I and the Liberal caucus have benefited immensely from the past performance of Borys Wrzesnewskyj, the former member of Parliament for Etobicoke Centre, and he also was a friend. Even though I have not known him long, he was a colleague of mine, and he ensures that the Liberal caucus is being kept informed on this very important issue.

That is one of the reasons I made the suggestion a little earlier that there is something else we should consider doing. I was pleased that the member for Dauphin—Swan River—Marquette mentioned the possibility of three or five members going to Ukraine to look at what we might be able to do in an all-party fashion, including the Canada-Ukraine Parliamentary Friendship Group, of which I am a member. I look to the member and suggest this is something that could make a difference. Maybe it is possible to visit Mrs. Tymoshenko herself or other individuals in Ukraine, as a group of parliamentarians.

Government Orders

It is really encouraging when party politics are put aside in order to address an important issue. This is an important issue that is worthy of the debate taking place this evening, and I hope and trust that members will want to take it to the next level. It is encouraging when we hear that letters have been written, whether they are from the Prime Minister or others, or when individual actions are taken within our many communities, even by individuals not of Ukrainian heritage who know what is right and wrong, see what is happening in Ukraine and feel it is just not right. It shows just how vulnerable democracy is and how important it is for us as parliamentarians to play a role in protecting democracies where we can, especially where we can have that influence.

I would suggest the time is right for us to be debating this issue today. I hope a strong message will go to Ukraine about the debate we are having. I look forward to a response from the member for Dauphin—Swan River—Marquette, chair of the Canada-Ukraine Parliamentary Friendship Group, with the hope that we will be able to move forward on the issue. Perhaps we could meet and have a discussion as to what is next. We could possibly invite the Ukrainian Canadian Congress to participate in our next meeting so we can continue the dialogue in an apolitical fashion and hopefully have a stronger impact in Ukraine. I trust, hope and pray we are able to make a difference in the beautiful country of Ukraine.

• (1915)

Mr. Peter Goldring (Edmonton East, CPC): Madam Chair, just as a little background for those who may not be aware, Yulia Tymoshenko was the lightning rod in the Orange Revolution. She really was one of the premier people who caused the Orange Revolution, kept it going, and brought it to a successful, wonderful conclusion. What a message to the world to have hundreds of thousands of people out on the street in protest for their vote and to have no one injured in it. It was a peaceful protest that was successfully brought through.

She was a thorn in the side of the president back then, and in the last presidential election as well. It is rather understandable, in a way, why she would be perceived to be problematic for the president moving forward, as my colleague said.

Does my colleague have other ideas for things we might do to put this issue forward on an international platter? Would it be appropriate to call in the ambassador of Ukraine when he does arrive here, or for our friendship committee to have a friendly meeting with the ambassador of Ukraine when he does arrive? What other things could my colleague possibly offer for consideration?

• (1920)

Mr. Kevin Lamoureux: Madam Chair, I think that is an excellent idea. I have two quick points. The Orange Revolution is something that is really unique in world history, and we acknowledge that. The leading role Ms. Tymoshenko played was just overwhelmingly phenomenal. That is all the more reason why Canada does have a role to play.

I suggest that there is the political will here today, whether it is the Liberal Party of Canada, the New Democrats or the Conservatives in government. Maybe the way we attempt to take it to the next level is to ask the member for Dauphin—Swan River—Marquette, who is the chair of the parliamentary friendship group between Canada and

Ukraine, to convene a meeting and we will get members from all political parties together. I am a member of that particular committee and I would welcome the opportunity to have the ambassador come before the committee. Maybe we can come up with some ideas through that particular committee. I can assure the member that he would have my full co-operation in an apolitical fashion.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Madam Chair, I have to share that I am finding it very encouraging to hear both from the Conservative benches and the Liberal benches the enthusiasm they share with us for the orange wave.

Hon. Peter Van Loan: It is different.

Mr. Peter Goldring: Stick with the program.

Ms. Linda Duncan: No, it is not different. It is a colour that represents freedom, democracy and opportunity to participate in the development of their nation. We applaud the people of Ukraine for standing up and fighting for that. I know Ukrainians share that with Canadians. They want the opportunity for economic development. They want the freedom of association. They want democratic institutions.

There is a wonderful institution that comes out of Alberta, the *Ukrainian News*, which has been there for many decades. It has been giving front page coverage to this issue. It is clearly an issue of concern to Canadians and to Albertans, and not just people of Ukrainian decent.

I am wondering if the member agrees with what is reported in the *Ukrainian News*, that the Ukrainian Canadian Congress is saying, yes, we should be using all diplomatic means but we should be censoring the Ukrainian government if it is not including measures for democracy and freedom of speech in its trade relationships with Canada. I wonder if the member could speak to that.

Mr. Kevin Lamoureux: Madam Chair, again, I have two quick points.

That is one of the reasons I made the suggestion that the Canadian Ukrainian Congress would be a wonderful group to have come and meet with the friendship group, which we already have established and which is quite ably chaired by the member for Dauphin—Swan River—Marquette. There is all-party representation on it. I believe it could be done in a fairly apolitical fashion by doing it that way.

With regard to the reference to orange, I could talk about the yellow revolution that occurred in the Philippines in reaction to President Marcos. I do not want to get into the colours. It is not about colours. Ms. Tymoshenko is an awesome lady and she is quickly becoming a world icon. I think what we need to do is, in an apolitical fashion as much as possible, try to make sure there is justice to this issue and that democracy is protected in Ukraine, as much as we can.

I am prepared to work in an apolitical fashion with someone of Ukrainian heritage back in Winnipeg North or with the Prime Minister, because this is an issue that I think transcends party lines. At least that is my take on it at this point.

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Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Madam Chair, I am remembering some of the history of the Orange Revolution and the work that was done then. It was the spirit of the Martin government at the time that sent close to 1,000 observers, under the leadership of former prime minister John Turner. They went there to assist and make sure democracy did happen.

There are 1.2 million Ukrainians in Canada, the fourth largest diaspora in Canada, and they are playing an important role. We have members of Parliament from Ukraine and we even had a Governor General.

We can sit and talk about sanctions, and I was impressed when my colleague across the way said that maybe we should call the ambassador and speak to him. I am wondering if there is a means for ambassadors whose countries are misbehaving in an undemocratic fashion, be they Egypt or Syria, to be called on the carpet and read the riot act. Maybe we should act in the same fashion when the new ambassador comes from Ukraine, and also all the other high commissioners and ambassadors whose countries are doing this kind of thing. Could the member comment on this?

● (1925)

Mr. Kevin Lamoureux: Madam Chair, I appreciate the comment in regard to the election observers. The number of Canadians who participated in Ukraine in 2004 was impressive to see.

In my short period of time in the Canada-Ukraine Parliamentary Friendship Group, I have noted that there was a relationship between the past ambassador and the group. I do believe there is some merit in terms of asking, but the past ambassador is now back in Ukraine. One of his last responsibilities was to retrace via train the immigration of individuals who came from Ukraine. I met him in the Winnipeg train station. I believe there is merit in at least asking for the ambassador so we can express ourselves in a very direct way.

One of the suggestions we made earlier was having an all-party group of MPs travel to Ukraine, hopefully to meet with Ms. Tymoshenko or others. We hope the government will pick up on that particular recommendation.

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Madam Chair, I will be splitting my time with the hon. member for Edmonton East.

It is my pleasure to rise today to speak to this important and timely debate regarding the recent erosion of democracy in Ukraine. I know that I am not alone in being deeply troubled by recent events. If the recent conviction of former Prime Minister Yulia Tymoshenko was not cause enough for concern, the fact that it is just the latest in a series of anti-democratic actions taken by the current Ukrainian administration certainly is.

When I look at these mounting attacks on democracy and human rights, it is difficult not to conclude that the current government is on a course that will suffocate democracy and subvert legitimate opposition in Ukraine.

In 1991 Canada was able to support Ukrainian freedom in a dramatic and concrete way. Under the leadership of Prime Minister Brian Mulroney, we were the first western country to recognize Ukrainian independence and freedom. We did so on December 2, just one day after Ukraine had itself affirmed its independence.

Since then, Canada has worked closely at the governmental level and informally through community and citizen organizations to help Ukraine rebuild after 70 long years of Soviet socialist tyranny. This has been no easy task.

Ukrainians have demonstrated time and again their courage and determination to turn their back on their communist past and to be part of the western spirit of democracy and freedom in which human rights are respected and the rule of law prevails. For that reason, the recent developments in Ukraine are that much more distressing.

There is a bitter irony in these recent developments, for the current president and his administration were brought to power in 2010 in what were agreed at the time to be mostly free and fair elections. However, only six years after the Orange Revolution which saw Ukrainian people rise up in the face of political corruption demanding the right to have their say in who governs and how, only six years after these momentous events which gave Ukrainians, indeed, people around the world such hope, their hopes are being dashed by an administration that appears to be prepared to subvert justice and the rule of law.

In every international rating of freedom, Ukraine is sliding today. Journalists increasingly practice self-censorship to avoid persecution. Those who do not practice self-censorship may face serious threats to their lives, threats that are often downplayed or ignored by the authorities. One has to ask how free and independent a press can be when one of its largest media magnets also just happens to be head of Ukraine's security service.

As the Minister of Foreign Affairs for Canada so clearly stated in his recent address to the United Nations General Assembly, Canada is a vigorous defender of freedom, democracy, human rights and the rule of law. Standing for what is principled and just is a Canadian tradition".

This principled approach forms the cornerstone of our country's foreign policy and of our response to the development in Ukraine. Canada has spoken strongly over the past two years as conditions have worsened in Ukraine. In August of this year, the minister publicly expressed the Government of Canada's concern over Ms. Tymoshenko's arrest and the potential negative impact this action would have on democratic development in Ukraine.

In September both the Prime Minister and the Minister of Foreign Affairs wrote to President Yanukovich, expressing the government's deep concerns about recent developments, in particular the apparent political motivation behind the trial of former Prime Minister Tymoshenko. There are clear signs that Tymoshenko's case has failed to follow a fair judicial process, like many other such politically motivated charges and trials being brought against former members of the opposition.

This is a glaring example in the Tymoshenko case. The prosecution requested the appearance of 32 witnesses and experts. The prosecution was granted all 32. The defence, on the other hand, asked for 30 witnesses and experts. The defence was only granted two.

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A second example is that Ms. Tymoshenko has been charged under article 365 of the criminal code. This article is a remnant from the Soviet socialist penal code covering offences of excess of authority of official powers. This article is being used in a subjective way to criminalize the act of making a political decision, and in this case, reaching an international agreement.

Canada is deeply concerned about the appearance of reaching back to the laws of a Soviet socialist communist occupation that starved its people and executed political opponents. There can be no question that the political motivation and bias in the prosecution of this and other cases, as well as the court proceedings, undermines the neutrality of the court and therefore the strength of the rule of law in Ukraine.

While Ukraine's future is obviously in the hands of the Ukrainian people themselves, Canada cannot stand idly by while the very rights the Ukrainian people so bravely fought for and won are being eroded.

•(1930)

As the Prime Minister recently stated in his address to the Ukrainian Canadian Congress, “Canada will support Ukraine whenever it moves towards freedom, democracy and justice”.

Throughout some of the former Soviet Union and Eastern Bloc countries, enormous progress toward free, democratic and open societies has been made. In fact, some of the greatest champions of freedom and individual liberty are now among those countries. From low taxes and high economic freedoms to a commitment to shoulder international obligations to fight for democracy where it is at risk, countries like Estonia, Latvia, Lithuania, Poland and more have been at the forefront.

For a time, Ukraine appeared to be following that same path of leadership in the cause of freedom. We know it can return to that path. We urge Ukrainian authorities to do so.

In the meantime the Ukrainian people must know that we will continue to support them and seek ways to work with them to strengthen their democratic institutions and to broaden their opportunities.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Chair, I appreciate the hon. member's support for Canada speaking out and intervening to see greater democracy in Ukraine.

The clear definition of democracy is the separation between the judiciary and the legislative and administrative arms.

I wonder if the hon. member could respond to a question I have asked some of the other members. It is reported that the Ukrainian Canadian Congress has called upon the government to make the condition that Congress supports pursuing a trade agreement with Ukraine that will benefit both this country and Ukraine if a good agreement is negotiated and we can maintain good trade into the future. However, it has have asked that this agreement be contingent upon the Ukrainian government committing to respecting democracy and human rights.

Could the member speak to whether his government supports that this be a term of any trade agreement?

•(1935)

Hon. Peter Van Loan: Mr. Chair, I am pleased to see some interest in the idea of a trade agreement with Ukraine from the opposition NDP. Traditionally it does not support trade agreements.

When we undertook those trade negotiations, and I was minister of international trade at that time, we consulted broadly in the Ukrainian community. It indicated its strong support for this kind of economic engagement. It believed that a free trade agreement would help further enhance the freedom and the prosperity of the people of the Ukraine, creating greater economic opportunities for them, as well as for the Ukrainian community in Canada, which would be best positioned to take advantage of the trading opportunities in that relationship.

We have continued to consult closely with the Ukrainian community to ensure that they are supportive of the ongoing process of negotiating free trade. We share many of the same concerns they have, hence the communications we have made in terms of our concerns with the erosion of democracy.

Needless to say, progress toward a free trade agreement has not been as rapid under the current regime in Ukraine as we had hoped it would, and as it was previously, but we will continue to move carefully forward in a fashion that will enhance freedom for people in both countries and economic opportunities in both countries.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Chair, back in the late 1980s, early 1990s, Ukrainian Canadians demonstrated outside the Soviet Union embassy and the consulates general. They were demonstrating because they wanted a free and democratic Ukraine.

Euphoria happened when Ukraine moved into what seemed to be a democracy. There was the Orange Revolution. Now what we have today is the Ukrainian diaspora going back to demonstrate, but not against the Soviet Union embassy and the consulates general, but against their own embassies and consulates general.

I have been told of by my Ukrainian friends that they are seeing the hands of Russia starting to be engaged in Ukraine and play an important role. As they were saying then, “Russia, keep your hands away from Ukraine”, they are starting to say right now “Mr. Putin, keep your hands away from Ukraine”.

Has there been any conversations on the government side that it might want to send a strong message to Russia to stop meddling in the Ukraine?

Hon. Peter Van Loan: Mr. Chair, we have made it clear throughout that, whether it comes to issues like NATO accession or any other issues of international relationships or their standing, no country should have a veto over the choices that the people make to choose freedom. We have said that with regard to NATO accession for Ukraine and for Georgia and indeed we will say that in every forum.

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The member for Scarborough—Agincourt brings to mind the ages when we used to protest against the Soviet Union for freedom of these captive peoples. I myself come from an Estonian background. I am part of a community that did exactly that. In fact, the reason I am here in the House of Commons today as a Conservative. I remember seeing, as we were fighting for freedom for those captive people, the prime minister of the day, Pierre Trudeau, palling it up with Kosygin and Brezhnev, the Soviet leaders. He did not have that commitment to freedom and human rights that we believed we were fighting for so strongly.

That is why we have to be vigilant that the era of Kosygin, Brezhnev or Stalin or any of those Soviet leaders that kept those people in prison. Crimes against humanity that were not sufficiently condemned by those in the other parties always will be on this side and we will fight for freedom and stand for it four-square. That is why we are proud to be doing what we are doing today for freedom in Ukraine.

Mr. Peter Goldring (Edmonton East, CPC): Mr. Chair, I am pleased to rise this evening to add my voice to those who have expressed their deep concern about recent developments in Ukraine, in particular the apparent political motivation behind the trial and conviction of former prime minister Yulia Tymoshenko.

My deep concern for the unfolding of recent events in Ukraine led me, as a member of the Standing Committee on Foreign Affairs and International Development, to recently call for a committee study on the geopolitical realities of Canada-Ukraine relations today. As former chair and executive member and now vice-chair of the Canada-Ukraine Parliamentary Friendship Group, I have expressed concerns at many levels. It is important to raise our deep concerns when we officially can.

For Canadians who have followed Ukraine's development so closely since 1991, these latest developments are deeply troubling. How have things gone so wrong since the heady days of the Orange Revolution, and what can Canadians do to help Ukraine get back on a democratic track?

What happens in Ukraine is of particular interest to Canadians, for our ties with that country are strong: there are 1.2 million Ukrainian Canadians who have helped make Canada the successful, secure and democratic country that it is today.

My wife's family, the Taschuks, came to northern Alberta from Ukraine in the early 1900s. My wife Lorraine, my two daughters, Corinna and Kristina, and my three granddaughters, Katelin, Alexandra and Eleanor, are all of Ukrainian heritage.

Canada was the first western country to recognize Ukrainian independence in 1991. The transition to an open and democratic society after 70 years of Soviet rule, to say nothing of the years of the Tsarist regime before that, has been difficult. Almost from scratch, not just institutions but whole cultures of dialogue and trust have had to be developed, and that development is not yet complete. Ukraine suffers from the weaknesses of civil society, and governance structures remain fragile.

I was in Ukraine as a monitor for the failed election of November 2004 and personally witnessed and photographed massive electoral ballot box stuffing. I stayed on, on my own funding, as the only

Canadian politician to report on the Orange Revolution and was constantly followed and intimidated. I was there to see the end of the discord of the revolution in a burst of fireworks over Independence Square, signalling an agreement, success and hopefulness for the future.

I have returned to Ukraine six times since then, five times as an election monitor and once to take part in the annual parliamentary assembly of the Organization for Security and Co-operation in Europe, the OSCE, and I witnessed the growing political frustration and discord. While many positive changes did take place, such as increased media and political freedom, many of the population's hopes were not met. Corruption, for example, was not tackled and continued to permeate all levels of government and society.

In the 2010 presidential elections observed by myself for the OSCE and judged to be free and fair, Yanukovich became president, and while democratic development had failed to move forward under the previous president, under Yanukovich's administration it is being forced back.

As we all know, elections in and of themselves are not enough to allow a democracy to grow. A vibrant civil society and active and independent media are essential components of democracy. The current Ukraine administration has been hampering democratic development on all fronts. It has been arresting former members of the opposition, ostensibly on charges of corruption, but those charges consistently change as the judicial process progresses.

An open and democratic society invites thought, innovation, enterprise and investment. A closed society can only feed on itself, and eventually there is nothing left but a hollow shell that can only implode. After 70 years of Soviet rule, Ukrainians know this better than most. We must engage with Ukrainians to support their desires to build a democratic and free society. This cannot mean, however, that we sacrifice our principles for the sake of engagement.

Canada will repeat its criticisms of shortcomings that threaten the building of a peaceful, democratic and prosperous Ukraine. It is through this type of critical engagement that Canada can most effectively support the Ukrainian urge for freedom and democracy.

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• (1940)

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Chair, the Ukrainian Canadian Congress has said that given concerns about Ukraine's drift towards authoritarian rule and limitations to freedoms, politically motivated prosecutions, curtailment of academic freedom and freedom of assembly, media censorship and harassment, and politically motivated selective justice, the UCC believes that there is a need to ensure that the Canada-Ukraine free trade agreement includes provisions guaranteeing human rights protection as a precondition to concluding such an agreement.

Does the member opposite agree with that statement?

• (1945)

Mr. Peter Goldring: Mr. Chair, there are many scenarios that we could engage in. Perhaps the trade agreements could have wording, but it would be difficult to have those words have full and defined meanings. I don't know; I have not been involved before in trade agreement writing.

However, there are other things we can do. One is to have a meeting of the friendship committee that the member is a part of. The member has been with me on election monitoring in Ukraine. This also, on side visits, engages some of the parliamentarians as well. There are many things that we can do. We are calling this issue forward in the foreign affairs committee as well.

Some of the other suggestions that have come forward are interesting and should be considered as well. I agree totally, as has been said on all sides of the House, that this is a commitment we all have a part of and one on which we come together politically as one in our effort to have this issue heard. If we make this issue roundly, firmly and vocally, I believe there are people there listening. I believe the president is listening.

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Chair, I would like to acknowledge the work that my hon. colleague has done over many years to promote the cause of democracy in Ukraine. He is a tribute to all democracy-loving Canadians, and especially those of Ukrainian heritage. The member will know that the Minister of Foreign Affairs has made some important comments on the Tymoshenko matter. I will read one quote. He said on October 11:

Canada is troubled by the manner in which the arrest, prosecution and conviction of Yulia Tymoshenko were carried out by Ukrainian authorities. The apparent political bias and arbitrary prosecution in this and other cases hamper Ukraine's democratic development. A legitimate and active opposition is a vital part of a vibrant and effective democracy.

There are clear signs that the court proceedings fall far short of internationally recognized norms of fairness, transparency and due process.

I wonder if the hon. member could comment on those statements by the Minister of Foreign Affairs.

Mr. Peter Goldring: Mr. Chair, it is troubling for all parliamentarians. My understanding of the issue is that she was in office, and whether she has an implied immunity or an actual immunity, for someone who is in a law-making, decision-making process while they are in politics to be subject to criminal charges when they leave politics runs counter to the understanding of parliamentary democracy as we know it.

Who would want to come into a political decision-making role if they were to be subject forever and for all time to someone's reading of a rule from the law books when the laws themselves may be confused? In this case she not only was tried by that law, but convicted by that law and imprisoned by that law. What person would want to follow in those shoes and take up those reins of power under those circumstances?

[*Translation*]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Chair, I would like to thank the hon. member for his speech. Canada plays an important role on the international stage in terms of supporting democracy and human rights. What diplomatic pressure is the Government of Canada putting on Ukraine regarding human rights?

[*English*]

Mr. Peter Goldring: Mr. Chair, Ukraine is a sovereign country, but what we can do, and what we are doing at this very moment, is what I would call strong suggestions of action. This is one method of doing it.

The reporting from this Parliament is already taking place in Ukraine. The reporting for our committee meeting coming up on a study on Ukraine has been in the *Kyiv Post* today, so these different actions are having an effect and they are being heard there. In fact, we are having our voices and our disappointment heard in Kiev.

• (1950)

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Chair, it is a privilege to be part of this debate this evening on the important topic of current events in Ukraine.

This happens to be the 120th anniversary of Ukrainians in Canada. This year we have been celebrating the incredible legacy of that 120 years of Ukrainian achievements in building our country. We are proud of our special relationship with Ukraine.

My riding of Parkdale—High Park is home to the largest Ukrainian street festival throughout North America. We have a large Ukrainian community. It is home to the Taras H. Shevchenko Museum.

Many of us have been to Ukraine, as my hon. colleague mentioned, as election observers, including in 2004 in what was called the Orange Revolution. We saw the incredible determination and passion of Ukrainians for democracy and human rights. It was inspiring. People camped out for months at the Nezalezhnosti Square in downtown Kiev in Ukraine. They inspired the country in their quest for democracy after tainted elections had occurred. Those of us who had the privilege of being there as election observers saw the genuine desire of the majority of Ukrainians to have free and fair elections. Many people said to us that they just wanted a normal country. They wanted to see the normalization of Ukraine.

While Ukraine is an old and historic country with a long history, it has only 20 years of modern independence. There is real concern that the country is slipping backward.

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The manner in which the arrest, persecution and conviction of Yulia Tymoshenko was carried out by Ukrainian authorities is deeply troubling. With the sentencing of the former prime minister to seven years in prison, the Ukrainian government under President Yanukovich has reached an alarming new low in the deterioration of democracy and the rule of law in modern Ukraine. The apparent political bias and arbitrary prosecution in this and other cases hamper Ukraine's democratic development. A legitimate and active opposition is a vital part of a vibrant and effective democracy, as we see in the House.

There are clear signs that the court proceedings that occurred fell far short of internationally recognized norms of fairness, transparency and due process. The verdict was the product of a politically motivated trial that did not meet international standards and seemed aimed at silencing a member of the opposition a year before elections.

We believe that a fair and independent judiciary is an essential branch of democratic governance. As vice-chair of the Canada-Ukraine Parliamentary Friendship Group, I join with my colleagues in urging Ukraine to strengthen its judicial independence and capacity.

EU officials have said that they would like to see both Mrs. Tymoshenko and several others, her jailed cabinet ministers, released by Ukrainian authorities before signing a new association agreement with Kiev that marks the first step to membership in the EU. It is hard to see how any agreement with the EU can be signed as long as Kiev rejects a core value of European democracy, namely that elections, not courts, are where politicians settle their differences.

This debate is about far more than the fate of one Ukrainian leader. It really goes directly to the question of whether the Ukrainian government respects basic human rights and its international commitments and whether Ukrainian citizens receive equal treatment under the law.

It is now more important than ever for Canada and our European allies to work together to make clear to the Ukrainian government that the benefits of Euro-Atlantic integration will not be available to Ukraine so long as it violates the values of freedom, political pluralism, and the rule of law that lie at the heart of the Euro-Atlantic community.

● (1955)

We urge the Canadian government to strengthen judicial independence and capacity. These are necessary to the peaceful, democratic and prosperous society Ukraine is striving to become, and Canada will continue to support its efforts in that direction.

Further, the Canadian government must in no uncertain terms communicate its concern to Ukrainian officials, including requesting assurances that Yulia Tymoshenko's constitutional rights will be fully respected.

Canada also has to be clear that negotiations for a Canada-Ukraine free trade agreement cannot be advanced as long as the Ukrainian government refuses to guarantee the protection of human rights, rule of law and democracy in that country. The Ukrainian Canadian Congress is arguing strongly for these provisions to be included.

In closing, as part of our strong relationship, we have a Canada-Ukraine parliamentary program which this year has brought for the 21st time more than 30 talented students to the Canadian Parliament to work with a number of MPs to experience democracy in action. It is our help with Ukraine for democracy building.

These talented interns working with us, one of whom I have in my office, represent the new wave of young and promising citizens of Ukraine. They work hard every day and dream about the better future for their home country. I encourage them and all Ukrainians to do their best and never give up believing in the bright future of Ukraine, and most important, working toward great change in their lives and in the life of their country.

Today we all wish to see a great country and its talented people succeed in overcoming the legacy of its difficult past and continue to build a democratic, stable, prosperous and harmonious society within Ukraine based on respect for national and religious minorities and strong, mutually respectful relations with its neighbours and beyond.

As we say in Parkdale—High Park, *slava Ukraini, slava Canada*.

[*Translation*]

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP):

Mr. Chair, I would like to thank the hon. member for her enlightening speech. It was very interesting to hear about the young Ukrainians travelling abroad who are learning what democracy, in the west or elsewhere, can do. Programs were recently set up to encourage as many students and other young Ukrainians as possible to come to Canada to study. It would be wonderful to encourage more of these types of programs that allow youth to come to Canada, to study here and to see what can be had in the west. When they return to Ukraine, they might want to take those ideas back home. Could the hon. member comment on that?

Ms. Peggy Nash: Mr. Chair, I thank the hon. member for her question. Canada has very close ties with Ukraine, and we can help Ukrainians in many ways, especially the youth. They have a lot of hope and ideas for the future. They want their country to be better in the future. Exchanges can be a great opportunity for them to see how our democracy and universities work. It is an important investment for Canada, and I continue to encourage our government to make this type of investment. It is a great boost to democracy in Ukraine.

● (2000)

[*English*]

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Chair, I have an interest in this issue from different points of view, starting with a large Ukrainian population in my constituency. On the farm many of my neighbours and friends were of Ukrainian descent. As well, I am involved with the Canadian NATO Parliamentary Association. In that association we often talk about Ukraine. Canada has been a great supporter of having Georgia and Ukraine come into NATO. I know some members of Parliament from Ukraine very well. When I ask how things are in Ukraine, they refer to the arrest and are very concerned by it.

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In the long run it is apparent to me that what is holding Ukraine back more than anything else is corruption. It just cannot get through the issue of corruption like some other former Soviet bloc countries have. It is not nearly as successful, and that certainly is holding Ukrainians back.

On the general issue of corruption in Ukraine and how that is holding that society back, how does the member consider that to differ from the issue of the arrest of Mrs. Tymoshenko and the impact this could have on Canada-Ukraine relationships, and also on future development and advancement in Ukraine?

We all are sincerely hoping for the best for Ukraine. It is a country with so many resources and great people. It should be moving ahead faster than it is.

What does the member foresee as a possible impact of this arrest?

Ms. Peggy Nash: Mr. Chair, my colleague asked about corruption and the relationship with this latest situation with Mrs. Tymoshenko. It is about trust in democratic institutions. If the average person does not believe there is transparency and that institutions are accountable and working for the population, then people do lose trust. There is a relationship between unhealthy and corrupt institutions and an undermining of people's belief that democracy is possible.

That is why, as my colleague was remarking previously, it is important to have young people come here to study and participate in institutions like Parliament through the internship program. It is important to have exchanges, like several of us as parliamentarians have done, where people go as election observers to see the institutions in Ukraine, and help to strengthen the democratic capacity of Ukraine.

People are very worried. The Ukrainian diaspora around the world and Ukrainians are very worried because once things start to slip backwards, people fear losing all the gains they have made.

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Chair, I want to take this opportunity to thank my colleague from Parkdale—High Park for her very fine presentation.

Currently, through CIDA, Canada is one of the main providers of aid to Ukraine. Insofar as this aid is directly and exclusively based on agriculture, would it not be wise to provide more support that is focused on training activities for legal experts and journalists? At present, it is clearly the lack of independence of the justice system in the face of partisan political power that is the problem.

Ms. Peggy Nash: Mr. Chair, I want to thank the hon. member for his question.

Indeed, Canada currently provides a great deal of aid to Ukraine. Perhaps now is the opportunity to change the orientation of this aid and start training journalists and legal experts to help democracy.

A great deal of care is taken in the maintenance and growth of democratic institutions for the future. Canada has a special relationship with Ukraine and I believe that we can provide a great deal of help.

● (2005)

[*English*]

Mr. Leon Benoit: Mr. Chair, I appreciate the member's intervention but I would like to ask her a direct question. We are having this take note debate on this issue. All parties thought it was important. Does the member think this could have a real impact on what is done in Ukraine?

Certainly, Canada has a very strong relationship with Ukraine. That relationship is important to the people of Ukraine. It certainly is important to the people of Ukrainian background in my constituency. I am sure some Canadians are wondering what difference it is going to make. Does the member think this debate could make a difference in the way that Mrs. Tymoshenko is handled and how this proceeds in Ukraine?

Ms. Peggy Nash: Mr. Chair, I am convinced that the Ukrainian embassy here in Ottawa is probably taking note of this take note debate. I know that people of Ukrainian origin and people who believe in democracy across the country are watching this debate and appreciating that all parties have come together to express their concern about recent events in Ukraine and that we are united in wanting to foster institutions that will help promote democracy in Ukraine. People want to see concretely what Canada can do to help.

The Ukrainian Canadian Congress has been very clear in terms of actions Canada can take in helping Ukraine to move in the right direction. We want to fully support those recommendations. We know that Canada will continue to play a big role going forward with the situation in Ukraine.

The Assistant Deputy Chair: Before we resume debate, I want to point out to those members who have recently joined us that in a take note debate format they are welcome to take any seat in the chamber. Unlike in the normal proceedings of the House of Commons, members can be recognized and speak from whichever seat in the chamber they prefer. Members are welcome to move to a seat that they would like to occupy and they will still be recognized.

Resuming debate. The hon. member for Etobicoke—Lakeshore.

Mr. Bernard Trottier (Etobicoke—Lakeshore, CPC): Mr. Chair, I will be splitting my time with the hon. member for Mississauga East—Cooksville.

I am thankful for the opportunity to speak this evening to this matter of vital importance to the people of Ukraine, Ukrainian Canadians and people everywhere who cherish freedom, democracy and the rule of law.

I know that members of Parliament from all parties share my concern over the conviction of Yulia Tymoshenko last week to seven years in prison over allegations stemming from the handling of a natural gas deal with Russia. Fair-minded observers everywhere call into question the charges and the conduct of the trial. The Government of Canada and our western allies have condemned the actions of the Ukraine government, and rightly so.

I have had several discussions with Ukrainian Canadians in my riding of Etobicoke—Lakeshore. These include organizations active in the greater Toronto area and across Canada, such as the Ukrainian Canadian Congress and the League of Ukrainian Canadians, among others. They ask that the Canadian government work with our allies to press the government of Ukraine to implement fair measures to ensure a fair and independent judiciary.

Much has been said about the flaws of the trial, including: the apparent political motivation of the charges, pressed by President Yanukovich, who narrowly defeated Ms. Tymoshenko in the 2010 presidential election; the jailing of Ms. Tymoshenko during her trial, even though she posed little risk of flight; her lack of access to defence counsel; inadequate time and facilities provided for the preparation of her defence; the judge further denying Ms. Tymoshenko the right to examine witnesses under the same conditions as witnesses for the prosecution; and the additional sentencing that Ms. Tymoshenko be barred from participating in political activity for a period of three years after her sentence.

We should make it clear that the threats to freedom and democracy in Ukraine are not limited to the Tymoshenko trial. Several opposition figures are facing similar charges to those brought against Ms. Tymoshenko. These political trials are incompatible with the requirements of the Ukrainian constitution, the laws of Ukraine, the state's international obligations and generally accepted norms.

We need to be clear that political persecution, in Ukraine or anywhere else, is completely unacceptable. Canada will not stand silent while the proud people of Ukraine have their hard-won rights trampled upon.

On October 14 of this year, I had the pleasure of participating in a tribute to our Prime Minister where he received the Taras Shevchenko medal for his dedication to public service, for his leadership and, in particular, for the outstanding contribution he made toward the development of the Ukrainian Canadian community.

First presented in 1961, the Taras Shevchenko medal is the Ukrainian Canadian Congress' highest honour. The Prime Minister is in good company, joining the first Canadian Prime Minister to receive this award, the Right Hon. John Diefenbaker.

Taras Shevchenko was a great artist and a renowned poet but, most important, he was a voice for freedom in Ukraine. As a consequence, Czar Nicholas I condemned him to live in exile. He was sentenced to live, "Under the strictest surveillance, without a right to write or paint".

Now even that cruel sentence could not silence Shevchenko. In the decades that followed, his words and conduct would inspire Ukrainians to fight for liberty against not only the Czars, but also the totalitarian ideologies of the Soviets and Nazis.

What binds our two countries are values and principles. When Ukraine declared independence in 1991, Canada was the first western country to recognize its sovereignty. On December 1, Ukraine declared independence and, on December 2, Canada recognized its statehood and government.

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Why? We all heaved an enormous sigh of relief when Soviet communism was finally and irrefutably discredited. The communist ideology had purported to be the cure for all that ails humanity. It had one major problem. Before it could implement its program, it had to jail or kill everyone who disagreed. Millions were murdered and millions more were starved. It is a past that must not be forgotten, that must never be swept under the carpet.

We stand with the people of Ukraine to ensure that Ukraine's history is not forgotten. In 2008, at the initiative of my colleague, the hon. member for Selkirk—Interlake, we had the chance to finally do something about it, and we did. We recognized Holodomor as a genocide by Canada's Parliament, so that we may never forget.

Going forward, we must let the government of Ukraine know that we implore Ukraine to respect human rights and the rule of law. We also implore Ukraine to ensure free and fair elections in the upcoming election and going forward into the future.

● (2010)

We look forward to a brighter future for Ukraine. We stand with the people of Ukraine in demanding respect for human rights, a fair and independent judicial system and freedom for all political prisoners.

[*Translation*]

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP):

Mr. Chair, I thank my hon. colleague for his very interesting speech. I would like to know what the government plans to do in order to put these words into action. Basically, we are all very concerned about the current situation. Will any concrete action be taken in order to indicate to the Ukrainian government that we disagree with what it is doing and why? What can we do to send a clear message?

Mr. Bernard Trottier: Mr. Chair, last week the Prime Minister wrote a letter to the Ukrainian President to express our disappointment regarding the Ukrainian government's actions. The wording of the letter was quite strong. It is important that Ukraine and the entire international community know that we do not agree with the Ukrainian government's actions. It is also important that the people of Ukraine read our comments in newspapers, online and through any other means of communication. The people must know that Canadians stand in solidarity with them. This will give them strength to resist the appalling actions of the Ukrainian government. These concrete gestures, these forms of communication, are, in a way, the most important thing we can do in the short term.

In the medium term, we must commit to take action with our allies, that is, Europe, the United States and other countries that share our values. We need a unified effort with our allies in order to have an influence on Ukraine and its government, which is resisting our country's requests. That is what we will do.

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• (2015)

[English]

Mr. Peter Goldring (Edmonton East, CPC): Mr. Chair, it has been asked several times tonight in the debate whether this will do any good and what will make a difference.

When I was in Ukraine, through the 10 days of the Orange Revolution, 500,000 people were in Independence Square day and night. Standing there at midnight, listening to the national anthem wafting up through the snowstorm and up the hills where I was by the Ukrainian hotel, the enthusiasm was there, the regularity was there for the 10 days. The people of Ukraine were there because it was for their democracy. It was for their vote.

When I spoke on the stage at Independence Square to 500,000 people, I told them that Canada was with them. The applause from my comments through the interpreter was absolutely incredible.

I believe then and through the follow-up elections we experienced the pride that the Ukrainians showed that they did know how to do democracy and that they did want to have democratic elections.

Now we come to whether this will have any effect. This will be shown in Ukraine and I believe that in Ukraine they will speak up knowing that Canada is there giving them support.

Does the member think this will help?

Mr. Bernard Trottier: Mr. Chair, absolutely, I think this will help.

I think the eyes of the world are upon Ukraine. I think the government of Ukraine knows that and the people of Ukraine know that. The more we keep repeating that message, the more they will know that we are with them and the more these actions will come to bear.

There are other questions that come about with respect to the trade and investments we are making. However, we need to continue to engage the people of Ukraine and increase those lines of communication. That is our preferred route and we will continue to press those actions.

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Chair, when President Yanukovich was first elected there was concern that he might move Ukraine more toward Russia and away from the west. However, that has not happened and, to me, that just magnifies the importance of Canada helping to put pressure on against the imprisonment of Yulia Tymoshenko and the whole process that led up to that. It is pretty clear to an outsider that this process, arrest and trial were not proper.

I had concerns when the new president was elected but my concerns did not come to pass. However, we now see this. I would like the member to comment on how he sees this situation and on the importance of once again pressuring Ukraine to back off and respect democracy, respect the judicial process beginning with this arrest and this situation.

Mr. Bernard Trottier: Mr. Chair, the hon. member is right. Even Russia is displeased with the actions and the words of the Ukraine government. Basically, the Ukrainian government was deploring the activities of Russia and saying that it acted in bad faith when it negotiated the gas deal.

I think Ukraine is finding itself more and more isolated in the international community. I think there is a certain need for all countries to be, not just economically engaged but to feel accepted in that community. The more we voice those strong words of disapproval and the more we isolate Ukraine, the more we can bring about judicial independence, freedom and human rights in that country.

• (2020)

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Chair, in the year that Ukrainian Canadians celebrate the 120th anniversary of their settlement in Canada and the 20th anniversary of the independence of Ukraine the judicial persecution of Yulia Tymoshenko is an extremely troubling development.

Our government has made it clear that we have a serious concern about the apparent bias in the ongoing judicial challenges being faced by Yulia Tymoshenko.

No matter what country we reside in, political persecution is completely unacceptable and the appearance of political bias shows contempt for the rule of law.

From coast to coast, Ukrainian Canadians make significant contributions to our society in business, sports, academia, medicine and numerous other fields. We often need to remind ourselves how hard and long the struggle for basic freedom can be for some of our world's citizens. When reminding ourselves of this, as Canadians we take great pride in knowing that our government is urging the Ukrainian government to strengthen its judicial independence. We also continue to support the efforts of the Ukrainian people to build a peaceful, democratic and prosperous society within their country.

The conduct of the trial of Yulia Tymoshenko does not reflect the due process, fairness or accepted norms that Canadians value in our legal system. The conditions and context of which the verdict was reached and handed down raises deep concerns about the possibility of political motivation being the main factor in the questionable conviction of Yulia Tymoshenko.

The independence, fairness and transparency of this trial bring forward many questions to ask Canadians and citizens all around the world. Canadians pride themselves on being able to promote the strength and growth of democracy, both at home and around the world. We all know that judicial independence and a vigorous political opposition are vital to building a democratic and prosperous nation. However, the development in the prosecution of Yulia Tymoshenko affects all of us and our government is very concerned about the path that the government of Ukraine appears to be taking.

Legislation introduced in the Verkhovna Rada would decriminalize actions of the type included in the Tymoshenko case. The president is now on record as saying that the changes to the criminal code may apply retroactively but would not apply to Mrs. Tymoshenko.

These developments may have serious consequences for our bilateral relationship and for all Canadians who value democracy and the right of law that so many fight and die for and who are standing together with the people of Ukraine encouraging a fair and peaceful end to this unacceptable situation.

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I appeal to all democratic nations who hold sacred the concept of democracy and good governance to join with us against the great injustice being forced upon Yulia Tymoshenko.

I am very emotional because I am an immigrant to this country. I was born and raised in communist Poland which is now independent Poland, a neighbour of Ukraine. I can see that old forces are being reborn in that country. These people deserve the best.

I would echo a question that was raised here, that being whether what we are doing here would have any effect on what is happening in Ukraine. It does. We have to support these people. It will encourage them to maintain their fight. It will encourage them to move ahead.

As all members will remember, we supported the Ukrainian people through the Orange Revolution where the election of the president was overturned as a result of the movement in the international community. We have to support the people of Ukraine. They should not feel that they are left alone. We are a democratic country. We must help others achieve the same democratic freedom we have in Canada, the greatest country in the world.

● (2025)

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Chair, having immigrated from Poland, my colleague comes from a country that has an extremely close relationship with Ukraine because at times there has in fact been no separation.

A few days ago the Prime Minister received the top award that could be presented to someone who is not a citizen of Ukraine. At that very time our Minister of Foreign Affairs used some strong language on what this action against Yulia Tymoshenko could mean to the relationship between Canada and Ukraine. He said:

Today's developments may have serious consequences for our bilateral relationship.

In diplomatic terms, that is very strong language.

Members across are asking what Canada will do. It has already done a lot. It is a process and we have to continue taking steps. We all hope that this take note debate will be an important event in that process.

I ask the member to comment on the importance of the Prime Minister receiving that top award at the same time these other unfortunate events are happening. It seems contradictory. The member would understand what is happening in Ukraine better than most people. I would ask him to comment on that.

Mr. Wladyslaw Lizon: Mr. Chair, it is tough for me and for many people in the democratic world to watch what is happening in Ukraine.

With regard to the Prime Minister receiving the highest award from the Ukrainian Canadian Congress, it is a great recognition of the government's contribution toward a free Ukraine and freedom in Ukraine.

With respect to the question of what impact what is happening here will have in Ukraine, I can speak from personal experience.

In 1981, I was still in Poland. The communist government in Poland introduced martial law to break up the first independent

labour movement in that part of Europe under the Soviet regime. People were glued to their radios and TVs in the hope that the world would support us. The world did support us. Thanks to other democratic societies, Poland was successful. Then Estonia, Latvia, Lithuania and other countries were successful in their fight for democracy, as well as Ukraine. We should fight for them all together here as should all democratic countries in the world.

Mr. Peter Goldring (Edmonton East, CPC): Mr. Chair, I echo my colleague's comments and will add a bit to them also.

During the Orange Revolution in Independent Square, of all of the Ukrainian flags probably the second most prominent flag was the Polish flag. I interacted with many Polish people during that period of time. Coming back from the Orange Revolution, when it was time to send monitors to Ukraine, I had many meetings with Ambassador Ogrodzinski. We had very good discussions.

I want to underline that Poland was extremely instrumental in helping out both here in Canada and in Ukraine. I believe Walesa was in Ukraine speaking as well. There was very good support.

● (2030)

Mr. Wladyslaw Lizon: Mr. Chair, Walesa was speaking at the square as was the former president of Poland. However, there were many other democratic leaders who spoke both in Ukraine and outside Ukraine and that was important.

It is important that we support everybody in the world who is fighting for freedom and democracy.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Chair, it is my pleasure to speak in support of the motion put forward by the government for discussion and debate of this issue.

One of the questions that was asked earlier was whether this debate tonight will have an impact anywhere. The very fact that we are having a debate and that parliamentarians are willing to be in the House until the wee hours means that we give this issue significance. We are here because we are concerned about the state of democracy in Ukraine. When democracy is attacked or is undermined in any country around the world it has a ricochet effect on the countries not just around it but also internationally, right around the world.

Today I am hoping that people of Ukrainian origin are listening. If they are not I am sure they will hear about the debate because they have serious concerns. The diaspora from Ukraine exists in huge numbers in Canada. Its members have expressed very clearly through papers they have published that they have grave concerns regarding what is happening in their homeland. They are Canadians now but have kept their connections with their birth country or their ancestral nation and I read in a document produced by the Ukrainian Canadian Congress that it has serious concerns about the undermining of democracy in Ukraine.

We all know that for a democratic system to work there has to be a separation between the judicial and the executive branches. When those two lines get murky, crossed or get into a grey area democracy suffers. One of the underlying institutional legacies or underpinnings of a democracy is to have the executive and the judicial branches separated. That has disintegrated in Ukraine.

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When politicians are in power there is room for political debate. We all know that. We engage in wonderful political debate in the House day in and day out. At times we are a bit more passionate. However, that political debate is fundamental to our parliamentary democracy. We share our different points of view. During the electoral process we take part in elections. We express our different platforms. We express our different points of view. In the end, the voters decide.

When voters make a decision to elect a government, in that process they also elect an opposition. That opposition has a critical role to play in a democratic system like ours. In Ukraine it is that system that is being undermined. The leader of the government in power, the president, is using his executive power to punish the opposition for having different points of view. He has done this through the judicial system by direct interference. As we all know, there is only one way to sort out political differences and that is through debate, not by persecution and the court system.

We must ask ourselves what our role is in a place like this. I was delighted to hear that our government representatives have sent a strong message to Ukraine stating that what it is doing is undermining democracy and that is not acceptable to us. A good tack for us to take is to keep talking with that government. We must use diplomacy whenever we can.

● (2035)

We can maybe make gains through the use of diplomacy, but at the same time we do have some cards in our hand. The EU is willing to exercise that card and say that the officials either play nice and start respecting democratic institutions or it is not signing a document right now. It is not saying that it is never going to sign. In a similar way we are in bilateral negotiations with Ukraine right now. We should not say that we withdraw and that we will never have an agreement. However, to go along with what the Ukrainian diaspora has asked us, we should say that any free trade agreement that we sign has to have human rights protections and has to have protections for those who have a different point of view.

That is not us saying that we do not want to have a free trade agreement. What we are trying to say that is we want to influence that. This is a powerful tool that countries like Canada have whereby we can use our influence to further human rights. I would urge our negotiators to do that. Without the protection of human rights and without a rule of law, then we have to question whether Ukraine has a democracy. Those two things are really fundamental.

I am also look at our commitments to Ukraine through CIDA. I notice that in 2009 Canada made Ukraine a focus of its work. We invested millions of dollars to improve economic opportunities for Ukrainians in a strengthened democracy. We need to use and work with the CIDA projects there on the strengthening democracy part. Sometimes we think when we observe elections, which is critical, that is it. However, looking at what is happening in Ukraine, there was a need for some kind of intervention and monitoring long before that. We need to empower NGOs so they can work with civil society to build and strengthen democracy.

Our wonderful parliamentary project, whereby we brought young people here, are wonderful opportunities to model democracy.

Those young kids will take that back to their homeland and they will become strong players right there and then.

I do not think I have heard anyone saying that we need to withdraw all relations with Ukraine, and I am not saying that either. I am saying let us use the tools we have and one of the tools is the free trade negotiations. Let us use that free trade agreement, which is critical for Ukraine as much as it has advantages for us, to gain some protection for human rights.

There is also the money expended through CIDA. Let us look at our mandate, which is strengthening democracy. Let us see how we can use, redirect or focus the work to strengthen democracy by working with civil society organizations.

In a democracy another thing that is absolutely important is protection for the media. The report prepared by the Ukrainian congress talks about the threats to media freedom. When the media is being threatened and it cannot report the news and feel muzzled from reporting what is going on, that is a step toward an authoritarian state. Surely at this time we would not want to further negotiations with an authoritarian state without saying to it that these are the kinds of things we are looking for and want it to take a look at.

Reporters are saying that they are being threatened and they are being quiet. The way licenses are being given out for media outlets, which are tied to the judicial system as well as to the cabinet, also forms a great concern.

● (2040)

There are also human rights abuses and intimidation. This is not just about the leader of the opposition. She is not the only target. There are many others. All of us have a responsibility to advocate for a very strong democracy in Ukraine.

Mr. Peter Goldring (Edmonton East, CPC): Mr. Chair, it seems to me that there is a fixation on trade agreements. I would like to ask my colleague this. If the government did put in free trade agreements that democracy and human rights issues would be respected, would the NDP then vote for free trade agreements?

Ms. Jinny Jogindera Sims: Mr. Chair, I do not have any kind of obsession with free trade agreements, just so everybody knows. I can think of many other things with which I would rather have obsessions.

Right now, one of the tools that Canada has in its pocket is the free trade negotiations. From what I am reading, the Ukrainian Canadian Congress is looking to have those rights enshrined. It is not just having the words there. It is actually putting the words into practice.

[*Translation*]

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Chair, I would like to thank my colleague for her excellent speech. It was very interesting. I want to come back to a fairly crucial point in her speech. She spoke about the separation of the executive and the judiciary. Separation of these two branches is truly of the utmost importance to a society.

I would like her to speak more about the many problems this could cause and what historical factors could have caused the line between the two branches to be blurred.

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[English]

Ms. Jinny Jogindera Sims: Mr. Chair, some members may not know, but I used to be a history teacher. One of the things I have learned through my studies, and as I have looked back at different governments, is that as soon as a government loses the absolute demarcation between the judicial system, the executive system and the executive branch, there is a fundamental undermining of democracy. This is where not only the judicial system has to be separated from the executive branch and the decision-making body, parliament, but also the need to protect freedom of speech and immunity for the media so it can report on what it sees without fear of being persecuted. Absolutely it is a core fundamental for a democratic society.

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Chair, the hon. member heard this evening that last Friday in Toronto the Prime Minister was awarded the highest honour of Ukrainian Canadian Congress, the Taras Shevchenko award. In response to receiving that award, he said as follows:

So to be clear, our government is very concerned about the path the Government of Ukraine appears to be taking. Tuesday's developments may have serious consequences for our bilateral relationship. The Ukrainian people can count on Canada to stand-up for their liberty. Canada is always ready to help...to help democratic institutions take root, in Ukraine and around the world.

Could the hon. member tell us if she agrees with those statements by the Prime Minister and if she believes that the people of Ukraine will hear those statements?

• (2045)

Ms. Jinny Jogindera Sims: Mr. Chair, I agree with those words. Those were the right words to be said at that time. The Prime Minister of Canada was honoured by the diaspora of people from Ukraine originally. It is the highest honour and it is appropriate that at that meeting he talked about a topic that was kind of the undercurrent and brought it out into the open.

It is because the Prime Minister has taken that position already that I believe it allows us a platform to move forward and put further pressure on the Ukrainian government today. I believe tonight's debate will put pressure on the Ukrainian government and then we will have to look at other ways we can do it as well. Often words are not enough. Sometimes they have to be backed up with something and we have a few tools in our back pocket.

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Chair, I would like to commend the hon. member opposite for her very effective presentation tonight. People of Ukrainian ancestry and Ukrainian heritage in my constituency, even when Ukraine was part of the Soviet Union, had close contacts. Many visited family that were unfortunately stuck in the Soviet Union and had been unable to immigrate to Canada. Many immigrated to Canada in the late part of the 1800s.

We saw a progression. At first it was just trying to help their families survive in Soviet Ukraine, then there came a time later. I remember in the early 1980s, Ukraine was still part of the Soviet Union, but at that time some Ukrainian farmers came over to learn about farm business management. I was a farm economist at the time so I did a little work with them. They were trying to learn how to

manage a farm. It was hopeless because they did not understand the free enterprise system at all.

Then we saw democracy come. From there, a very slow development I would argue, but hope. Canadians of Ukrainian heritage were visiting more. They saw new hope and things were moving ahead. Now we have this.

On August 6, Yulia Tymoshenko was arrested. By the way, she is a former prime minister, a very prominent political figure and currently a member of the opposition. When she was arrested, this is the statement from the Minister of Foreign Affairs:

Canada is concerned by the apparently politically motivated persecution, and now arrest, of Yulia Tymoshenko. The appearance of political bias in judicial proceedings undermines the rule of law. Canada urges the Ukrainian government to strengthen judiciary independence and continues to support efforts to build a peaceful, democratic and prosperous society in Ukraine.

Then on October 11, the Minister of Foreign Affairs made this statement, "In my recent letter to President Viktor Yanukovich, I urged the Ukrainian government to strengthen judicial independence and capacity". He went on to say, "Today's developments may have serious consequences for our bilateral relationship".

The member has already mentioned the trade deal. Specifically, what other actions would she take from here if she were in a position to actually determine what the Government of Canada would do in relation to this situation in Ukraine?

Ms. Jinny Jogindera Sims: Mr. Chair, I will try to answer the question as fully as I can.

Right now what has been done so far is to raise the issue. That has been done both by the Prime Minister and the Minister of Foreign Affairs. The other thing that has been done is this. In the last quote the member read there was a direct hit that bilateral relations were in jeopardy. Those are very calculated steps being taken, and one step at a time. We know that for Ukraine the free trade agreement is a very important agreement, just as being a member of the EU is very important for them.

We do not want to isolate Ukraine. That is not what I am saying. However, we can use that tool. We could also use the tool of some of our CIDA projects to actually support civil society more. In many ways it is when civil society gets strengthened and the strength is internal that it works from that end. Then our job, being another nation, is to work from the diplomatic end using whatever tools we can.

• (2050)

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Chair, I would just like to say at the outset that I will be splitting my time with the hon. member for Souris—Moose Mountain.

I welcome the opportunity to rise today to participate in this significant and timely debate. As members know, Canada has led the international outcry against the conviction last week of former prime minister Yulia Tymoshenko. Following the news of her conviction, the Minister of Foreign Affairs issued a very strong statement expressing Canada's concern over the ways in which the arrest, prosecution and conviction of Yulia Tymoshenko were carried out by Ukrainian authorities.

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In August, when Ms. Tymoshenko was first arrested, our government stressed that the appearance of political bias in judicial proceedings undermines the rule of law and urged the Ukrainian government to strengthen judiciary independence. In September, both the Prime Minister and the Minister of Foreign Affairs wrote to Ukrainian President Yanukovich, again expressing Canada's concern about the process and the appearance of political motivations in judicial proceedings.

Canada is not alone in expressing this dismay. Both the European Union and the United States, for example, have condemned the trial and conviction, speaking of the selective application of justice in politically motivated prosecutions. We owe it to the more than 1.2 million Ukrainian Canadians, who have done so much to help build this country of ours, to make it as clear as we possibly can to Ukrainian authorities that they must respect the fundamentals of human rights and the rule of law.

The terrible irony of this is that President Yanukovich came to power in 2010 in a presidential election recognized as free and fair. This was a real milestone in Ukraine's democratic development. Yet here we find the actions of this administration working to subvert the very institutions that brought it to power.

A double irony is that more than 300 Canadians participated in that electoral process as election observers, in a contribution to Ukraine's democratic development that we have been making since 2004. Our support for the development of democratic institutions in Ukraine is but one example of what Canada and Canadians have done to help build a democratic Ukraine following its independence in 1991. After 70 years of Soviet rule, there was certainly a lot of building to do on the democratic front. To speak of a democratic deficit after all that time is putting it very mildly, to say the least.

What had to be built was not just the institutions and the processes, but all the checks and balances that we take for granted here in Canada, all those instruments that ensure the people's will is respected. What had to be built was a belief in democracy, the belief that people's voices could matter, that "a government must work in the interests of its people, not the other way around", as the Prime Minister said last year when he was in Ukraine. Such reconstruction takes a long time.

The Orange Revolution of 2004 was one of the first bold and courageous realizations of this power of the people in newly independent Ukraine. Expressing their anger at the political corruption they believed had tainted the presidential elections, Ukrainians in the thousands took to the streets and remained there until those results were tossed out and the election was re-held. We heard from some impassioned speakers earlier this evening who were actually there at that time, and we heard about the reactions of the people of Ukraine to that very important Orange Revolution.

While many of the promises of the Orange Revolution were not met in the years that followed, there was democratic progress with the increased media and political freedoms. It is those fought-for freedoms that are now once again under attack, and the Tymoshenko case is but one of many. More than 12 members and senior officials of the previous government have been detained in criminal probes. In addition to Mrs. Tymoshenko, one former minister has been jailed

and another has fled and successfully claimed political asylum in the Czech Republic.

I am confident that such bullying will not win the day. We must continue to urge the Ukrainian government to strengthen judicial independence and to support efforts to build a peaceful, democratic and prosperous society in Ukraine, because our ties with the Ukrainian people are significant.

Who can forget the generosity of the Ukrainian-Canadian community in 1991, which largely covered the cost of the opening of the Ukrainian embassy in Ottawa following its independence? That generosity and principled support is reflected in the support we have provided Ukraine since its independence in 1991.

• (2055)

This support has been provided on all fronts: through aid, and Canada is the fourth-largest donor of bilateral assistance to Ukraine; through military training co-operation programs; and through assistance in helping to reduce the trafficking of nuclear and radiological materials, which are a dark legacy of the Soviet era.

These political show trials designed to intimidate and destroy democratic voices of opposition must come to an end. If the Ukrainian government is serious about tackling corruption, as it claims, then it needs to do so through a transparent process that respects international standards and is clearly and genuinely independent.

As has been pointed out by many commentators, Tymoshenko went on trial for establishing legally binding agreements, the legality of which have not been contested. Making criminal that which is perceived to be a bad or incorrect decision by an elected official, which would seem to be the case in the Tymoshenko trial, is obviously denying the true source of authority—

The Assistant Deputy Chair: Order. We will move now to questions and comments. The hon. member for British Columbia Southern Interior.

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Chair, I would like to ask that my colleague provide some comments on the following.

Mr. Alexander Turchinov, who is the first deputy head of the Batkivshchyna party in Ukraine, said that the latest actions of the Security Service of Ukraine, SBU, are a continuation of the political repression against the opposition and that the latest charges against Yulia Tymoshenko regarding debts owed by the United Energy Systems of Ukraine to Russia are groundless and absurd, and that the new accusations against Yulia Tymoshenko are even more absurd than the failed cases that were announced, forged and investigated over the last year.

Would my colleague agree that there seems to be a pattern of silencing the opposition? We have had examples presented this evening of others. Would my colleague agree that this is sort of the pinnacle of silencing the main person who might oppose the current president in the next election?

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Mr. Bob Dechert: Mr. Chair, I certainly do agree with the member. I think we are seeing a pattern here, as I mentioned in my remarks a moment ago.

It is not just Yulia Tymoshenko who is being persecuted for participating in the democratic process in Ukraine. There are several others as well. There seems to be a pattern here, and that is why our Prime Minister wrote on October 14 to President Yanukovich and he:

...let him know that I am deeply concerned that the conduct of Tymoshenko's trial does not reflect accepted norms of due process or fairness. We all know that a vigorous political opposition and judicial independence are vital to building a democratic and prosperous Ukraine. Canada will support Ukraine whenever it moves towards freedom, democracy and justice.

However our foreign policy is rooted in principle and in the defence of freedom. As the member has pointed out, these other cases seem to fall against the principles of democracy and freedom, and we will oppose them as well.

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Chair, I would like to remind all my colleagues in this House that in the case of Ukraine, we are dealing with people who are not playing by the same rules as we are used to in democratic countries. These are people who are using the judicial system to get rid of political opponents, to get rid of the free press and to get rid of people who have different views. We have to realize that.

If we have to take decisive action, as a democratic country, we should not be afraid to take it. I would like my colleague to comment on this.

• (2100)

Mr. Bob Dechert: Mr. Chair, just a few moments ago the member for Mississauga East—Cooksville made a very impassioned speech here.

This is a gentleman who knows of what he speaks. This is a man who lived under Communist oppression in Poland and who came to Canada with his dreams of freedom and democracy. He told us this evening that the people of Ukraine will hear our words and that it will hearten them, embolden them to stand up for freedom in their country.

I just want to take this opportunity to thank him for those words. Those are words that I could not have said myself, not having lived under the system in which he once lived. I think that people across Canada should hear those words and realize that the things we are saying here in the House of Commons this evening and that all Canadians are saying about this terrible attack on democracy in Ukraine will bring some comfort to our friends in Ukraine. Canada will stand with them at this time and demand freedom, democracy and the rule of law in Ukraine.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Mr. Chair, it is certainly a privilege and honour to speak with respect to this motion that expresses concern regarding the ongoing erosion of democracy in Ukraine, including the most recent politically motivated, arbitrary prosecution and conviction of former prime minister Yulia Tymoshenko by Ukrainian authorities. There is no question that this is a very important motion and debate taking place.

I had the opportunity to visit Ukraine and take part in the monitoring of elections. I was of the view that Ukraine had turned a

corner and was well on its way with respect to democracy and justice.

I also count it an honour and a privilege to speak today because my grandfather, Nicolas, originated from the Ivano-Frankivsk area in the southwestern part of Ukraine. He came here searching for democracy and freedom. It is something to be cherished for sure.

When we were there for the monitoring of the elections prior to 2010, it was impressed upon me that Ukraine had the opportunity to go forward. Ukraine had the opportunity to be an example of what can happen. When a government leads in a democracy, it means leading for the good of the people and not for the good of oneself. We can see that it had that potential.

One of the tenets of a democracy is the fact that one has to be able to lose in a fair and free democratic election. One cannot choose to silence opponents by placing them in jail, threatening them or targeting them. It just does not work that way.

Some of the fundamentals of democracy are the right to a fair trial, the right to be presumed innocent and the right to have a trial, so that those watching could say that not only was justice served but it was seen to be done. We cannot have the suspicion that follows a targeting of a number of individuals who were political leaders.

Yulia Tymoshenko was the leader of the largest opposition political party in the Verkhovna Rada. She was also the prime minister in 2005 and from 2007 to 2010. These are people who held public office and made decisions while in public office.

The Prime Minister stated in his address to the Canadian Ukrainian Congress:

...we know that a vigorous political opposition and judicial independence are vital to building a democratic and prosperous Ukraine.

Those are the two pillars that are very important in a democracy. We have a challenge to the political opposition using the tools of government and the tools of the judiciary. In fact, if it is the judiciary itself stifling that opposition, then we are on a backward path. It is something that should not be allowed to happen.

It was good that the Prime Minister wrote to President Yanukovich. He wanted to let him know that he was deeply concerned that the conduct of Tymoshenko's trial does not reflect the accepted norms of due process and fairness.

When we look at the sentence that was handed out, seven years, it is quite remarkable, given the upcoming parliamentary elections in 2012 and presidential elections in 2015. How can they be declared free and fair elections if the leaders of the two opposition parties, including the leader of the official opposition, are not able to participate? It is unthinkable.

However, this is only the tip of the iceberg. When we look at what happens to the freedom of the press, freedom of assembly and freedom of speech, we see they are all being stifled. When we look at what has happened to the political leaders in broad daylight, we see it is a symptom of something deeper that is taking place throughout society and that must not be allowed.

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During the Orange Revolution we saw hope and aspiration to a great nationhood by the people who were there. That same hope needs to be rekindled. Although there has been a step or two backward, they must go forward. There were ideals of freedom and democracy that were expressed in the Orange Revolution, and I think this must go ahead.

• (2105)

What is important is that the young people who were there—the impressionable people—those who have tasted democracy and freedom—cannot go back. As I speak to them, they must not go back. They must go forward.

For those who are in positions of leadership or authority, it is not too late to rectify the wrong that has been done. It is not too late for those who have been sentenced to have those sentences changed under an appeal or otherwise so they can participate in an election. It is time to go forward, not backward.

Mr. Peter Goldring (Edmonton East, CPC): Mr. Chair, my colleague mentioned earlier that there was a culture of intimidation in some of the old style Soviet regimes.

I have to relate a story about the 2004 failed election that I was at where there was president-elect Yanukovich, the same person, and the supporting regime to support his election and to maintain the election. In the period of time that I was there, I was followed by the secret police. There was a pool of blood in my room to intimidate me. There were bowls of fruit to scare me, with the poisoning scares that were going on. Telephone calls were quitting in the middle of conversations. Telephone calls were going silent at one end. It was constant. Why? It was because I was reporting from Independence Square back to Canada, telling Canadians what the realities of the situation were there.

It was a culture of intimidation then and it looks as though this culture of intimidation is returning once again.

Mr. Ed Komarnicki: Mr. Chair, it is obvious that the hon. member has had the opportunity to see what it can be like. He also was present to see the hopes and aspirations of the people. It is difficult to hold back those hopes and aspirations except by using tactics that revert back to the old days when people were suppressed, when people could not express themselves and when they could not enjoy the freedom to speak, to assemble and to make their thoughts known. However, they have tasted that freedom. They know what it is about, and it would be wrong and perilous to try to revert back to the old way, to the old system.

The people of Ukraine must be given the opportunity to go forward, to experience the benefits of democracy and experience what a true judicial system can be like where one can actually have charges that are not trumped up but charges that are based on fact, have a foundation and are presented in a fair way where one can defend oneself and be presumed innocent.

We look forward to actions being taken by the present authorities to fix what was wrong by doing what is right.

• (2110)

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Chair, in the House of Commons, when we want to silence the opposition we do it through connecting better with the Canadian public. We do it

through better debate in the House of Commons. We do it through having positions that are favoured by more people than the opposition. That is the way we do it here in a democratic country.

That is why, when we see what is happening in Ukraine and we see a former prime minister go through a completely bogus set of charges, trial and end up in jail, we know it is an extremely serious situation that is being faced. In fact, this situation is pivotal to the long-term future of Ukraine. It cannot just be forgotten. If this action that has been taken is not reversed, I do not see, when it comes to the European Union, the United States and Canada, where we can just back off and pretend it did not happen. We believe in democracy. We just cannot do that or we fail the people of Ukraine and we fail our democratic principles.

How important does the member think this situation is? What kind of implications could there be, and probably will be, if these bogus charges, these arrests, of not only the former prime minister, are not dealt with in a way that is more befitting a democracy? What could the possible long-term implications be for Ukraine?

The Deputy Chair: Before I go to the member for Souris—Moose Mountain, I would kindly remind all members to pay attention to the Chair during questions and answers so that assistance with timing can be given.

The hon. member for Souris—Moose Mountain, a short answer please.

Mr. Ed Komarnicki: Thank you, Mr. Chair, and we will certainly be watching for your signal.

This is a very serious matter. It is a matter that, if the course is not changed, will work to the detriment of the existing leadership and certainly to the Ukrainian people. The people need to be reassured. Their trust needs to be regained. They need to see some progressive steps taken that will not cause them to revert to where they were, but to go forward. I think the aspirations of the young people especially and Ukrainians in general is that they not be repressed any further.

I would suggest that this course needs to be reversed and, by putting pressure on various levels by various people, this can yet be changed.

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Chair, just as many Canadians, and, I would suspect, everyone in the House, I am deeply concerned about the politically motivated persecution of Ukrainian opposition members, including the former prime minister, Yulia Tymoshenko.

We heard about hope in the Orange Revolution of 2004, as was mentioned here a number of times, by Yulia Tymoshenko and Viktor Yushchenko, who were here. We heard the message of hope and I, being partly of Ukrainian descent, was very happy and pleased that finally Ukraine was having a chance to step into the community of world nations as a true and equal partner.

Then, in 2010, the last presidential election was narrowly won by Viktor Yanukovich.

I was in Ukraine very briefly this summer. I spoke to family members and others and there seems to be a sense of discouragement in the country, especially with the taking of power by Yanukovich.

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In doing some research, I found an article in *The Guardian* that illustrates what is going on. What is going on is that a level of corruption has permeated that society for many years. The journalist stated:

Back in 2004, Yanukovich had been caught, embarrassingly, trying to fix the last presidential poll.

The hon. member spoke about his experience being there during the election.

The journalist went on to say that just before the 2010 election he had dinner with some aides to Yanukovich who tried to convince him that Yanukovich was a democrat and a passionate European who believed that Ukraine's geopolitical destiny lay with the European Union, et cetera. He further stated:

Eighteen months later things look rather different. The decision by a Kiev court today to jail Tymoshenko for seven years for abuse of office over a controversial 2009 gas deal with Russia is an unambiguous signal. It says that Yanukovich does not really care what the EU thinks about him. It also confirms that Yanukovich's critics have been saying for some time that under his leadership the country is sliding towards Russian-style "managed democracy" and autocratic rule.

The article went on to state:

Since taking power, Yanukovich has rapidly reversed the fragile democratic gains of the Orange Revolution.

We must remember that it was fragile, it was new.

He has put a squeeze on the country's independent media, with TV now in the hands of a bunch of pro-regime oligarchs. Nosy opposition journalists — such as the investigative reporter Vasyl Klymentyev — have disappeared. In parliament, Yanukovich's Party of the Regions has, using dubious means, achieved a majority. And politically motivated prosecutions have been brought against Tymoshenko and other senior members of her bloc....

There are rumours that following her conviction Yanukovich, having proved his point, will look for some kind of deal. One version is that the charges against her will be "decriminalised"; another that she will be released on payment of a large fine...

But what is clear is that the case was designed to nobble Tymoshenko and to cripple the pro-western, anti-Yanukovich forces she represents.

She is now unable to participate in Ukraine's next two elections: parliamentary ones in 2012, and the next presidential election in 2015. That, presumably, was the idea. Thousands of her supporters took to the streets of Kiev today, protesting noisily against Yanukovich's heavy-handed tactics, reminiscent of Ukraine's backroom politics a decade ago.

The trial bears comparison with that of Mikhail Khodorkovsky, the Russian oligarch who fell out with Vladimir Putin.

We are seeing a pattern.

In some of the research I found, it appears that there is a desire among opposition parties to decriminalize parts of the criminal code that allowed this conviction of ex-prime minister Yulia Tymoshenko. However, there is no agreement by them as to how this should be done. The leader, Ivan Kirilenko of the *Batkivshchyna* Party, wants the bill to be re-examined at second reading. If this were to happen, President Yanukovich could then tell European politicians in Brussels that the question of opposition prosecution has been resolved. We need to remember that he is going to Brussels soon and he would like to put on a good face.

● (2115)

Nikolai Martynenko, leader of the NU-NS party, supports Kirilenko and demands that the bill be examined. However, the majority, which is the Party of Regions, and its leader, Alexander Efremov, did not come out with a definite position. In fact he said it

would set a precedent, so he is using political spin. Remember that this is Yanukovich's party. This is obviously very disturbing.

A website for an organization called the Eastern Partnership Community is an analytical portal where ideas about what is happening are debated. A journalist by the name of Valery Kalnysh who is chief of the political desk at the Ukrainian edition of the daily *Kommersant* alludes to the fact that she may be guilty, but he says he doubts whether it was necessary to put her on trial and drag her through the courts for such a slip-up, if in fact, there was one.

He says that the case is clear. He says that the current government is not interested in showing that Ukraine is a state of law, and that Yanukovich is not sending the message that the hand of justice will reach every criminal regardless of how highly they are placed. His conclusion is that the Tymoshenko case is a show trial against the opposition. He also says he could mention about 30 people from Tymoshenko's circle who are in custody now, or have the prosecutor's office breathing down their necks. Meanwhile, there is only one similar case under way concerning a politician from the Party of Regions, which is the majority.

It appears as we look within at what is happening that this is a pattern not just affecting the former prime minister, but an attempt to silence the opposition especially coming up to the next election.

Yulia Mostova, chief editor of the weekly *Dzerkalo Tyzhnya*, says that the Tymoshenko case is the manifestation of a Ukrainian national tradition, the idea that every ruling class has followed this principle of persecuting the opposition since 1991. She says the attack on Yulia Tymoshenko is nothing new, that everyone who follows Ukrainian politics has been expecting it. It does not come as a surprise to those who have been watching this closely, including journalists. She also says that the scale of the actions which have been brought against the former head of government is disproportionate to the offences committed, in her opinion.

What should we do? A number of us have received recommendations from the Ukrainian Canadian Congress. It proposes a strategy for our government. Any action by the Government of Canada must not result in the isolation of Ukraine. We cannot do that. In regard to the trade agreement, we should make it very clear that we would not support an agreement if the human rights of a former prime minister are violated. However, we should not isolate the country.

We should refocus CIDA's strategy. According to the congress, it should focus on supporting Ukrainian NGOs that establish and strengthen political and civic organizations, safeguard elections and promote citizen participation, openness and accountability in government.

Also we should be calling for support for independent media. A number of members have outlined the persecution of the media and that reporters have disappeared. It reminds me of a book I read by a Russian journalist just before she was killed in Moscow for exposing the Putin government and all it was up to.

We have a role to play as parliamentarians and as the Government of Canada to support our Prime Minister in calling for swift action on this case. Other than that, we should not isolate Ukraine. We have to work with our brothers and sisters in Ukraine to finally bring a democratic government to their country.

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• (2120)

[*Translation*]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Chair, I thank the member for his speech.

The NDP is very concerned about the political persecution and arrest of members of the Ukrainian opposition. The members of the NDP are asking the government to ensure that human rights are respected in Ukraine.

Can the hon. member tell us how this situation is affecting Canadians of Ukrainian descent?

Mr. Alex Atamanenko: Mr. Chair, I would like to thank the hon. member for her question. As a Canadian citizen of Ukrainian and Russian origin, like many Ukrainians here in Canada, I have family there. We have very close relationships with friends and family and it affects us because we are in contact with them. As I said earlier, what is happening there is a bit discouraging. The power is now in the hands of a president who does not represent all of Ukraine but, rather just the eastern region, which is under the influence of Russia. We see it in the country's parliament. Members who come from that region cannot even speak Ukrainian. They give their speeches in Russian. We are monitoring the situation very closely and should continue to do so. We should support Ukraine's citizens so that one day they will be able to have the same rights that we enjoy here in Canada.

• (2125)

[*English*]

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Chair, I strongly believe that we Canadians, we parliamentarians on both sides of the House, and I am really sad that there are no members on the Liberal side here, owe—

The Deputy Chair: Order. I would remind all members that we do not comment on who is or is not in the chamber during debate.

The hon. member for Mississauga East—Cooksville.

Mr. Wladyslaw Lizon: Mr. Chair, I apologize.

We all owe the Ukrainians support in their democratic process. They got their independence 20 years ago. After centuries of struggle, finally they got their independent country. They have to go through a difficult process, but with the support of democratic countries around the world they can succeed. This is what we owe them. We owe them our support.

Of course, we should work here with the Ukrainian Canadian Congress and with the leaders in the political arena in Ukraine to ensure that the remnants of the totalitarian Soviet-style system are shaken up.

If the hon. member on the other side could comment on this, I would really appreciate it.

Mr. Alex Atamanenko: Mr. Chair, I am sure the member knows that we have a monument in Canada for victims of totalitarian communism. We know that the Ukrainians as a people suffered under a forced famine where goods and food were taken from them and sent to Europe to the Germans. We have seen documentation. My family suffered. That was a horrendous time in history. Millions of people died at the hands of the Soviet regime. Even prior to the

Soviet regime, my father grew up in the Vinnytsia area of Ukraine. My grandfather was a middle-class farmer. Secondary schooling was in Russian. The language that my father mastered, although he spoke Ukrainian as a child, was Russian. He became a military officer in the czarist army. There was that pressure even then.

As my colleague mentioned, finally Ukraine had a chance to break out of the yoke of repression. We need to support this movement regardless of our origins so Ukraine can peacefully transition into a free and democratic state. I implore all of us to offer our support in any way we can.

[*Translation*]

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Chair, I would like to thank the hon. member for his excellent speech. It was very inspiring. I would like to ask him a question about the young generation of Ukrainians. I would like to hear his opinion. Does he think that it would be a good idea to encourage more young Ukrainians to come to university here, to come and see Canada and its democratic institutions? I would like to hear what he has to say about what kind of effect he thinks this might have on Ukraine's population and future.

Mr. Alex Atamanenko: Mr. Chair, I thank my colleague for his question. Two years ago, a Ukrainian student worked for my office. He came from Ukraine and we stayed in contact. He is now in the United States.

This is important. Why? People, especially young people, in Ukraine are discouraged. They do not want to be part of the political process. Why not? Because becoming a member of parliament takes millions and millions of dollars. Bribes have to be paid. There is widespread corruption. As a result, the youth are not interested in politics. If more young people came to Canada to learn how things worked, they could take our values back home with them and try to rebuild their country.

• (2130)

[*English*]

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Chair, in his presentation the member acknowledged that it is a very serious situation when a former prime minister and many others are faced with bogus charges and dealt with in what really is not much of a justice system, at least in the procedure that was taken, and imprisoned. He also said that the right thing for Canada to do is not to isolate Ukraine.

If the current regime in Ukraine will not reverse the actions it has taken, what practical next step would the member see Canada taking to deal with the situation so that Ukraine is not isolated?

Mr. Alex Atamanenko: Mr. Chair, that is a very good question.

The Ukrainian Canadian Congress has some suggestions which the hon. member has probably read.

Apart from the suggestions, we need to maintain our ties. We need to maintain parliamentary exchanges. We need to have this conversation. It is very difficult to change a regime from the outside, but we need to morally support those who would like to make that change from the inside. I think that is our role.

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Should we come out strong against policies? The concern is that we cannot say that Ukraine will be isolated until it cleans up its act. It is a difficult situation.

I will not read them, but there are a number of suggestions from the congress. We could look at them and work with our Ukrainian Canadian friends to come up with a strategy that would continue to involve communication.

My colleague mentioned young people. It is an excellent idea to include many young people in this communication so that they could see there is hope. Then when they enter politics, it will not be about getting involved in corruption and seeing who could be the most corrupt to come out with the best.

There is a future. We must have hope. We are all here because we believe there is hope.

Mr. Mark Warawa (Langley, CPC): Mr. Chair, I rise this evening to participate in this important debate on the serious democratic situation in Ukraine. As others have stated before me, this is an important issue, and over the last months Canada has not shied away from making its views known on the situation.

Canada has long been a special partner to Ukraine. For over 20 years we have supported and co-operated with Ukraine as it sought to develop into a free, democratic and prosperous country.

Against this backdrop, I and all Canadians cannot help but find the recent conviction of former prime minister Yulia Tymoshenko to be very troubling. The apparent political motivation behind this act would seem to be not only to eliminate the individual who came so close to defeating current President Yanukovich in the last presidential elections in 2010, but to intimidate and eliminate all political opposition.

I will be sharing my time with the amazing member for Edmonton Centre.

Is this to eliminate and intimidate all political opposition? Those are strong words, and I acknowledge that, but the indications are there for all of us to see.

Sadly, the Yulia Tymoshenko trial and conviction is just the tip of the iceberg. Over the last year, a series of arrests and intimidating actions have been carried out against former opposition members.

I was honoured to be a member of the Canadian delegation that went there in October 2010, and we sensed that things were happening. We met with a number of people, and a lot of concern was expressed to us.

While no one can argue against the fact that it is essential to tackle the scourge of corruption that so cripples Ukraine's economic and social development, it must be tackled in a transparent manner that respects the proper judicial process and the rule of law.

This would appear not to be the case. The prosecutions have been very selective, focusing extensively on leading members of the opposition. There are clear signs that the court proceedings fall far short of internationally recognized norms of fairness, transparency and due process. All of this is deeply distressing to the Ukrainian people, who so courageously stood up against political corruption in

2004, challenging the presidential election results and forcing the election to be re-held.

The Orange Revolution, as it came to be known, marked a turning point in the newly independent Ukraine's democratic development. We cannot allow the democratic gains won through those brave civil actions to be taken away.

Canada has proudly supported the Ukrainian people as they rebuilt their society after 70 years of Soviet rule. Canada was the first western country to recognize Ukraine's independence in 1991, and we have provided significant assistance since then as part of our special partnership. We have done so out of principle, but also out of friendship. Ours is a deep friendship, rooted in shared values and shared history.

Canada is home to more than 1.2 million Ukrainian Canadians, who collectively have contributed so much to building Canada. I am one of those Canadians whose grandparents came from Ukraine about 115 years ago. I am a proud Canadian and proud of my Ukrainian heritage. I am proud that I was with the Prime Minister in Ukraine.

We owe it to our friends in Ukraine to support them as they work to build a new future.

• (2135)

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Chair, my colleague from British Columbia highlighted in his presentation the absolute need for the judicial system to be separate from the executive branch of government.

I would like to ask my colleague what steps he believes the Canadian government could take now to put further pressure on the Ukraine government to start respecting human rights and to make some of the changes that are necessary?

Mr. Mark Warawa: Mr. Chair, I want to thank the NDP member across the way. It is not often that everybody in the House will row in the same direction. That is happening tonight, and I know it is going to be happening in the months to follow as we are all committed to seeing democracy, respect for human dignity and the rule of law in Ukraine.

Canada joins many other countries, as do we as parliamentarians. We are world leaders in that respect, working together and challenging Ukraine to do what is right and to be transparent and democratic. As we look at countries throughout the world and the history of the world, we see that countries that are based on democracy and fundamental principles of the rule of law can prosper. If a country does not respect the rule of law and its citizens, that country will not prosper. It is that simple.

We want to see a positive future for Ukraine. We will continue to pull together as parliamentarians and work with other international partners to encourage the Ukraine judiciary to make sure things are done properly and with transparency. The situation with Yulia Tymoshenko hopefully will be reviewed and the right thing will be done, because the opposition cannot be treated in that way.

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• (2140)

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Chair, it has been a tough time for Ukraine and the people of Ukraine since the fall of the wall and the division of the former Soviet Union. I think it has been more difficult for Ukraine than it has been for some of its neighbouring countries, such as Poland, the Czech Republic, or the Baltic states. Certainly Ukraine has had a more difficult time. Progress has been slower.

There was a lot of hope with the Orange Revolution and what has happened since, but now we see a reversal in the situation. To me it is one thing to have slow progress, but it is another thing to have a reversal. It must be extremely disheartening for the people in Ukraine to see this happening. It certainly is for people of Ukrainian descent. I am sure it is for relatives and friends, and it is in my constituency, where there is a large population of people from Ukrainian backgrounds.

This reversal truly is a pivotal time in the history of Ukraine. We do not know where things are going to go from there. Would the member agree that the reversal is certainly quite a different situation from slow progress?

Mr. Mark Warawa: Mr. Chair, I would agree that it has been a reversal. Many of us in this Parliament have Ukrainian interns working in our offices. I have asked them if they expected this to happen. They said no. They said they had been watching it closely but had no idea that this was going to be happening. When we were there a year ago, there was no idea that this kind of serious situation would be arising.

We encourage the Ukrainian judiciary to do what is right. The world is encouraging them. There were letters written from the Canada-Ukraine Parliamentary Friendship Group, from the government, and I am sure from many in this Parliament encouraging them to do the right thing. Now we find Yulia Tymoshenko sentenced to seven years in jail.

She cannot serve. That is just not right. We encourage the right thing to be done.

Hon. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, it is an honour to rise and address the House tonight on this important subject, that of democracy in Ukraine.

The events unfolding in Ukraine right now with respect to the arrest, trial and conviction of former prime minister Yulia Tymoshenko are of deep concern to me, all members and the Government of Canada. This blatant and politically motivated persecution is very troubling and may have serious consequences for Canada's relationship with the Government of Ukraine.

The Prime Minister has written directly to the President of Ukraine indicating his deep concern with this situation. The Minister of Foreign Affairs has stated that the conduct and prosecution of this case by Ukrainian authorities undermines the development of their democratic institutions.

We in this House all agree that a strong and vibrant political opposition and a robust and fully independent judiciary are essential to a Ukraine that is prosperous, democratic and free.

Please allow me to relay to this House some examples of where it appears due process was flagrantly violated in Ms. Tymoshenko's case.

One of the more startling aspects of this trial has been the disregard of Ms. Tymoshenko's right to legal defence by the Constitutional Court. The Constitution of Ukraine, the most important legal document in that country, states:

Everyone shall have the right to legal assistance.

and:

Everyone shall be free to choose the defender of his rights.

However, in the very first trial hearings on July 15, Ms. Tymoshenko was denied this basic right.

The judge began the proceedings without asking her legal team to enter. As she rose to protest this action, she was interrupted by the judge and forced to leave the hearings "for violation of court proceedings".

The proceedings then continued without her, and she was deprived of even the right to defend herself against charges.

This type of disregard of her basic rights is simply unacceptable.

The Criminal Code of Ukraine also states that the judge must ensure both the prosecution and the defence have adequate time to review evidence and prepare for court proceedings. The materials in the case against Ms. Tymoshenko, collected from pretrial investigation, amounted to approximately 5,000 pages. Her defence team was given between two and three days to review the documents. This again appears to be a flagrant violation of the Constitution of Ukraine, the principles of the rule of law, and Ms. Tymoshenko's right to a fair and reasonable defence.

Ms. Tymoshenko's lawyers were also prevented from speaking with her after she was arrested on August 5, thereby preventing them from building or implementing any further measures for her legal defence.

I should add that I am not presuming guilt or innocence in this case, but rather expressing my serious concerns with the apparent glaring absence of due process and fairness in this trial.

Ukrainians and the Ukrainian diaspora around the globe are not pleased with the actions of their government. Ukrainians have always been freedom-loving people, and they have a strong democratic tradition.

We witnessed this seven years ago during the Orange Revolution, when Ukrainians took to the streets in droves to protest what they knew to be an unfair and undemocratic election. In fact, the origins of democratic principles in Ukraine date back to the early 18th century. In 1710, the first Constitution of Ukraine was written by Pylyp Orlyk, and in April 2010, the 300th anniversary of this constitution was celebrated. By comparison, at 144 years Canada is not a very old democracy; as a consequence, we as Canadians sometimes take for granted the freedoms and privileges, as well as the rights and responsibilities, of living in such a stable, safe and prosperous country.

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Not all the peoples of the world are so fortunate. For many years the people of Ukraine lived under the oppressive tyranny of the former Soviet Empire and the oppression of the Nazis, and endured the senseless horror of the Holodomor genocide.

Today the people of Ukraine are striving to build a prosperous, robust and healthy democratic state. They can count on Canada to stand up for their freedom.

Our foreign policy is a principled one. It is rooted in the defence of human freedom and in those things that elevate us as human beings: freedom, democracy, human rights and the rule of law. We will not back down in defending and promoting these ideals for all nations and all peoples around the world.

Ukrainian Canadians have contributed much to our nation in all aspects of society, from the arts to politics and from business to sport. They have helped to build the Canada we know today, and we are all the better for it.

As Ukraine moves toward a free, open and just society, Canada will always be there to help. We will not turn a blind eye to the proceedings against Ms. Tymoshenko; our hope, however, is that our ideals, upon which our policies are based, will be shared by Ukraine.

We take comfort in the words of Ukrainian poet Taras Shevchenko, whose words provided the inspiration for Ukrainian independence:

Strive and you will triumph, for God is on your side. The rewards are glory, truth, and that most sacred of things, freedom.

• (2145)

[*Translation*]

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Chair, I would like to thank my hon. colleague for his speech.

Essentially, I would like to ask him the question I asked earlier of my colleague from British Columbia Southern Interior regarding younger Ukrainians.

What steps could Canada take to help the younger generations gain a better understanding of democracies abroad including western democracies, such as Canada's? Perhaps we could encourage young Ukrainians to come and study in Canada and see what could be done to improve democracy in their own country when they return.

Hon. Laurie Hawn: Mr. Chair, I would like to thank my colleague for her question.

[*English*]

We have a Ukrainian intern in my office right now, Oleksandr. Perhaps my colleague has one as well. There are a number of them here. We hope they will learn from what they see here. For all that we may bicker in the House, back and forth about a variety of things, we are a model of co-operation and democracy for people around the world.

In fact, my colleague and her colleagues across the way have had their own orange revolution recently in Canada, and we congratulate them on their success.

That is something from which we can learn. We may disagree on things, but there are the basic principles of democracy and the basic principles of people making the difference, people of all ages, and it

does come from young people. I am clearly in the second half of my life. My colleague is clearly hardly into the first half of her life, and we do count on young people. We do count on younger members of Parliament to lead by example and we want to pass on that example to young people from places like Ukraine to follow our example. They have been at it longer than we have, but we have something to offer and I believe my colleague recognizes that.

Mrs. Stella Ambler (Mississauga South, CPC): Mr. Chair, I would like to ask my colleague about the long term affects on democratic development in Ukraine. I would like to ask his view on what the situation is now and how he feels it will impact the development of democracy in Ukraine.

• (2150)

Hon. Laurie Hawn: Mr. Chair, that is a very important question.

Every developing country goes through challenges. Every developed country goes through challenges. We can learn from those situations and challenges. Where we have setbacks, that is an opportunity for progress.

I optimistically look at this in Ukraine as an opportunity for progress. Clearly the government has violated some of the principles and values that we hold dear such as freedom, democracy, human rights and the rule of law, but that awakens in people like Ukrainians the spirit of independence, the spirit of freedom, the kind of spirit we saw several years ago with their Orange Revolution.

The kind of spirit I see in Ukraine is in my own riding. I have a large Ukrainian population in my riding. I take inspiration from them often about their zest for life, their sense of vigour and their thirst for freedom and democracy. Canadian Ukrainians can help in the struggle of Ukrainians in Ukraine.

I look at a situation like this, as I said, as an opportunity for Canadians of any stripe, but for Ukrainians in particular, to help those Ukrainians in Ukraine to make progress and to turn a bad situation into an opportunity for advancement.

[*Translation*]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Chair, the government argues that a free trade agreement with Ukraine would coincide with Canada's foreign policy objectives, which support the democratic transformation and economic reforms undertaken by Ukraine.

In what way do negotiations on free trade support democratic transformation if we observe that there is increased repression of opposition policy?

[*English*]

Hon. Laurie Hawn: Mr. Chair, Canada will always be a friend of Ukraine and vice-versa. People who trade together do not tend to fight each other. That is a basic principle of trade. It is not just about economic prosperity. It is about foreign relations. It is about relations between two countries like Canada and Ukraine, like Canada and many other countries. Trade is a foundation upon which we can help Ukraine to build its economy and its prosperity. Prosperous people tend to be less cranky than people who are not prosperous.

Government Orders

Anything we can do through our free trade agreements to help the Ukrainian economy to prosper will help the Ukrainian people to be more comfortable and to have a brighter future. That is our aim in all this process.

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Chair, I am delighted to participate in this take note debate, that the House take note of the general state of democracy in Ukraine, particularly the apparent political bias and arbitrary prosecution and conviction of former Prime Minister Yulia Tymoshenko by Ukrainian authorities.

Twenty-five years ago, Ukraine voted to leave the Soviet Union and became an independent country. Canada was the first western country to recognize Ukraine's independence, establishing diplomatic relations on January 27, 1992, and the march to political and economic reform, independence, culture and identity began.

Seven years ago, the 2004 Orange Revolution gave Canada and the world great hope for the prospects of democracy and freedom in Ukraine. Seven years ago, Yulia Tymoshenko, the populist democrat dressed in orange, climbed on to a stage in a snow-covered Kiev. I still recall that scene when she electrified a crowd, galvanized some 150,000 protesters at the time against the then rigged election victory of Viktor Yanukovich in the 2004 presidential election.

Who could forget the compelling scenes, and I can still see it in my mind's eye? I am sure many in Canada at that time were engaged in what was happening in Ukraine. Who could forget the compelling scenes of Yulia Tymoshenko emerging, energizing, captivating the people for days, ushering Viktor Yushchenko to victory, proclaiming in her words at the time, "Glory to Ukraine" and the crowd responding, "Yulia, Yulia".

The Liberal government at the time stood shoulder to shoulder with the Ukrainian diaspora in Canada and we stood shoulder to shoulder with the Ukrainian people in Ukraine in our shared struggle to realize their democratic aspirations.

The Canadian government at the time, of which I was a member, sent 1,000 election observers to Ukraine during the election and expressed support for the emergent government and democratic cause.

Democracy was on the march. Civil society was beginning to flower. Freedom of the press was a democratic expression of this march of freedom at the time.

The Orange Revolution gave the world hope for the prospect of real democracy taking root in the Ukraine with the clear and unequivocal support of the Ukrainian people. As well, the years that followed, and indeed we saw this, the emergence of a democracy, while somewhat chaotic, emerged and anchored in the people.

To fast forward, despite his history, Viktor Yanukovich won the 2010 presidential election, ironically, through open processes that resulted from the Orange Revolution itself. Canada and the western countries congratulated him and expressed interest in working with his government in its goal of joining the European Union and the western community of democratic nations.

Then, regrettably, the erosion of democracy, of which this debate is taking note, began and in that erosion of democracy there were a

litany of events that I will briefly summarize. Much of this has been addressed this evening, so I will deal with it by abbreviation only.

First, we had a series of unconstitutional amendments, where the previous restrictions to the power of the president were repealed, accelerating the concentration of power in the president. Distinctions and separation of power between president, prime minister and government were effectively nullified and the government and the Parliament came under the direct control of the president, so that whatever prior checks and balances occurred were no longer effective.

• (2155)

Second, we saw a process of politically motivated selected justice and repression of opposition politicians. This has been manifested in the ongoing prosecution and recent conviction of former prime minister Yulia Tymoshenko, as has been described this evening and is part of our take note debate theme. However, it includes as well the arrest and imprisonment of former interior minister, Yuriy Lutsenko and flight into asylum in the Czech Republic of former economic minister, Bohdan Danylyshyn, among others. The appointment of media magnate, Valeriy Khoroshkovsky, as head of the security service of Ukraine, is part of a pattern as it has been described as turning the power of the state over to business oligarchy.

Third, the European parliament adopted, on June 7, 2011, a resolution on Ukraine, wherein it stressed the importance of and its concern with the absence of transparency in investigations, prosecutions, trials and accountability and warned against any use of the criminal law as a tool to achieve political end. It further expressed concern about the increase in the selective prosecution of the political opposition in Ukraine. As I said, this is not limited to, though of course the case study this evening is that of Yulia Tymoshenko.

The European resolution goes on to stress that the ongoing investigations of prominent Ukrainian political leaders should not preclude them, as it has, from actively participating in the political life of the country and calls on Ukrainian authorities to lift the travel ban, both domestically and internationally, on Yulia Tymoshenko and other key political figures.

As well, there were threats to media freedoms, for one of the great achievements of the 2004 Orange Revolution was the establishment of a truly independent media. Again, since February 2010, a growing number of disturbing incidents has occurred that conveyed the impression that media freedoms are increasingly being jeopardized. During its fact finding mission to Ukraine in July 2010, the international media watch dog, Reporters Without Borders, documented cases of physical attacks on journalists, direct obstruction of their work and acts of censorship of various kinds. This trend has continued. At least 10 radio, television and newspaper journalists across the country have reported being physically attacked in 2010 in cities throughout Ukraine, a pattern continuing in 2011. Broadcast licences of independent television channels have been suspended by government regulators, and I can go on.

Government Orders

With regard to local elections, according to the U.S. State Department 2010 Country Reports on Human Rights Practices in Ukraine, the October 31 local elections at the time did not meet standards for openness and fairness set by the presidential elections earlier in the year. Two American NGOs threatened to withdraw from a working group to develop a new electoral law, charging that the group had no input because decisions were being made and controlled by the president.

In addition, there is growing and serious concern with the upcoming parliamentary elections. How can they be declared free and fair if the leaders of two opposition parties, including the leader of the official opposition, are not able to participate?

Finally, I would mention the fact that the government of President Viktor Yanukovich has targeted independent universities and research institutions for harassment and intimidation, especially those who are working on restoring Ukraine's historic memory.

This brings me, at this point, to the trial of former prime minister Yulia Tymoshenko. In this trial, we see a case study of that which is concerning us with respect to the erosion of democracy in Ukraine as a whole. In fact, the images contrasted with that which I mentioned of the Orange Revolution in 2004.

I will close with this from an article which states:

This time the former prime minister, wearing grey, sat in court to hear a...judge reading out a sentence of seven years' jail, a three-year ban on public office and a fine of \$190 m as purported compensation for damage allegedly caused when she struck a gas deal with Russia in 2009.

This was during the normal course of her work. The article continues to state:

The term was symbolic: a year in jail for every one that has passed since the orange revolution.

A case study in selective prosecution, in all the arbitrariness that attended it, in the denial of a right to fair trial before an impartial and independent judiciary, in the denial of the right to know the nature of the charges against her, denial of the right to counsel, we have gone from the excitement of the 2004 Orange Revolution to the nadir that we are now witnessing in Ukraine.

● (2200)

[*Translation*]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Chair, I thank my colleague for his remarks. I have a comment to make. I am quite pleased with the evening I have just spent in this House, which will continue until 10 p.m. or later. This evening, I observed that it is possible to move in the same direction and work together on both sides of the House. I also noted that there were several members of Ukrainian origin in this House, which I was unaware of until this evening. It would appear that our voices are united in our call for one thing: a better democracy in Ukraine. That was my comment.

Hon. Irwin Cotler: Mr. Chair, I agree. We can work together for the common cause of democracy in Ukraine, as we support this struggle for democracy. For my part, it is inspiring to see the members of every party in this House taking part in the struggle for democracy.

● (2205)

[*English*]

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Chair, it is absolutely true that all parties are rowing in the same direction as we express our concern about the undermining of democratic structures in Ukraine. As Canadians and as parliamentarians, we are also struggling with how to effectively influence and bring about change in the right direction.

If my colleague were in charge, what steps would he see the government taking in order to put pressure on the Ukrainian government to respect human rights and to respect the rule of law?

Hon. Irwin Cotler: Mr. Chair, first, Canada should use all of the diplomatic resources at our disposal to communicate both publicly and privately to Ukraine our displeasure about the regressive developments that have been cited during the course of this debate this evening, and to put the Ukrainian government on notice that there will be adverse potential consequences for this anti-democratic conduct.

Second, we should help foster NGO sector development, particularly groups that are working there in human rights, education and law reform. Civil society in Ukraine is still a powerful resource and we should stand in solidarity with it.

Third, government to government dialogue is necessary. We should send a Canadian parliamentary delegation to visit Ukraine to meet with our counterparts there and deliver the message of our standing with them in common cause as we deliver the message to the government that it will be held accountable for its actions.

We should engage in appropriate diplomatic interventions with respect to upcoming hearing, such as the Lushenko trial.

We should include human rights protection in free trade talks with Ukraine.

We also should engage in robust election monitoring, particularly in the upcoming October 2012 parliamentary elections, and support the independent media in Ukraine where there are significant threats to media treatment. We should perhaps consider reinstating Radio-Canada international Ukraine programming to ensure that our Canadian values are shared and broadcast in Ukraine.

Mrs. Stella Ambler (Mississauga South, CPC): Mr. Chair, I will be splitting my time with the Minister of Citizenship, Immigration and Multiculturalism.

I am honoured to stand in the House tonight to speak to this important and troubling situation, but the words I have to offer are insignificant compared to the notable remarks made by Canada's Prime Minister on Friday night in his speech to the Ukrainian Canadian Congress in Toronto. I will take this opportunity to read into the record a portion of his remarks at this important event, which took place just a few days ago. Speaking of the Taras Shevchenko award, the Prime Minister stated:

This award has been presented to many distinguished Ukrainian-Canadians, as well as friends of Ukraine. Among those friends was John Diefenbaker, the first Prime Minister to receive it. I am honoured to follow in his footsteps ... for Diefenbaker personified the distinctly Canadian reality that people from all backgrounds can and do succeed in this great country.

Government Orders

Of course, what really makes this presentation special is the fact it pays tribute to the legacy of Taras Shevchenko. His words provided the inspiration for Ukrainian independence. He said, and I quote: "Strive and you will triumph for God is on your side. The rewards are glory, truth, and that most sacred of things, freedom." Shevchenko was a brilliant artist and a renowned poet. But most important, his was a voice for freedom...

In the decades that followed his spirit would inspire Ukrainians to fight for liberty against not only the Tsars, but also the totalitarian ideologies of the Nazis and the Soviets. You know, here in Canada, with our deep Parliamentary traditions and our comparatively benign history, democracy sometimes gets taken for granted. We often need to be reminded of how long and hard the struggle for basic freedoms has been, and that it remains to be fought for so many of our fellow human beings. The Ukrainian-Canadian community has always provided that perspective and that voice for the oppressed...

But, the important thing is this, I'm here to tell you that as long as I am Prime Minister our government always will speak out for those things that elevate the human spirit—freedom, democracy, human rights, and the rule of law—for all nations and peoples! ...

—when I visited Ukraine last year I made a special point of visiting historic sites to pay my respects, on behalf of all Canadians...

While I was in Kiev, as you remember I also raised issues that are of concern to the Government of Canada. I took particular care to show Canada's support for democratic debate ... by meeting with Yulia Tymoshenko. Like many of you, I am seriously concerned about her situation...

I've written directly to President Yanukovich. I let him know that I am deeply concerned ... that the conduct of Tymoshenko's trial does not reflect accepted norms of due process or fairness.

Friends, we all know that a vigorous political opposition and judicial independence are vital to building a democratic and prosperous Ukraine. Canada will support Ukraine whenever it moves towards freedom, democracy and justice. However, our foreign policy is rooted in principle, and in the defence of freedom.

So to be clear, our government is very concerned about the path the Government of Ukraine appears to be taking. Tuesday's developments may have serious consequences for our bilateral relationship. The Ukrainian people can count on Canada to stand-up for their liberty. Canada is always ready to help ... to help democratic institutions take root, in Ukraine and around the world. And I know that each and every person here tonight shares that cause ... which is why I am so honoured to be here.

Thank you, Mr. Chair, for this opportunity to speak and tell you about the Prime Minister's comments on this serious and important situation.

• (2210)

Hon. Laurie Hawn (Edmonton Centre, CPC): Mr. Chair, I listened to my colleague's comments, which were very apropos.

Canada has always been a friend of Ukraine. We have always stood up for Ukraine. We were the first country to recognize it in 1991 when it regained its freedom and democracy. I would like to get my colleague's views and comments on the historic role that Canada has played with former Prime Minister Mulroney and other Canadian institutions have played a role in the re-emergence of Ukraine and how we can help them going forward from this setback to get back on the right track again.

Mrs. Stella Ambler: Mr. Chair, Canada has always supported the efforts in Ukraine to build a peaceful, democratic and prosperous society, and we will continue to do so.

My colleague, who was at the election in 2004 during the 10 days of the Orange Revolution, was telling me about those times and about the nascent democracy that was Ukraine seven years ago. Twenty years ago, the situation was even more difficult.

As the Prime Minister mentioned in his remarks on Friday night to the Canadian Ukrainian Congress in Toronto, our history is relatively

benign in that area. We did not go through the difficulties that Ukraine did and has over the last many years.

Canada will continue to support Ukraine's development and democracy. We want to ensure this anti-democratic situation that is going on stops as soon as possible.

Mr. Blaine Calkins (Wetaskiwin, CPC): Mr. Chair, I am the chairman of the Canada Poland Parliamentary Friendship Group, and I see my colleague for Mississauga East—Cooksville here as well. I can say, from the Polish diaspora who contact me and from the large Ukrainian diaspora who live in my constituency, that they are quite concerned and alarmed. I also know that the people of Poland are quite concerned and alarmed about the developments that have taken place and with Ukraine slipping in recent years, since the last election, to the influence from the former Soviet regime that is now manifesting itself again in the politics of Ukraine.

I know that my colleague from Mississauga South does have both a large Polish and Ukrainian constituency that she represents. I wonder if she would elaborate on some of the comments that she has been hearing from those constituents.

• (2215)

Mrs. Stella Ambler: Mr. Chair, indeed, the residents of Mississauga South who are Ukrainian Canadians are very concerned about this politically motivated persecution of Yulia Tymoshenko. They are relieved that the Canadian Parliament and Canada's Prime Minister are taking a tough stand against the erosion of democratic rights in Ukraine.

I have spoken to some of them and they are very proud as well that our Prime Minister was given the honour of the Taras Shevchenko medal, the highest honour that can be bestowed by the Ukrainian community on any Canadian. In fact, only two prime ministers in history, the current Prime Minister and Prime Minister Diefenbaker, have been given that award.

We will continue to work on behalf of Ukrainian Canadians living here in Canada, but also to ensure that democracy, freedom, democratic rights and the rule of law return to Ukraine.

[*Translation*]

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Chair, there are a number of reasons why I am pleased to speak today about the events that have taken place in Ukraine since the beginning of August.

First of all, my reasons are personal. I will come to the point:

[*Member spoke in Ukrainian.*]

[*English*]

I love Ukraine.

Government Orders

It is a magnificent country with extraordinary people. The people are talented and courageous. The history of Ukraine is a series of incredible, tragic and grand events. It is a country of great poets, courageous warriors, tiny grandmothers who gather mushrooms, and dedicated workers who are proud of their country. When the train makes its way through the hills that are yellow with sunflowers, a sense of happiness falls on the traveller, like that experienced in childhood. Those who come into contact with Ukraine fall under its spell forever.

I have wonderful memories of Ukraine and I am filled with nostalgia when I think of the time I spent there.

This personal relationship echoes a much deeper and older relationship that all honourable members of the House are surely familiar with. Canada has a very close relationship with the Ukrainian people, which has spanned more than 100 years. How many millions of Ukrainian immigrants arrived in the Prairies at the beginning of the 20th century? So many came that we are almost justified in calling Canada “the little Ukraine”, or “Malaukraina”. How many older Canadians still remember their grandparents from Galicia living in conditions of extreme poverty? How many younger people still call their grandmother “Baba”? How many of our elected officials were and are of Ukrainian descent?

The numbers speak for themselves. With the exception of Russia and the other former Soviet countries, Canada has the largest Ukrainian population in the world. That is saying something.

In late 2004, we all saw thousands of people gathered in Independence Square in Kiev demanding the annulment of the fraudulent results of the presidential election. We remember President Yushchenko, disfigured by an attempt to poison him, losing the presidential race. The election irregularities were as clear as the sky is blue: ballot tampering, fraud, abuse and cynicism unlike any that Canada will ever see, fortunately.

Cynicism was an acquired habit that expressed itself automatically. It was nothing new. Almost all the former Soviet republics had a great deal of difficulty instituting true democratic reform. All the experts were saying that it was a Soviet legacy, that it was inevitable, that the old habits and old traps of an era had left too great a mark, and that it was sad but that we had to respect the political reality and not judge it.

But this underestimated the Ukrainians. The events that followed were extraordinary. Protestors stood their ground for weeks. In the cold, the wind and the snow, they stayed there, refusing to let their country be betrayed again. And to everyone's surprise, in the end, it worked. With key slogans, orange flags and courage, thousands of outraged citizens got the better of a quasi-criminal and undemocratic administration. The Cossack nation's unbelievable history was unfolding before our eyes. It was what everyone now refers to as the Orange Revolution.

It was during this Orange Revolution that the main subject of tonight's debate appeared on the scene. I remember it well. For the rest of Europe, it was as though she had fallen from heaven. Yulia Tymoshenko climbed up on the barricades and spoke on behalf of Ukrainians. With her symbolic braid, she resembles the poet Lesya

Ukrainka. She expresses herself beautifully in Ukrainian and fires everyone's imagination.

Yulia Tymoshenko would become the great heroine of a country that no longer wanted to be forgotten by the western world. I remember seeing posters of Yulia looking like Joan of Arc in the souvenir markets in Kiev and Odessa. This can be regarded as either an exaggeration or a valid metaphor; we can take our pick. However, we cannot deny the fact that this woman represented an important symbol for her people.

Yulia quickly positioned herself in Ukraine's new democratic government, which saw the light of day following the victory of the orange protestors. She had an unbelievable talent for politics. Suddenly, she was everywhere. Just as quickly, she became the one and only way to a democratic, prosperous and stable European Ukraine. This is what the country had always aspired to and, with Yulia Tymoshenko, it was closer to achieving that goal than ever before. This was the main thrust of her election platform and she would never change it.

But, Ukraine is a huge and diverse country. Its population is enormous: close to 46 million. Its transition toward the market system has been difficult and the disappearance of the Soviet state left large portions of the country in poverty. We are talking here about conditions that are very difficult to manage. And, for the first time, it seemed that there was real hope.

But the election results revealed and confirmed a fear. Although it has a united national identity, the country seems divided in half along the Dnieper. One the one side is a majority of pro-Europe, pro-democracy and pro-reform voters, and on the other side are the more conservative voters, who still hold onto cultural ties with Russia and who live in a working class area nostalgic for industrial Sovietism.

● (2220)

Bringing together this big beautiful country requires ongoing efforts. In 2010, the candidate from the left bank of the Dnieper was elected. Viktor Yanukovich won the prime ministerial election by a very small margin. And his election immediately undermined the progress made since the fall of 2004. All of the real democratic reforms were put on hold.

Of course, he claimed to be a reformed and reliable democrat to the western world and carried on with the European agenda. He even chose Brussels over Moscow when the time came for his first official visit abroad. Furthermore, the electoral irregularities were so minimal that foreign leaders were forced to acknowledge the validity of the election. But reality was quite different. The Ukrainian government seemed to be taking a much different path.

On August 5, former presidential candidate Yulia Volodimirivna Tymoshenko was formally accused and arrested. A bit earlier, she had responded to her accusers and addressed the nation on television and the Internet, proclaiming her innocence loud and clear: “I did not steal the money I am accused of taking.” She immediately indicated that the accusations against her were motivated by simple political revenge. No one, anywhere, has refuted that statement.

Government Orders

Worse yet, President Yanukovich does not really deny it. After all, under the Soviet regime, it was quite normal to lose one's good name for nothing. This entire legal charade is the same old, same old. Without any valid reason whatsoever, as though they were still in the U.S.S.R., once it achieved power, the regime took revenge on its detractors.

I repeat: someone did try to take the life of Viktor Yushchenko during the 2004 election. Now the regime prefers to throw its opponents into prison. It is getting soft.

Nonetheless, this goes beyond simple vengeance. It is a pure and simple repression of opposition. Today the people's committee opposed to Yanukovich said, "It is an attempt to exterminate the opposition, and resistance to democracy the world over. This show trial is not just the trial of Yulia Tymoshenko, but also that of the Ukrainian government. It no longer has a place in the civilized world. Such brutality is an impediment and it must be defeated".

After all, that is what this trial was: a show trial, like those under Stalin; less brutal, but heir to a tradition founded on illegitimacy and violence. Ukraine deserves better. Ukraine, as I know it, deserves better and, with a little help, will be better.

Fortunately, the rest of the world is reacting to the situation. The European Union and especially Poland are expressing their fears quite well. Poland is the country working the hardest on helping Belarus and Ukraine complete the transition to democracy. President Komorowski is considering diplomatic sanctions against the Yanukovich government. Ukraine's European future is seriously compromised. If Poland is taking action, then Canada has a duty to follow suit.

Ukraine is a rich country with an intelligent, educated and talented population. Its people are dynamic, young and full of ambition. I have a number of friends in Ukraine, people who live as though these underhanded practices did not exist. They have no choice. To them, the path Ukraine must take is clear. Ukraine is a European country, the largest European country in fact. Ukraine is a country with an abundance of resources of all kinds. If Europe loses Ukraine it is a catastrophe. If this great country falls to dictatorship, it is a tragedy.

If we have to add human rights protection clauses in our agreements with this government, then let us do so. If Poland, which has been working so hard for such a long time on integrating Ukraine into Europe, does not hesitate to take action, then it is a fine example and we should follow it.

The efforts Canada has made through CIDA are commendable. Our country has truly understood that we have much to gain from getting to know the Ukrainians and helping them develop their country. A stable, developed Ukraine is something positive for the whole world.

We cannot forget that the Ukrainian people are innocent bystanders in these schemes. We need to think of them first. Ukrainians should have greater access to travel in Europe and the west in general. They need to see the validity of their efforts in the fight for democracy. The dream of a stable, democratic Ukraine needs to be given a chance. To quote Yulia Tymoshenko, "*Razom peremojemo!*" Together, we can overcome!

We must think about Ukrainian youth. We need to let them come study here. We need to show them something other than the universities in their country and in the former Soviet republics that they have access to. We need to wager that in 25 years, if an entire generation of Ukrainian youth has the Canadian education system opened to them, the errors that led to this sad situation will not be repeated. Everyone wins. It is simple: "*Razom peremojemo!*"

To conclude, I would like to read a few lines from a letter that Yulia Tymoshenko wrote during her trial and was able to get out to journalists, "The courage and unity of honest people are what frightens dictators the most. And, at the end of the day, that is what topples oppressive regimes."

Slava Ukraïni!

• (2225)

[*English*]

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Chair, I would like to thank my colleague for her heartfelt and very passionate speech on the situation in Ukraine. As I said earlier, rarely in the House do we see parliamentarians from both sides of the House speaking up on such a critical issue and, as someone said previously, rowing in the same direction.

My colleague has had the pleasure of travelling in Ukraine and has made some personal connections. The Prime Minister has made a very strong statement. The Minister of Foreign Affairs has also spoken very strongly and hinted at bilateral relations being in jeopardy. What other steps does my colleague think Canada could be taking in order to promote democratic structures in Ukraine?

[*Translation*]

Ms. Alexandrine Latendresse: Mr. Chair, I thank my hon. colleague for the question. As several members have already said, there are various things Canada can do through its free trade agreements. It is extremely important for Canada to respect human rights and the separation of the judiciary and the executive. There are many things we can do to help the people. The people who want things to change want democracy, and we can support them in their fight for a freer and more democratic Ukraine. There are plenty of things we can do in that regard. For instance, we can encourage students, young people, to learn more about western countries like Canada. The various programs that invite Ukrainian students to come to our Parliament are an extraordinary way to help them learn about our democratic system and our country's institutions. These are excellent ways to help democracy in Ukraine.

• (2230)

The Deputy Chair: It being 10:30 p.m., pursuant to Standing Order 53(1), the committee will rise and I will leave the chair.

Government Orders

(Government Business No. 6 reported)

[*English*]

The Acting Speaker (Mr. Barry Devolin): This House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 10:30 p.m.)

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