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OFFICIAL REPORT
(HANSARD)

Thursday, November 24, 2011

—

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Thursday, November 24, 2011

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

•(1005)

[English]

COMMITTEES OF THE HOUSE

JUSTICE AND HUMAN RIGHTS

Mr. Dave MacKenzie (Oxford, CPC): Madam Speaker, I have the honour to present, in both official languages, the second report of the Standing Committee on Justice and Human Rights in relation to Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts.

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NATIONAL STRATEGY FOR DEMENTIA ACT

Mr. Claude Gravelle (Nickel Belt, NDP) moved for leave to introduce Bill C-356, An Act respecting a National Strategy for Dementia.

He said: Madam Speaker, I am honoured today to introduce my bill, an act respecting a national strategy for dementia.

The bill has its roots in my own family's experience with my mother. Long before her death at 83, in 2003, she began struggling with obvious memory loss. What started with forgetting things on the stove and forgetting appointments got worse by forgetting meds, forgetting language, changes in mood, loss of initiative and aggressive behaviour.

My father, sisters and wife learned the overwhelming challenges of being her caregiver.

My mom is not alone. Over 500,000 Canadians suffer from Alzheimer's disease and other related dementia. An estimated 1.1 million Canadians will have these diseases within a generation.

My bill would develop a comprehensive national plan to address all aspects of Alzheimer's disease and other dementia. It would

encourage more research, prevention and specific help for caregivers.

I know a national dementia strategy is a non-partisan issue. I urge all MPs from all parties to help make this bill the law of our land.

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

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CANADA PENSION PLAN

Ms. Chris Charlton (Hamilton Mountain, NDP) moved for leave to introduce Bill C-357, An Act to amend the Canada Pension Plan (arrear of benefits).

She said: Madam Speaker, these last few years have been incredibly difficult for seniors. They have worked hard all their lives and played by the rules. However, now their retirement savings are threatened through no fault of their own by downturns in the economy and employers who are trying to avoid their pension obligations.

The least we can do as legislators is to ensure that the money to which seniors are entitled through government pensions will be there for them in their retirement. That is why I am introducing legislation today that would allow for full retroactive benefits plus interest when someone applies late for benefits under the Canada pension plan.

The CPP is a pay-as-you-go contribution-based program that is funded solely by employers and employees. It is absurd that a person who is late in applying for his or her pension under the CPP is only entitled to 11 months of retroactive benefits. It is not the government's money.

This bill would put an end to this insufficient and unfair period of retroactivity, and would do the same for disability pensions or a survivor's pension and a disabled contributor's child benefit. This is something that should and could have been corrected long ago.

I urge all members to support this important bill today. By definition, seniors do not have a lifetime to wait.

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

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STELCO INC. ACQUISITION ACT

Ms. Chris Charlton (Hamilton Mountain, NDP) moved for leave to introduce Bill C-358, An Act respecting the acquisition of Stelco Inc. by the United States Steel Corporation.

Routine Proceedings

She said: Madam Speaker, I am pleased to rise in the House today to introduce a bill regarding the acquisition of Stelco Inc. by the United States Steel Corporation.

U.S. Steel acquired Stelco in 2007, but it was not long after that the Government of Canada had to take U.S. Steel to court for failing to live up to the employment and production commitments made by the company under the Investment Canada Act.

I have raised issues related to U.S. Steel on numerous occasions in this House. I have raised the lockout of members of USW Local 1005, the denial of pension indexation for Stelco retirees, access to EI benefits for the locked out workers, and of course the inadequacy of the Investment Canada Act in protecting Canadian interests in this foreign takeover.

Sadly, it has been impossible to get full accountability because the agreement signed between U.S. Steel and the Government of Canada has never been made available publicly.

It is for that reason I am introducing this bill today. It would require the Government of Canada to publish all written undertakings given in the right of Canada under the Investment Canada Act in respect to the acquisition of U.S. Steel.

Furthermore, it would require the publication of all correspondence between the minister and the company regarding the enforcement of this agreement.

The Investment Canada Act demands that a foreign takeover have a net public benefit, but the public is being kept in the dark. That is simply not good enough. That is why my bill would finally bring accountability into the light of day.

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

* * *

• (1010)

PETITIONS**HEALTH OF ANIMALS ACT**

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Madam Speaker, I have a petition supporting my private member's bill, Bill C-322.

The petitioners, primarily from Saskatchewan, say that horses are ordinarily kept and treated as sport and companion animals. They are not raised primarily as food processing animals, and they are commonly administered drugs that are strictly prohibited from being used at any time in the food chain, and I would like to emphasize that. The drug, which is phenylbutazone, is administered to probably about 80% of the horses on this continent. Once that drug is introduced, that animal is no longer fit for human consumption.

The petitioners call upon the House of Commons to bring forward and adopt Bill C-322, An Act to amend the Health of Animals Act and the Meat Inspection Act, thus prohibiting the importation or exportation of horses for slaughter for human consumption as well as horse meat products for human consumption.

ASBESTOS

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I am proud to rise today to present a petition signed by literally

thousands of Canadians from all across Canada who call upon Parliament to take note that asbestos is the greatest industrial killer that the world has ever known and that more Canadians now die from asbestos than all other industrial or occupational causes combined.

They point out that Canada remains one of the largest producers and exporters of asbestos in the world and spends millions of dollars subsidizing the asbestos industry, both domestically and abroad.

Therefore, these petitioners call upon Parliament to ban asbestos in all of its forms and institute a just transition program for asbestos workers and the communities in which they live; to end all government subsidies of asbestos, both in Canada and abroad; and to stop blocking international health and safety conventions designed to protect workers from asbestos, such as the Rotterdam convention.

JUSTICE

Mr. Glenn Thibeault (Sudbury, NDP): Madam Speaker, I am pleased to rise today to introduce two petitions.

The first one is signed by hundreds of individuals from my riding and my area in support of an aboriginal man whom they believe to be wrongly convicted.

It speaks to a Mr. John Moore, who was accused and convicted of second degree murder in a case where the Crown agreed he was nowhere near the scene of the crime and the trial determined he played no part in the crime.

As Mr. Moore was convicted in 1979 by an all white jury, which resulted in a 10 year prison sentence and a lifetime on parole, the undersigned in this petition call on the government to recognize that this was a wrongful conviction, overturn the conviction and enter an acquittal.

ANIMAL WELFARE

Mr. Glenn Thibeault (Sudbury, NDP): Madam Speaker, the second petition wants the Criminal Code and provisions within the Criminal Code to be strengthened to prevent animal cruelty.

The petitioners believe the current laws are inadequate to prevent animal cruelty and that the Criminal Code provisions on animal cruelty have not changed much since 1892. The undersigned call on the government to present legislation to increase penalties for animal cruelty under the new section of the Criminal Code, extending protection to all vertebrate animals and limiting the slaughter of stray and wild animals without lawful intent.

EMPLOYMENT INSURANCE

Mr. Mark Warawa (Langley, CPC): Madam Speaker, I am honoured to present a petition from a number of constituents in the Fraser Valley.

Government Orders

There are a number of severe, potentially life-threatening conditions that do not qualify for disability programs because they are not necessarily permanent. Therefore, the petitioners call upon the House of Commons to adopt legislation that would provide additional medical EI benefits at least equal to maternity EI benefits.

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QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Madam Speaker, if Question No. 176 could be made an order for return, this return would be tabled immediately.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

[Text]

Question No. 176—**Mr. Scott Andrews:**

With regard to the Fishery (General) Regulations, SOR/93-53, under the Fisheries Act, R.S.C. 1985, c. F-14 in the Province of Newfoundland and Labrador: (a) how many infractions such as charges and warnings have been issued since 2007, pursuant to section 22 of the above noted regulations, identifying those infractions pursuant to section 22(7) of the above noted regulations; and (b) what is the breakdown of the Northwest Atlantic Fisheries Organisation (NAFO) Fishing Areas in which each of the above noted charges were issued in the Province of Newfoundland and Labrador?

(Return tabled)

•(1015)

[English]

Mr. Tom Lukiwski: Madam Speaker, I ask that all remaining questions be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[Translation]

COPYRIGHT MODERNIZATION ACT

The House resumed from November 22 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.

The Deputy Speaker: Resuming debate. The member for Richmond—Arthabaska has five minutes remaining for questions and comments.

[English]

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I am interested in the views of my colleague from the Bloc Québécois that were laid out for us when Bill C-11 was being debated the last time in the House of Commons.

I understand from his remarks that he disagrees profoundly with the federal government in its treatment of the copyright legislation. He believes that Bill C-11 is riddled with flaws from one end to the other. In fact, there is very little merit in the bill whatsoever. It would require a great deal more analysis and study before we could safely

say that it would be ready to be implemented as such a critically important piece of regulatory legislation to govern and guide something as important as copyright in this country.

I would like my colleague, in the few moments he has left, to expand and summarize for Canadians the legitimate reservations he has about this legislation.

[Translation]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Madam Speaker, I thank my colleague. Indeed, that is what my recent speech was about. That is also what the Bloc Québécois has noticed, along with creators in Quebec, in particular.

Almost a year ago, on November 30, 2010, 100 or so artists came here to the House of Commons. The member for Winnipeg Centre perhaps met a few of them. They told us that Bill C-32 at the time—now Bill C-11, which is a carbon copy of that bill—made it possible for some people to take works belonging to creators and artists without their being compensated for their work. No one here in this House would want to work for free.

Furthermore, when artists are not compensated for their work, they do not have the motivation or ability to continue to create more works. It is not only artists who are penalized, but also consumers, because they will lose the artists they love if those artists are not compensated for their work.

The current bill allows just that. The bill does not acknowledge that there are new technologies that allow people to copy music without compensating the artists. At the time, when we had blank cassettes and CDs, the artists received a levy. That is not done with iPods and MP3 players. That is a huge flaw in this bill.

[English]

Mr. Glenn Thibeault (Sudbury, NDP): Madam Speaker, specifically in northern regions like mine, we are concerned about the concept of digital locks and how that would reflect on distance education. I have three post-secondary institutions in my riding. I would like to hear the member's comments on digital locks inhibiting distance learning and the education process.

[Translation]

Mr. André Bellavance: Madam Speaker, that will definitely be the case. I would like to thank the hon. member for his question. We recently met with university students who spoke to us about this issue. Not only will the bill harm creators and artists, but it will help large corporations use digital locks. That will keep people at home from transferring music—or electronic versions of other things like books, etc.—that they purchased legally on the Internet or elsewhere. These things would no longer be transferable because of the infamous digital locks.

Government Orders

What this bill does not do is fairly compensate creators. The bill also harms the education system by solely favouring large corporations. In responding to questions, the minister often lists a group of companies that support Bill C-11. And we see that as a serious problem. We cannot accept this bill as is. More and more people are seeing that it is full of flaws.

• (1020)

[*English*]

Mr. Malcolm Allen (Welland, NDP): Madam Speaker, I am pleased to rise in the debate on the Copyright Act.

First, I will congratulate my good friend and colleague, the member for Timmins—James Bay, who has been working on copyright legislation for, I think, the last three Parliaments, and trying to find a way to find a balance.

It truly is a balance between those of us who are consumers and those who are creators. I must admit that I am only a consumer of materials not a creator. I can neither write songs nor do I write poetry. The members who have been in the House when I sing “O Canada” probably recognize that I do not sing that well either, at least not well enough that someone would pay for it.

However, there are many folks across our great land who are indeed creators. They write, make movies, create music and do it wonderfully well and want to engage in it as a career. They want it to be their life's work and deserve to be remunerated by that life's work. I think all hon. members would agree that they deserve that. The difficulty with the act is that it does not address those Canadian creators in a significant way that would help compensate them for all of the hard work that they do, because, indeed, it is hard work.

I do have the good fortune of having a younger brother who is a creator. He writes music and does it very well. He deserves to be compensated if that work is put on the market and sold or copyrighted. He deserves some sense of remuneration for that.

We saw in the past, levies on cassettes. I betray my age when I talk about cassettes because they are what one might consider to be the dinosaurs of the technology age, let alone eight-tracks and reel-to-reel. That would really betray our age for those of us who had a reel-to-reel tape recorder.

We have been copyrighting other folks' work for a long time. That is how we give remuneration back to those individuals who create it. It is important because we want them to continue to do the things they have done in the past, which is create new works to entertain us, because that is really what they do when we buy that material, whether it be music, a book, a movie or whatever form it happens to be. The reason we want to consume it is for personal enjoyment. If those creators are not remunerated, we will not be the beneficiaries of that entertainment because it will stop. We will lose that creative class.

That reminds me of professor Richard Florida, who is an American but who has been in Toronto for a number of years now. He wrote a report about seven years ago about the creative class and what it meant to the economy and how we could have creative class clusters. He actually used my old hometown of Glasgow as being one of the new European creative class enterprises. He talked about literally hundreds of billions of dollars

of economic spinoff from the creative class. When I thought about it, it dawned on me that it was more. In Glasgow, it was the opera house. We had all these wonderful performers from around the world who sang tremendously well. Looking at the stage, one would think maybe there were 40 performers. That is probably a high number. We might wonder what the economic spinoff of that would be until we think about set design, which carpenters needed to do; lighting, which electricians needed to do; costume design required designers and the folks who make the costumes; and it goes on and on. Therefore, when we look at that creative class and the opportunities for economic development from that, it is one of the key things the government continues to talk about.

There is no question that this world has a fragile economy. Members understand that on that side, as this side does as well. One would think that we would not want to impinge upon a piece of society that can generate economic activity for us.

• (1025)

Denying creators an opportunity to make a living is clearly what will happen. I heard that in the previous Parliament when I had artists coming to me and talking to me about the previous bill, which was very much like this one. They talked about how the bill did not address the needs of Canadian creators.

Our legislation should be written for us, Canadian consumers and the creators of that particular piece of work, whatever it happens to be. However, it would seem that there are pieces in this legislation that are being driven by large movie producers in the United States. That does not benefit Canadian creators. That is not helping our folks who are actually engaged in this work.

Why do I say that? Well, it really hinges on one piece of the legislation, and that is what is called a “digital lock”. For some of us, digital locks seem like an odd thing. We understand the idea of a padlock. I think those of us in the 40th Parliament understood padlocks well. There was one on the front door here when the government prorogued on numerous occasions. I remember the Parliament being prorogued and the padlock being on that door more than once.

If we are equating the digital lock to prorogation in this House, where we padlocked the people's House, that is not a good thing. If we are equating digital locks to what we have seen in Parliament with time allocation and closure, that is not a good thing.

The creators are telling us that the digital lock is not for their protection and is not for ensuring they can go forward in creating new works and making a living at it.

Are we asking the creators to get a second or third job instead of simply doing the work that is in their very soul? When they create works, when they write songs or poetry or novels, it comes from deep within them. Are we going to send them off to work three shifts some place and tell them to write the book at some other time or in their spare time at night, because we will not be helping them to protect their work and get remunerated?

Government Orders

If we are headed down that road, I do not know why we do not just take patents off medicines. We could say that it is for the general public good and we should all get them without having to give compensation to the folks who actually have the patent. That is what we are saying about creators, that they are not allowed to patent their music. Creators ought to be able to keep it copyrighted and find a way to make a living at it because that is really what they are trying to do.

The digital locks are insidious. Young folks today, as many of us know, are extremely adept at using the digital world. Some would argue that they are better at it than us. When I say us, I mean folks who look more like me, who are somewhat mature and who do not necessarily know how the digital world works. I will freely admit that I could not transfer music from the computer to an iPod or from an iPod to an MP3. I could not do that in four months of Sundays. I do not have the faintest idea of how to do that.

I am sure I could probably learn but it is not something that I necessarily want to do. My goodness, if I were to sit down with my young nephew, who I think is about nine now, he would certainly know. It is amazing how young folks know how to do work in this digital world in such a fashion that it betrays the actual age that they are.

Ultimately, we need copyright legislation that balances us as consumers and those who are creators. We on this side of the House want to help the government with amendments to make that happen. Our copyright legislation, as it stands today, is archaic and it needs to be changed. We, on this side of the House, are willing to help the government. Many times the Prime Minister has said that if we have good ideas we should put them on the table. What we are saying to the government is that we have some brilliant ideas and all it needs to do is listen to those ideas and then put them in the legislation. We would then have a copyright act that acts on behalf of creators and consumers, and that would help Canadians across the board from coast to coast to coast.

●(1030)

[*Translation*]

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Madam Speaker, my colleague clearly explained the challenges facing creators, yet I see no reaction from the other side of the House. It defies all logic.

Are there not major economic interests behind this? For example, in the negotiations between Canada and the United States, if we offer enormous concessions to the Americans regarding copyright and distribution of cultural products in general, we might get some crumbs in return. I see no other logic behind this bill, because there is nothing in it to protect creators. This bill only protects businesses that deal in cultural products, particularly large American and multinational corporations.

[*English*]

Mr. Malcolm Allen: Madam Speaker, my colleague is absolutely right. This is about an economic interest that comes from abroad. It does not necessarily come from inside this country because if it did, we would reward creators. If we want to drive this economy and actually put some oomph into it, so to speak, we would make sure our creators were rewarded so that they could continue to do what

they do and generate economic activity. There is a reason why movie studios in Quebec, Ontario and British Columbia are competing north-south as well as east-west. It is because of the large number of dollars. Why would we want to give it away?

My hon. colleague's comments reminded me of the softwood lumber deal. We made a deal with the U.S. on softwood lumber and we have been paying ever since. We thought we got a deal and we got less than crumbs. We seem to get fined all the time. We always seem to be the ones at the bottom.

If we are not going to fight for our own creators, who will? If we are not going to stand up for the creative class in this country, who write for us, perform for us, produce the things we love to see, hear and read, who will? It certainly will not be the Americans. They will be happy to sell their stuff to us. They will not be so happy about us selling to them. The group of Canadian performers and writers will diminish when they end up having to work in other fields because they cannot make a living doing the very things they are passionate about.

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Madam Speaker, the member spoke about his brother being a creator and making a living. I would like to know how much of a living he makes. He must be making millions and billions of dollars. That is the impression of most Canadians. Every time we see entertainers, all we talk about is how many millions and billions of dollars they make, but we do not talk about the 90% of creators who actually do not make any money. Perhaps he could speak about that.

At the same time what we have to remember is the consumers' interest in all of this. What is the balance? How do we balance between making sure creators continue to create and consumers continue to have products available to them?

●(1035)

Mr. Malcolm Allen: Madam Speaker, my brother is a graphic designer by profession. The member is absolutely right. He is part of the 90% who cannot make a living creating music, even though he has written hundreds of songs and sent them to production houses to try to get them recorded or recorded them himself.

On the other issue, the member is absolutely correct. There is a balance in protecting consumers. In questioning earlier, the member for Sudbury raised the extended education piece. When I went to university, if I had five days to read a particular article that I had photocopied, I would not get through it. Other things would get in the way. That is what happens.

Clearly there are boundaries and we need to find a way to balance the two. Consumers deserve to have material available to them without feeling under threat that they are breaking a law and that someone is going to knock on their doors to arrest them because they have broken a lock inadvertently. The lock should not have existed. Locks seem to be the answer for everything. Digital locks are the answer, according to this legislation. They are not.

Government Orders

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Madam Speaker, it is my pleasure to speak to Bill C-11 and the good and bad things that would come from this. I am going to focus on the problem with digital locks.

There are some good things that would come from this bill. It does clarify certain things, like using a CD and putting the contents of it on one's iPod. Already owning something and putting it on a different device that is owned by the same person is no longer a grey area. There is also the YouTube clause which means that Canadians can put creative things together for private use.

A lot of what people do with media has been a grey area since 1997 when the Copyright Act was last amended, as it is for private use. As a result, it would be good to update this to international treaty standards. This would soften the blow to consumers. However, the big problem is digital locks. This issue trumps consumer rights and it does not allow people to back up any kind of media, including CDs, DVDs, e-books, et cetera, that people already own.

The problem with this is that all these new lovely things that we would take out of the grey area, making it okay for people to use these things privately, would be trumped by the digital locks. That is the major problem. That seems kind of silly.

Digital locks basically create a blanket ban. A digital lock is a piece of software designed to prevent ordinary consumers from utilizing a piece of technology in any way they see fit. Such locks, for instance, are often used to prevent people from making copies of songs and videos but they are also used to prevent consumers from installing software on their cellphones and even fixing their own cars. Similar digital locks are used on movie and software CDs, DVDs, and Blu-ray disks. This is taken from the *National Post* of October 27.

A company that owns the rights is to be distinguished from the creator of the art, the movie or the song. The artists or creators are not the ones putting on digital locks. It is just too expensive for them to do so. It is the companies that own the copyright, and in many cases the artist produces the work for the company. The companies impose these digital locks in order to prevent stealing.

The problem is that a lot of people are not stealing on purpose. They are simply backing up CDs or DVDs on their computers, perhaps so that their children cannot destroy them, or because they want to keep them or they want to use them on different devices. This is frustrating for the consumer. I am of the generation of people who know how to break digital locks, although I do not personally know how to break digital locks. Most of the time, when there is no digital lock we are able to back material up or copy material for personal use. Thanks to this bill, we would not be able to when there is a digital lock.

This initiative is controlled by companies. It is quite clear that we are not balancing consumer and creator rights here. We are giving a default button or a veto button to the big companies that own the rights.

• (1040)

Again, this does not favour the consumers or creators.

Just because people break a digital lock, it does not mean that they are violating copyright laws. If they have legally purchased a DVD on a computer or something from iTunes, it needs to be decrypted in order to be freely available for their use. It just seems silly to prevent people from using, for their own personal purpose, things that now have this lock on them.

Michael Geist stated in the *Toronto Star*, on October 2, that the digital lock provisions undermine any attempt to strike a balance because they create this loophole. Companies are now basically in charge of whether people can use things freely which they would otherwise be allowed to do. Most people are not breaking digital locks simply to sell millions of copies but are doing it to back material up and use it on other devices.

The digital lock rules go far beyond what is expected by international standards. I do not see why we are doing this, unless the government is simply trying to play into the hands of big companies. There has been a lot of consultation on this issue. It has been shown to be a problem, but no one in the government seems to care. It can be frustrating to see this happen, as we are trying to make good amendments or bring forward solutions and we are consulting the public. The Conservatives are not listening. This legislation does not have to be a partisan issue. We should instead care about the consumers and the creators, because we know that consuming and creating drive the economy. We have thriving artistic communities in Canada and in Quebec and we should be making the balance there, not with the companies.

It is good that the fines have been brought down, but the digital lock takes away consumers' rights. This is silly. I do not understand why the government has not changed the legislation to make it better as the NDP has been arguing.

• (1045)

[Translation]

This bill creates powerful new anti-circumvention rights for content owners. Once again, it is important to distinguish between content owners, companies against copyright and content creators. This prevents access to copyrighted works. These new provisions are supported by fines of over \$1 million and five-year prison terms. This will result in a situation where digital locks will practically trump all other rights, including fair dealing for students and journalists. This presents a real threat, because consumers will not be authorized to use content for which they have already paid.

[English]

Mr. Ryan Leef (Yukon, CPC): Madam Speaker, we are talking about balancing personal use and consumer rights with the artists' rights. When an artist enters into a contract with a company the artist receives royalties and payments. It is similar to an athlete who has a contract with a corporation. The company in some respects pays the artist's wages and purchases the artist's product or provides that contract.

Government Orders

We should not focus just on the selling of the product; there is the utilization of it as well. When I purchase a product, I would like to be free to transfer the music or book that I purchased to other devices. What we are trying to provide, and what the companies need, is protection so that when people download things, it is not that they are going to sell them, but that they are not going to disseminate broadly a huge collection of music or books to all their friends.

How do we go about preventing that dissemination of information not in terms of sales, but in terms of disseminating it to the purchaser's friends?

Ms. Mylène Freeman: Madam Speaker, this is an extremely complicated issue. I also want to be able to use what I buy, the media content, et cetera, freely. We can most of the time, but companies can impose digital locks. It is up to the discretion of the company whether the consumer can have it, and even if the artist wants to give it, the artist cannot. That does not seem to be a good solution.

New Democrats have worked hard at bringing forward constructive solutions. I hope that the Conservatives will listen to the amendments and propositions my hon. colleague from Timmins—James Bay has made.

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I want to thank my hon. colleague from Argenteuil—Papineau—Mirabel for the tone and the content of her remarks. She made some insights in the context of this debate that are sometimes overlooked from a personal point of view. I liked her emphasis on consumer rights. I liked the attention to detail that she brought to the House on those issues as they affect the consumer. Ultimately, that is why we are gathered here today, to look after the best interests of those people who gave us their confidence in the last federal election.

I would like the member to expand on a very important point that she raised. She mentioned that the arts, culture and entertainment are an engine for economic growth that perhaps gets the least attention of any economic sector in our society today. As we lose smokestack industries, where are the new jobs going to come from? The answer is right under our noses. I argue this is being dealt with very clumsily by the government and even by the regulators as it exists today. I look forward to her personal reflections on this new engine for economic growth, the creators of arts, and the entertainment and cultural industries.

• (1050)

Ms. Mylène Freeman: Madam Speaker, I thank my colleague from Winnipeg Centre for his excellent question.

[*Translation*]

The Alliance of Canadian Cinema, Television and Radio Artists, or ACTRA, estimates that Canada's arts and culture industry contributes \$85 billion per year to our country's economy. That is huge. We should really be focusing on that. On this side of the House, we in the NDP have great appreciation for Canadian and Quebec artists. The arts and culture industry generates 1.1 million jobs. This industry and these jobs depend on artists' ability to disseminate their work. So, I would like the government to work on that.

Mr. José Nunez-Melo (Laval, NDP): Madam Speaker, I would first like to commend the hon. members for Winnipeg Centre and

Argenteuil—Papineau—Mirabel for their excellent remarks about Bill C-11.

I have the opportunity to once again speak specifically about Bill C-11, which was introduced to amend the Copyright Act. The Conservatives named it the Copyright Modernization Act.

In summary, the Conservative caucus once again introduced this bill, which proposes amendments that have been needed for a very long time. These amendments would adapt the act to take into account new technologies and to make it consistent with current international standards. However, this is a very complex issue because it involves the conflicting demands of stakeholders in artistic communities, universities, the technology sector, business and consumer protection groups.

Bill C-11 is identical to Bill C-32, which was introduced previously. It had the same name, the Copyright Modernization Act. Specifically, the bill creates powerful new anti-circumvention rights for content owners, preventing access to copyrighted works. In addition, these new provisions are supported by fines and prison terms.

In this bill, the Conservatives have deliberately avoided addressing the issue of a possible extension of the private copying exception, a measure proposed by the NDP several times and supported by a number of experts.

In this regard, the NDP believes that it is high time to modernize copyright rules, but that this bill has too many major problems. The NDP believes that Canada's copyright rules could balance the right of creators to appropriate compensation for their work and the right of consumers to have reasonable access to content.

We will study every possible amendment, including those mentioned by the hon. member for Timmins—James Bay, that could be made to the bill in order to create a fair system of royalties for artists.

It seems that all Canadian efforts to modernize the Copyright Act have really been attempts to meet the demands of big U.S. content owners. That is the situation. When will Canadians finally have a law that meets their needs?

We want to amend the bill so that it better reflects the interests of Canadians. Many organizations, individuals, lawyers and legislators share our position.

• (1055)

The list includes Michael Geist and more than 80 organizations working in the arts and culture, in Quebec and throughout Canada, such as the Writers Guild of Canada, the Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic, and the Society of Composers, Authors and Music Publishers of Canada. It also includes eminent lawyer Howard Knopf, the Society for Reproduction Rights of Authors, Composers and Publishers in Canada, Jeremy F. de Beer and Cory Doctorow. I wanted to mention just a few of the people who have something to say about the NDP's proposals and support them.

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Once again, I would like to point out that we should perhaps listen again to the excellent speech by my colleague from Argenteuil—Papineau—Mirabel. She was very explicit in her speech, which clearly captures the need to make these changes to Bill C-11 introduced by the Conservative caucus.

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Madam Speaker, there is one rather obvious point about copyright that I would like my colleague to elaborate on a little. It is an extremely complex issue, so we need to really think carefully about this. It requires a lot of work, because it involves a variety of factors and a number of different technologies. In addition to the existing technology, there is also emerging technology, so the issue will become even more complex.

In politics, as in all other sectors, the same is true: society is becoming increasingly complex and technology is having more and more of an impact on our lives. Demagogues are always tempted to find simple solutions, which usually do not work, and when they are confronted with a problem they really cannot solve, they put it off to deal with later.

• (1100)

Mr. José Nunez-Melo: Madam Speaker, I thank my hon. colleague for the question. It is very obvious. He is quite right to be worried about the complexity of the technology involved in copyright. For instance, large corporations in the artistic sector want to take advantage of it in order to impose certain rules and make more money at the expense of artists and creators.

My colleague just explained one of the most important points of this bill. Technology is constantly changing and there was a time when, in my own experience, I really had to deal with that. Indeed, I once published a little local newspaper in Montreal. Thus, I perfectly understand all the intricacies involved in publishing photos and text that are copyrighted materials. It is very technical.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I want to thank my colleague for the intelligent and thoughtful perspective that he brings to a very complex debate. The real gift in the analysis of such a complex bill is to render these complex situations down to the practical reality of enforcement in the modern age of regulatory regimes that seek to make sense of a constantly evolving spectrum of very detailed and complex situations.

I too would like my colleague to dwell on the question that we have for academic material, library material or journalistic material that is generously shared on a non-profit basis for the elevation of the standards of information and knowledge instead of for profit. This is the complexity we are dealing with. It is not just the industrial application of a copyright of profitable material, but the sharing and distribution of knowledge as we move forward as a species. It is the control and the ownership of knowledge—

The Deputy Speaker: Order, please. The hon. member for Laval has 30 seconds to respond.

[*Translation*]

Mr. José Nunez-Melo: Madam Speaker, 30 seconds is a very short time to talk about all these complexities. As our hon. colleague from Argenteuil—Papineau—Mirabel, our distinguished colleague from Winnipeg Centre and my colleague from the north shore of

Laval have said, this is very technical and complex and there are specific criteria. I would like to ask the Conservative caucus to consider our amendments.

Mr. Denis Blanchette (Louis-Hébert, NDP): Madam Speaker, I am pleased to rise this morning to speak to Bill C-11. I think this may be one of the most important bills I have seen in the time I have been a member of Parliament. Why do I say this? Because we are starting to build the future here. Up to now, there have been many bills that dealt with the present or the immediate future, but with this bill we are really talking about the future of our society, the way that young people in our society will live and will grow old.

Talking about copyright is one way to start building the digital society of tomorrow. We can talk about copyright and the digital economy strategy, as the government is doing, but to start with, we have to look at the big picture and talk about the digital society. We have to decide how, in the age of the Internet, globalization and planetary connectivity, we should be organizing our behaviour so that everyone has what they need to do what they want to do freely.

We often talk about balance between creators and consumers, but we tend to forget the distributors. With the Internet, some creators have started to distribute their own works, while under the physical model that has existed for decades, works go through a distributor as intermediary. Several of my colleagues have talked about digital locks, which are obviously intended to satisfy the appetite of distributors more than anything else.

We are trying to promote a balance. Everyone is trying to strike a balance between ease of access and creators' right to remuneration. Here again, when we talk about creators in the world of the Internet, we are taking a completely different perspective. Because of the ease with which content can now be obtained, everyone can become a creator and distribute what they create on the Internet. I am pleased to see, for example, changes to photographers' copyright. This is quite a trivial and simple example, but everyone has a digital camera. Anyone can be in the right place at the right time and take a photograph that impresses the entire world, and they too would like to be able to earn income from it. We can see that the concept of creator is being extended. There are those who do it as their occupation, who want to earn a living from it. I think we have to protect that and find a way of balancing use and remuneration. And I am not certain that this is going to be done.

I am very curious about the fact that for consumers, the bill essentially just legalizes certain existing practices. Yes, we have no choice, because everyone can do it. But there seems to be a lack of thought about the future. We are quite simply just transposing our practices in relation to a book or a cassette onto digital formats, when the reality is very different. That is why I am pleased that there are a lot of young members in the House. Young people have experience in the digital world. We are going to have to listen carefully to our young members in this debate because they use these devices day to day more than we do. They manipulate information, and there are tonnes of information being published. For example, every minute, 2,000 pages of scientific content are published. That means that if one of us wanted to read only the scientific content published today, there would be enough for five years. It is enormous.

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●(1105)

It cannot be managed the same way that books are managed.

There is also another interesting statistic: we currently have 2 billion Internet users. With that in mind, I would like to address the global nature of the phenomenon. In the material world as we know it, there are borders. However, in the digital world the lines are a little more blurred. Scant attention is paid to this fact; we look at the Internet as if it were a in physical country when, in fact, the world of the immaterial, the world of the Internet, is global. We saw this, for example, with the Arab Spring. It illustrates what can happen given the fluidity of information and how it is transmitted. These realities cannot be denied.

To begin with, treaties must have a more international aspect concerning jurisdictions and protection, and this is starting to happen. Given the speed at which information and tools evolve in the digital world, it is not possible to just take a bill that was introduced last year and reintroduce it as is, because it is already outdated, and quite substantially so. It is hard to imagine how anyone could keep up to date with this kind of legislation by simply looking at the work that is being done.

Building the digital society is a work in progress. It is unstoppable. We are starting to build something. We must look beyond our perceptions of the material world and begin to look little more at how this new world can be built. I know that there are a lot of consultations going on, however it is imperative that we continue to listen on this subject, especially to young people. Otherwise, in two years there will be another new bill dealing with copyright with still more major changes because all we will have done is codify existing practices. We should instead be thinking of how to build the digital society for all Canadians who, in fact, are part of this global movement.

A number of countries are starting to put legislation in place. We are going to have to keep a close eye, strategically speaking, on that legislation in order to determine what works and what does not. It is not enough to just listen to certain lobby groups wishing to defend their own interests. In that respect, it is not just about business, it is about use, it is about life. All of these factors must be taken into consideration.

Incidentally, the bill refers to students, but I prefer to talk of youth in general. With today's software tools, it is possible to piece together content from multiple sources and create something new. This is not science fiction; it is something that has been going on for some years now. It is important, therefore, to do more than just protect these works. For instance, when a work is reconstituted, how can the person responsible be compensated for the value of the work that they have done, work that may be different from what goes into reproducing a film or reading a book?

Another example would be a presentation on any subject that a student wishes to use in making an argument. It cannot be stressed enough that there are artistic and literary creations that are, first and foremost, educational. The point of these works is essentially to advance knowledge and culture, as well as to be disseminated. A balance needs to be struck, in my opinion, that is still is not evident in this bill.

●(1110)

I shall close with an example. I had a talk with the director of the Laval University library about the use of books and digital books. Digital books are still being managed just like printed books, one by one. Evidently, there is still much to be done.

●(1115)

[*English*]

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Madam Speaker, my colleague has certainly done his homework on the youth involvement in all of this and on how the technology has changed.

We strive to be technologically neutral, so we give the legislation the flexibility it needs to be nimble enough to deal with the technology as it develops. The problem is that it is not black or white, yes or no. We have to deal with infusing elements such as a three-step or six-step process into it to judge whether copyright has actually been infringed. An example is the education exemption; we like to use the step test to see that it is not being used for copyright infringement.

The NDP brought up the situation of the lessons that would have to be destroyed after 30 days upon completion of a course. That too is a very important element, but the digital lock provision is troubling for all of us simply because it is an overwhelming way of dealing with the technology. Any rights that are inherent in the bill for fair dealing have been trumped by the digital lock process.

I wonder if my colleague has any comment on that aspect.

[*Translation*]

Mr. Denis Blanchette: Madam Speaker, I want to thank the hon. member for his observations and comments.

I said at the start that a fair balance has not yet been achieved and we should continue to strive for it. This is a very clear illustration that a lot of work remains to be done. I understand the intent. However, we have to recognize that there is still a lot of work to do to achieve this balance in education for this digital world.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I want to begin by thanking my colleague for both the tone and the content of his remarks. He has clearly taken this issue very seriously, he has done his research and he raises important and legitimate concerns.

One concern is the balancing act of granting a new range of access privileges, which is important in this day of digital information. However, the fact is that the bill does nothing to guarantee compensation for creators. It fails on the issue of ensuring that artists, creators and producers of content would be compensated fairly.

Given that the area of arts, culture, heritage, music, theatre, et cetera is a growth industry in Canada and one of our new engines of economic growth, what are doing to protect it? Given the context that we deal with the Copyright Act only once every 30 or 40 years, what are we doing to protect the creators and developers of this economic engine of growth that is the arts, culture and heritage?

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[*Translation*]

Mr. Denis Blanchette: Madam Speaker, I want to thank the hon. member.

This demonstrates that the legislative process quite often lags behind reality. In the lock example, for instance, it is as though this bill visualized digital reality as a physical book that we carry around with us and cannot load into our television.

We have to take advantage of the innovative nature of the digital world in order to modernize the tools that will allow us to both use and refer to works and to remunerate their creators. If we do not shed the mentality of the physical book, as I was illustrating, and shift toward digital methods for managing copyright and remuneration, no one will win.

● (1120)

Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP): Madam Speaker, many people in my riding are very concerned about this bill. It is not just the many artists in my riding, but everyone who is concerned about Bill C-11. By everyone I mean artists as well.

Artists make an absolutely extraordinary contribution to our society. I can see it in my riding. Take the Saint-Viateur neighbourhood as one example among many. When that neighbourhood was slowly dying and losing its factories, the artists arrived en masse, rented out work spaces and created areas where they could work together. And, just like that, the neighbourhood was revived. All of sudden small restaurants started opening up. Shops and larger creative enterprises started opening up in the same area. A dying neighbourhood got a second chance at life. Now the artists are paying the price for that second wind because, unfortunately, rents have now gone up in the area and artists are finding it increasingly difficult to pay for space.

However, artists contribute to more than just the life of our society; they also make a significant economic contribution. I will not go into the numbers in terms of gross domestic product, economic spinoffs and so on. We have already heard those numbers. My colleagues have already mentioned them.

I would like to talk about a personal experience I had. A very well-known Quebec artist came to see me in my office to discuss her concerns about Bill C-11. She told me that she has a small business that employs sound technicians, graphic artists, musicians and set designers. She said her business is really small and that it gets by on next to nothing. She also said that this bill will deprive her of a significant portion of her income. This was a heartfelt appeal from someone who has been working in the arts for years and who makes an important contribution to our lives, our society and our economy.

As always, however, the Conservative government prefers to favour large corporations over small and medium-sized businesses artists often have. It prefers to favour large American content owners, rather than our own creators.

Indeed, this bill does not have adequate mechanisms to protect creators' rights and, as a result, it deprives artists of millions of dollars in revenue. Our artists are already poor enough, and I think everyone knows that. Existing mechanisms provide artists with some income through royalties that allow them to get by. Not only does the

bill deprive artists of millions of dollars in revenue, but it provides no alternate funding method.

Solutions do exist and suggestions have been made. But, as with so many other issues, the Conservatives will not listen to anyone. As a result, our artists, who already have very difficult lives, will no longer be able to survive. The creation of creative content will eventually decrease, because our creators will be unable to make a living. We need to protect our artists. We need to protect them because of the contribution they make to the vitality of our society and because of the economic contribution they make.

● (1125)

I would like to quote one of my constituents who wrote, "Canada's future relies on creativity and imagination, which promote innovation and contribute to the quality of life in our communities and, as a result, increase our capacities to grow socially and economically."

That is a fundamental problem with this bill, but there are others. First, in addition to its content and effect—not only on artists but also on our economy and society as a whole—this bill has some legal shortcomings. I would like to quote Mr. de Beer, a law professor at the University of Ottawa, who spoke about this bill:

[*English*]

There are doubts whether Parliament has the authority to legislate in respect of TPMs and RMI systems... Although there is a tangential link to the federal Copyrights power, the matter might be more appropriately placed within provincial authority over Property and Civil Rights. Similarly, although this is a commercial matter, it seems not to fall within the federal Trade and Commerce power and is consequently for the provinces to deal with.

He goes on to say:

It is unclear whether the federal government has a general treaty-implementation power that would justify its proposed legislation. In general, the broader the proposed provisions, the further they are from federal jurisdiction and the more they trench into provincial powers... At minimum, there are aspects of this matter that fall within the provincial sphere. All of this suggests that provincial Attorney Generals and other provincial policy-makers ought to actively participate in the debate.

[*Translation*]

Once again, we can see how the Conservatives operate: they lack respect for producers and small producers in Canada, grant all the privileges to the major corporations, refuse to listen, refuse to be open to proposed solutions and have little respect for existing laws. This bill itself contains several examples of problems we have noted in the House when examining a large number of bills.

I would like to point out another issue that is close to my heart, which is the destruction of course notes after 30 days. During the last year of my master's degree, while I was writing my thesis, I was still using course notes that I took during my first year, and I used them again while working on my doctorate.

Will this bill prevent students who are continuing their studies from keeping their course notes to use them again later? I wonder.

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[English]

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Madam Speaker, I appreciate the hon. member's commentary.

However, one provision in this bill that has not received a lot of attention pertains to the export of materials for the perceptually disabled. This includes braille and audio books for people who require access in this manner. The bill would actually legalize the export of works by an author who is a Canadian or a citizen of the country of import, subject to payment of a royalty that, as I understand it, would be set out in the regulations. My research indicates that.

Does the hon. member have views on this provision, which would place Canada in the forefront of international developments on accessibility for disabled people?

• (1130)

[Translation]

Ms. Hélène Lavergère: Madam Speaker, I would be very happy to see Canada become a leader in producing materials for people with all types of disabilities. That said, we are still talking about exports, and I have nothing against exports. The main point that I raised in my speech was about defending the producers and artists, many of whom are young, who work here and who are the precursors to a new artistic elite that will someday be known around the world.

But that will not come out of nowhere. We must truly allow artists to grow, work and create synergies. Right now, we are pulling the rug out from under them. By not allowing this group of artists, who often live in difficult conditions, to do their work, we are destroying the foundations of our cultural home.

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Madam Speaker, the cultural industries have issued a statement. Thousands of people are directly affected by this bill. They have said that if the government does not amend the copyright modernization bill to ensure adequate compensation to Canadian content owners, it will lead to a decline in the production of Canadian content and its distribution within Canada and abroad.

I would like to hear my colleague's thoughts on this. In response to such a statement from the entire Canadian cultural industry, the current government, in this morning's debate, has done practically nothing. It is not defending its position and it is asking very few questions. Some people opposite are reading newspapers. What is my colleague's impression?

Ms. Hélène Lavergère: Madam Speaker, I want to thank the hon. member for his excellent two-part question.

First, the representatives from the entire cultural community in Canada have spelled out in black and white, repeatedly, saying that this bill is inadequate. We want a bill that balances the needs of the consumers with those of the artists. I did not talk about consumer needs, but this bill has major flaws in that regard. When it comes to the artists, this bill has been described to me as a disaster. The current government is refusing to listen to any other arguments or any other points of view.

The other part of the hon. member's question had to do with the decline in the production of Canadian content for use in Canada and

abroad. That is terrible for Canada's image abroad, which is already suffering. If our artists can no longer flourish, that is bad news.

• (1135)

[English]

Mr. Mike Sullivan (York South—Weston, NDP): Madam Speaker, I am very pleased to join in this debate on a topic that has been near and dear to my heart for many years in my role as a union representative for broadcasters and, more recently, for newspapers.

We perhaps have lost sight of what the whole purpose of this legislation ought to be. When we talk about copyright, we are talking about the right of individuals to protect their intellectual property from being reproduced without their receiving remuneration for it. In other words, it is about protecting the rights of individuals to be fairly and properly compensated when they produce a work.

Some history may be what we need to remind our friends here in the House of how Canada has dealt with this issue over the past century and perhaps before.

In the 1920s, we discovered a new technology, and this appears to be where we are going with all of this to deal with new technology. The 1920s had a new technology called radio. Immediately upon the broadcasting of the first radio programs, radio broadcasters discovered a need for content and they discovered that a cheap and easy way to get content was to play recordings made by artists. They would purchase those recordings in record stores, which was where they were coming from.

Rather than broadcasting the artists live, they would broadcast the artist on record and the artist immediately said, "Wait a minute. We got paid when we were sitting in a musical hall and actually performing for you. We're not getting paid for our work when you are merely re-broadcasting something we've recorded". Thus began the debate, almost 100 years ago, about how artists were to be compensated for their work when that work was not live and immediate.

Over many years, the debate raged between the artists who said that broadcasters were getting the ability to sell advertising on their radio stations as a result of their good work. The radio stations replied that they were giving the artists free advertising and making them household names so they should actually pay the radio stations for the privilege of having their music played on their radio stations. That debate raged on for several years until finally we have a system in Canada and the United States today by which musicians are rewarded by royalties that are paid by these radio stations, and, ultimately, other forms of distribution, for recorded works. That system worked quite well and was a proper Canadian response to a copyright issue.

We did not go around looking to make criminals of people. We did not go around looking to punish people. We went looking for a way to make the system fair. We discovered that the distribution mechanism was the best way to pay the artists, that the artists were now receiving money as a result of the distribution of their work. It created, and held dear to Canadians' hearts, an industry that flourished.

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However, we fast forward to the 1970s, and maybe the 1960s before it, when it became clear to regulators in this country that Canadian artists were suffering. Canadian artists were not flourishing the way we thought they would when they were going to get paid because there was a discovery by Canadians that the American television and radio systems were easy to receive over our close border and, therefore, because of that, artists were not getting the royalties they needed to stay alive.

Therefore, the Canadian content regulations were created in this country, that, again, did not make criminals out of anybody, but made it possible for a Canadian music industry to flourish, and not just flourish but become world-renowned as one of the best music industries in the world.

● (1140)

We have world-renowned performers who have been paid for their work as a result of the Canadian content regulations developed in the 1970s that forced radio stations to ensure their broadcast contained a percentage of Canadian original works. That concept flowed to television as well, and Canadian television companies were also forced to play Canadian content.

Then we had another wrinkle in this mix. It was becoming easier for consumers, the listeners, to not listen to the radio station and therefore provide royalties to the performers but, instead, to record those radio broadcasts themselves. The performers rightly said, "Wait a minute", as they did in the 1920s with radio. They said that the radio stations' works were now being copied by other people and that they needed a way in the Canadian model for that to pay them. They said that they needed a way for the Canadian system to ensure that the copyright owners would get money for this.

One reaction would have been to just ban it and say that it was illegal to copy it. However, in the good Canadian way, we do not like making criminals of law-abiding citizens. We like to find ways to compromise. So, a levy was created and administered by an arm's-length agency that would provide funding for the artists for their material that was put onto cassette tapes and, ultimately, CDs and DVDs. We found a mechanism whereby the distribution system for the artists' works paid the artists. That worked. We did not make criminals. We made artists prosper in this country. We ensured that the artists got their royalties and were fairly compensated for their works.

Those two historical events have led us now to a new system whereby the distribution mechanism has changed. People are not copying onto a cassette tape, CD or DVD. They are recording material that is available on the Internet. It is sometimes put on the Internet by the artists themselves, but it is often by other more nefarious means. I believe that we need to find a mechanism whereby that distribution system is in fact a way of providing royalties to the artists so that they can continue.

Instead, the legislation we have in front of us purports to make criminals out of ordinary citizens who might use this system to record material. It provides for locks, handcuffs, to prevent people from putting themselves in a position of being able to use and reuse Canadian artists' material in a way that pays those Canadian artists for that use. We are creating a system, which has now gone away from the traditional Canadian method of compensating artists, of

making the distribution mechanism pay them. Now we are moving to a system of forbidding, a system of locks, of chains, of protection for essentially the distributors, not the artists, and preventing the free and easy use of this material. That prevention now threatens to make criminals of ordinary Canadians who, for whatever reason, want to time-shift a radio program or a television program or listen to a piece of music that they might be particularly interested in and are quite willing to pay a fee to listen to. Now they will be prevented from doing that.

The chaos that will result of lawsuits, charges and countercharges can only be imagined but it will happen and we will have a system that does not protect artists or pay them appropriately but rather chases ordinary Canadians and turns them into criminals. That is not the Canadian way.

I will also briefly comment on the notion that disabled persons, particularly blind individuals, would continue to have access. I have had representations made to me, as deputy critic for persons with disabilities, from members of the blind community who suggest that their current software would become invalid, that they would not be able to use it and that this law would prevent them from having books read to them.

● (1145)

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, sometimes I wish more Canadians were tuned in to this debate. It has been thoughtful, knowledgeable, constructive and legitimate in almost every way. This is exactly how Parliament is supposed to work, testing the merits of legislation with meaningful debate of substance and quality.

I want to ask my colleague about the fullness of the legislation. He began his remarks by going back to the early days of copyright. We only revisit the Copyright Act once every 30-some odd years. We will create legislation that will last another generation and we do not even have any idea what innovations and changes might take place in that period of time.

Is it not an obligation and duty of parliamentarians to ensure the legislation is fully gestated before we foist it on an unsuspecting industry sector? If it is full of so many inadequacies and holes, as we pointed out, do we not owe it to Canadians to do a more thorough and robust job in testing the merits of—

The Deputy Speaker: The hon. member for York South—Weston.

Mr. Mike Sullivan: Madam Speaker, that is a very apt question. Absolutely, we owe it to the Canadian public, consumers of the material and content providers. As newspaper and television broadcasters will say, content is king and the providers of that content need to be protected. The legislation does not do that. It does not protect their income streams, which is the issue.

The member is absolutely right. Nobody could guess what the Internet would entail when legislation was drafted in the 1920s to protect artists from radio stations using their material for free. We cannot anticipate whether we will have implants in our heads that will broadcast propaganda to us in the next decade, but we can and should ensure that what we design does the job for today, and this one does not.

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[*Translation*]

The Deputy Speaker: The hon. member for Louis-Hébert for a quick question.

Mr. Denis Blanchette (Louis-Hébert, NDP): Madam Speaker, I want to thank the hon. member for his speech, specifically the fact that he illustrated the need for compromise in moving forward with copyright.

I would like him to say a few words about the possible compromise that could be satisfactory with regard to today's technologies.

[*English*]

Mr. Mike Sullivan: Madam Speaker, I believe the compromise solution is one in which the income stream of the content creator is protected. We have traditionally in our country found ways for the distribution mechanism to be the method by which content creators have been compensated. That is the method we should use now.

I am not talking about a tax or somehow making it impossible for Canadians to continue to do the things they are doing now. However, I want to ensure that when we use material that is provided by Canadian artists and professionals in the content-creation business, they in fact can continue to earn a living in Canada. One of the ways to accomplish that is to ensure the distribution mechanisms, as they evolve, continue to provide them with incomes. If that means there needs to be a 1¢ per month levy on an ISP, maybe that is something at which we should look. Nobody has had the opportunity to look at those kinds of issues because we are faced with a bill that talks about locks and only about prevention, not trying to create a mechanism where individuals will be properly compensated.

• (1150)

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Madam Speaker, I rise today to speak in opposition to Bill C-11, Copyright Modernization Act. The legislation seeks to bring long overdue changes that would bring Canada in line with advances in technology and current international standards.

We know copyright is a highly complex issue that features competing demands from stakeholders in the artistic, academic, business, technology and consumer rights communities. However, I would argue that the bill does not do a good job of properly balancing these competing demands.

Before delving into some of the reasons why I oppose Bill C-11, I would first like to briefly review some of the main points that the bill seeks to accomplish.

Bill C-11 would create powerful new anti-circumvention rights for content owners through the use of digital locks. The punishment for circumventing digital locks would include fines of up to \$1 million and five years in jail. This is concerning as it could mean that consumers are prohibited from using content for which they already paid. It would also have implications for those enrolled in long distance education courses.

While the bill would create limited exceptions to the fair dealing provision of the copyright modernization act for people such as educators, I believe these exceptions do not adequately recognize creators' rights and in fact create new ways for consumers to circumvent compensating creators for the use of their work. What

the bill would not do would be to deal with the issue of extending a private copying levy, as has been the case in the past for cassettes, DVDs and CDs.

Why do New Democrats oppose the bill? Put simply, New Democrats believe Canadian copyright laws can and should strike a proper balance between the right of creators to receive fair compensation for their work and the right of consumers to have reasonable access to content.

As it stands, Bill C-11 means millions of dollars in lost revenues for artists. New Democrats will consider all possible amendments to the bill that would create a more fair royalty system for creators.

We propose removing sections of the copyright modernization act that make criminals out of everyday Canadians who break digital locks for personal, non-commercial use. We want to avoid the same kind of excessive lawsuits against ordinary citizens that we have heard so much about in the United States.

I have been amazed by the number of Canadians who are engaged on the issue of copyright reform. Thousands upon thousands of Canadians have written letters and emails about the copyright modernization act, and this is a wonderful thing. My office has received hundreds of letters and emails from constituents on Bill C-11. The vast majority have serious reservations about the bill, calling it flawed to the core.

I would like to take a few moments to quote directly from some of the emails that I have received, which many members in the House have also received. One email states:

As a Canadian, I am both concerned and disheartened by how easily my rights are trumped by the overriding and all encompassing protection for digital locks contained in this legislation.

The anti-circumvention provisions included in Bill C-11, unduly equip corporate copyright owners and distributors in the music, movie and video game industries with a powerful set of tools that can be utilized to exercise absolute control over Canadians' interaction with media and technology and may even undermine Canadians' constitutional rights.

• (1155)

I would also like to quote from an email I received from an author living in my riding in New Westminster—Coquitlam—Port Moody. Annabel writes:

I support modernizing the Copyright Act, but Bill C-11, an Act to amend the Copyright Act, proposes to cut back on rights that are the underpinning of writers' survival. There are more than 30 new exceptions affecting rightsholders. Many of these new exceptions take away or reduce the ability I currently have to control my work and to be compensated for it.

Among the most troubling of these exceptions is the extension of "fair dealing", (which means uncompensated use) to "education". If much more of the work of creators can be used for free and educational settings, the educational market is at risk of being legislated away. For Canadian writers and publishers, this will be devastating. At a time when the government has declared the goal of having more Canadian history taught in our classrooms, it is surely counterproductive to harm the market for the creators and publishers of that history.

Government Orders

I am not asking for anything new or anything more. I am asking that my longstanding property rights not be severely limited in C-11, so that I can continue to make my cultural and economic contributions.

The majority of emails I received were copied to the offices of the Prime Minister, the Minister of Industry and the Minister of Canadian Heritage.

Based on the number of emails that my office has received from people who are opposed to Bill C-11, I would estimate that the offices of the Prime Minister, the Minister of Industry and the Minister of Canadian Heritage have each received upward of 100,000 emails from Canadians who have serious concerns about the implications of the copyright modernization act.

However, it is not just Canadians that the Conservatives are ignoring on this issue. They are also ignoring expert opinions raised in committee and the findings of their own copyright consultations in 2009. As a result, we have before us today flawed legislation that will end up doing more harm than good.

I would like to ask the government to seriously consider amendments to its copyright modernization act that would create a more fair balance between the right of creators to be fairly compensated for their work and the right of consumers to have reasonable access to copyrighted content. Amendments should also be considered that would create a more fair royalty system for creators.

Finally, I would like to thank the hundreds of constituents who have written to me about this issue, and I encourage them and all Canadians to stay engaged on this important issue.

[*Translation*]

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Madam Speaker, I notice that on this side of the House, all my colleagues seem to have worked very hard and done a lot of research on this subject. I am wondering about something and I would like my colleague to give me his impression.

Digital locks to limit access have somewhat the same effect as if someone published a book where the ink might disappear after 30 days. It is not particularly logical. And yet this is the kind of bill that my colleagues from the Neolithic age on the other side have presented.

[*English*]

Mr. Fin Donnelly: Madam Speaker, that is at the heart of the bill. It has not been thought through enough to realize there are some serious flaws in its practical application. The practical application of how this is to work has not been thought through.

As he quite rightly pointed out, the intent of the industry would be to have the artists or the creators re-initiate or somehow reapply in a very brief time. That is impractical. This will not encourage the use of art and music and the written form in a way that is practical in distributing to our community and supporting the needs of what we would call fair, balanced, creative creation and access to consumers in a fair and reasonable manner.

• (1200)

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, my colleague made reference to the sheer volume of constituents who had contacted his office over this very bill. It is an indication of the

importance that Canadians sense around our Copyright Act and the fact that we had better get it right because we are going to have to live with this for a long, long time.

The innovation and the change that has been happening so rapidly in the last few years is going to continue to grow exponentially, yet we are possibly putting in place legislation that we believe is inadequate and outdated to deal with what we have to deal with today. For heaven's sake, what could be happening a year from now?

Did we consult the right people? Did we have an exhaustive consultation process around the country and did we accommodate the legitimate concerns brought forward by those people we did consult?

Mr. Fin Donnelly: Madam Speaker, in fact, that is the case. As elected officials, we are deliberating over a piece of legislation that will be in effect for a long time and will have application potentially for at least a generation or longer. It is incumbent upon us in the House to do a wide range of consultation, to consult far and wide, and listen to as much input as we can. That is one of the shortcomings of the government here in terms of ignoring expert opinions, many of which were raised at committee, and even by the findings in its own copyright consultation in 2009.

I would like to quote one individual. Michael Geist is a renowned technology commentator and he puts it succinctly when he says:

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.

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 holders place a digital lock on their content or device. The importance of consultation is needed and then once we get that consultation, we need to listen to that advice.

[*Translation*]

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Mr. Speaker, we are looking at a bill to which an overwhelming majority of the groups that will be affected have objected. Only the big corporations that distribute content seem to be pleased with it. Journalists, artists, authors, new media specialists and copyright law specialists, all these groups object to the bill as it stands. Despite the fact that there are senior ministers present in the House, the government is not participating at all in the debate this morning. How can we interpret that kind of attitude toward all these groups, representing thousands of Canadians who produce books and songs and who have a positive effect on the lives of millions of Canadians? How can we interpret that silence this morning? How can we not see it as complete contempt for the issue of intellectual property? Canadians will be the judges.

Copyright issues have not been lagging behind other legislation in Canada just recently. Twenty years ago, I had the good fortune to take several courses taught by an expert in this field, Gilles Valiquette, as part of an audio technician programmer course. Even then we were surprised to learn that Canadian copyright law had long been managed by the Department of Agriculture. It took nearly 100 years to correct that situation.

We were also very surprised to learn that the way copyright was managed in Canada, unlike under a number of European laws, the author was not paid until the very end. At that time, we were talking just about CDs, because there was as yet no great diversity in digital formats. Sales had to be reported, say 50,000 copies sold, in order for authors to receive their share, while under a number of European laws, a CD, for example, could not leave the plant before the authors received what was coming to them.

For comparison purposes, it is as if a law in Canada had prevented a bricklayer from being paid until there was enough money for the shopping centre and until enough consumers had visited that shopping centre. That approach is quite absurd and has prevented a lot of creators from earning a living with dignity in Canada.

In the early years of this century I owned a small business where creators produced music. The industry went through a very difficult period with the diversification of digital formats and the ease of copying them. We saw extraordinary artists who ordinarily sold 100,000 or 150,000 or 200,000 copies suddenly, even though they had the same fan base, selling 50,000 or 40,000 or 35,000 copies. When we see a bill that talks about modernizing copyright, the first reaction is to rejoice and say “finally”.

But this bill demonstrates extreme hypocrisy. Even its title should be questioned. Can we really call it a copyright bill when its effect will be to cut creative people’s incomes by millions of dollars? The title of the bill should be changed to make it a little less hypocritical to “an act to support the big distributors” or something along those lines. But no, this bill claims to be about copyright, about authors’ rights.

The introduction of this bill was accompanied by completely absurd rhetoric with the government saying, among other things, that copyright is comparable to a tax on iPods.

● (1205)

To say that to authors is just as absurd as saying to any other consultant—someone who does not put down an object in exchange for money, for example the consultants hired by the ministers opposite—that we do not know if they will be paid, because it would be considered a tax. Paying them would be like imposing a surtax on the consumer or the public. We would never make this argument to consultants hired by the departments of our colleagues opposite. It is that absurd.

Such contempt of intellectual property and copyright has consequences. This has been pointed out not just by the NDP, but also by copyright legislation experts. If this bill is passed in its present form, the cultural output of Canada and Quebec will be impoverished. I will give a simple example: I do not want my children living in a world where the only major cultural event of the week, in 2030, is the release of *Indiana Jones 27*. I hope that my children will live in a world where such talented writers as Yann Martel can make a living writing books and such talented composers as Karkwa can make a living recording music. That is my hope. This bill guarantees that the opposite—the impoverishment of Quebec and Canadian culture—will occur.

Government Orders

In closing, I would like to lend my voice to a group of authors who express, better than I, the current problems with this legislation in an opinion letter entitled “Preserving the dignity of works and their creators”, which was published in *Le Devoir*.

...this is what is proposed in Bill C-32 [the old nomenclature]: broadening the scope of fair dealing to include education, the possibility of creating a new work from existing works without the consent or remuneration of the author, private copying without payment of additional royalties [the creator is paid once, money is made for 1,000 years; that is inadequate], the mandatory use of digital locks to protect one’s work on the Internet, the elimination of the responsibility of Internet service providers, and so forth. These are all situations where respect for intellectual property will disappear [this is the harsh but quite justified conclusion of this group of authors]. With [this] bill..., the exceptions overtake the rule.

We also perceive in this bill a deep-seated contempt for creators and a stubborn refusal to recognize their contribution to the development of our society.

To digress a little: many creators are suffering great hardship. Some great creators with whom I worked were barely able to make a living from their art, if at all. However, I would like to point out that a career as extraordinary as that of Leonard Cohen may have helped him to become a millionaire, and that is wonderful. I want the next Leonard Cohen to also be a millionaire.

My little boy, who is six years old, loves to go for snowmobile rides, and this enriches my everyday life. So thank you, Mr. Bombardier. I am very happy that the Bombardiers are billionaires. My son loves it when we listen to three of Leonard Cohen’s songs in particular when we go on road trips. It makes him happy. These two things are very important in my son’s life.

● (1210)

It is good that some successful creators simply get rich from their work and their success. I would like to come back to the editorial:

...the bill...calls for the exact opposite. At a time when our government is prepared to spend amounts that defy reason to build up its military arsenal, it is upset about the money that the education sector is paying creators for using their works...

By the way, I have never heard a single teacher ask that creators not be given payment for the use of their works in the classroom. I have never heard of it. I do not know where this is coming from.

In closing, I once again deplore the total lack of interest demonstrated by the members opposite in a situation that is so critical to the future of intellectual property and our country’s culture.

[English]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, it is clear from my colleague’s thoughtful remarks that he has done his research. He has listened to Canadians and the people in his constituency in Quebec who have serious reservations about this legislation, that we have not achieved the balance desired or required on a regime of copyright regulation that would serve the needs and interests of the next generation.

My colleague made the point that sometimes legislation benefits from robust, intelligent debate. I wish more Canadians would tune in to debates like the one we are having today where thoughtful, considerate remarks and recommendations are being made on important legislation. This legislation deserves our attention and our full engagement, not just the cursory oversight of a government that is unwilling to listen to legitimate points of view.

Government Orders

I would ask my colleague to put on the record some of the points from our platform in the last federal election that dealt with the fair remuneration of artists and the way that we value the creators of arts, culture and heritage industries as an engine for economic growth.

Does the member agree that we should allow creators to average their income for the purpose of taxation over a period of five years, instead of the unfair way that artists are treated today?

• (1215)

[*Translation*]

Mr. François Lapointe: Mr. Speaker, I thank my colleague for raising this issue, which is not directly related to the bill but is still very relevant.

In reality, it is nearly impossible to think that artists will bring in a stable income over several years, simply because they may have some success with launching an album, but since there is a cycle of about 18 months, artists may not necessarily be able to launch an album right away after 18 months. Therefore, artists may make a lot of money some years and less other years. So any legislation that would help stabilize that income would be necessary and would help the cultural community.

[*English*]

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, in his very thoughtful comments, my colleague mentioned at least two Quebec artists, Yann Martel and Leonard Cohen, who have flourished under the regime in place today. My concern, and I suspect it is his concern as well, is that the next generation of artists would be hamstrung and prevented from making a good sound living by some of the failures of the bill to adequately provide protection for the income of artists.

Would the member like to comment on their future under this bill?

[*Translation*]

Mr. François Lapointe: Mr. Speaker, that is a concern shared by all of the people I still consider my friends, people who work in record producing and music producing, and who are authors and composers. They are concerned about that. Two things are happening: digital copying and the ease of making copies at home have caused the market to collapse. Artists have a hard time selling copies, and as soon as they sell one, it turns into as many as 14 illegal copies. Now, if we add to that pressure such as what is in this bill, where what little there is left gives them even less in the way of copyright revenue, it is very likely that extraordinarily talented people, after trying for one, two or three years, after one album or one book, simply will not be able to make an adequate living—we are talking about a roof over their heads and some peanut butter, not much. It is very likely that the next Yann Martel, Karkwa or Arcade Fire will end up in this position and will stop creating. It is very likely that this will happen many times in the years to come.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am pleased to enter into the debate on Bill C-11.

I must confess, when the legislation was in the House at earlier stages, I did not enter into the debate partly because of the sheer

complexity of the subject. I think one has to have a certain knowledge of the issues to do this particular subject matter justice.

All of us as members of Parliament have been elevated in our information, knowledge and competency in this regard, partly because of the sheer volume of activity and information that we have been getting from concerned Canadians. I wish more Canadians could have tuned into the debate earlier today to hear some of the legitimate concerns brought forward in a very thoughtful and reasoned way to draw attention to the fact that this bill has not achieved its full gestation.

This legislation is not ready to be passed, implemented and made into the law that will govern this sector for the next generation. It is not done yet. It is not baked. It should be put back in the oven. It should at least be given another fulsome round of consultation with the stakeholders.

It appears that all recent Canadian efforts to address our copyright legislation have had very little to do with protecting the interests of Canadian artists, musicians and creators of culture and heritage that are in fact such an engine of economic growth. They have everything to do with satisfying the demands of the U.S. corporate giants that dominate this field. We only seem to be stimulated to open up our Copyright Act when we are under pressure from the corporate giants that are concerned, whether they be the movie studios, the music labels or the video game developers.

We want to know when we will be developing copyright legislation to put the best interests of Quebec and other Canadian artists first, not as some afterthought. There is very little in this bill that actually deals with increasing the opportunities for artists for fair compensation.

The bill does grant a range of new access privileges, but they are not offset with the corresponding recognition of the creators and protection for them. Those are our constituents. Most of us were not put here by the American corporate media giants. Some are unduly influenced by the interests of those giants, but we were sent here by ordinary Canadians to look after their best interests and to put their interests first.

We have been trying to emphasize that especially in this day and age we have to recognize the economic development opportunities of sponsoring a robust and healthy arts, culture and heritage industry and communities. As we lose the smokestack industries, as the garment industries close in the riding of Winnipeg Centre, there is a burgeoning film industry. As we lose the smokestack industries in many Canadian cities, artists are generating economic activity.

I was interested to learn from one of my colleagues, and this will give an example of the substantive debate we are having today, that the sum total is in the neighbourhood of \$80 billion a year, and growing. It is one of those industries that is showing a projection in a positive way.

The legislation warrants our attention. It deserves our consideration. We have to get it right, because we are going to be living with it for a long time.

Government Orders

A hallmark of the government is to force through legislation at breakneck speed, many times without the due diligence, without the scrutiny, without the oversight, without the consideration, without testing the merits of the legislation with robust and fulsome debate. The very principle of Parliament, its prime function, is to hold the government to account. If the government suggests the bill is right for Canadians, we should test every clause and every detail of that bill to make sure it is as good as it can be.

●(1220)

In that context, we put forward amendments, not to sabotage the will of the government but to try to make the legislation the best it can possibly be, so that it does not miss anything and that it puts Canadians first and addresses as many of the legitimate concerns of the copyright regime as can possibly be done in one piece of legislation. It is broad. It is sweeping. It is complicated. It is evolving. It is a moving target. It is like shadow boxing, trying to predict what changes we need to put in place to anticipate the changes necessary for a generation from now, because it is only every 30 years or so that this Parliament is seized with this issue.

It is a cautionary tale. We run the risk of not only doing a disservice to the practitioners in those industries today, but we run the risk of a missed opportunity that we are not going to take full advantage of one of Canada's growth industries. If we leave too much on the table, believe me, it will be gobbled up by others.

How do small artists become great artists? They need support. Virtually all industries get corporate handouts and corporate welfare. There is not a single industry that seems willing to renovate its plant without getting the government to pay for half of it. However, we do not consider an \$87 billion industry in the same context.

Yes, we have the Canada Council. We have sprinklings of grants that are rationed out, but it is like winning the lottery to get a grant.

The NDP put forward what I thought was a good consideration in the last federal election. We said that in order to encourage and enable small creators, whether it is in music, art, culture, writing or whatever it is, we should let them average their earnings over a period of five years for the purposes of income tax. Any artists or creators will tell us that they might have a good year one year. A painter will have a showing one year and maybe make \$100,000 that year by selling 20 paintings, but the next year, the artist will sell none, zero. The artist is taxed at the highest income tax bracket for the one year that the artist made a lot of money. In the next two or three years the artist may make very little. One simple amendment that could have been made to the Income Tax Act to help artists, writ large, would be income averaging.

I have a private member's initiative that would let the first \$100,000 of earnings by an artist be income tax free. That is a legitimate proposal. Instead of winning the lottery in this potentially biased way of offering Canada Council grants to those lucky people who are connected to the Canada Council, let us encourage all creators by saying that the first \$100,000 a year they earn from their art or craft should not be taxed at all. That is the kind of tax measure we could support if we were serious about enabling our creators in arts, culture and heritage. That is a private member's initiative of mine that I would be happy to expand upon at some other time.

The consultation has been inadequate. We have to get this legislation right and it is not right yet. It is not ready to graduate to its next stage of implementation. We would be stuck with something that would not serve our needs and would not protect the best interests of the very artists who voted for us with the confidence that we would stand up for them. We are going to stand up for Sony and Disney and protect their interests with this bill, but are we really protecting the creators, the Canadian artists who are driving the economy in this new burgeoning industry sector?

●(1225)

Mr. Brad Trost (Saskatoon—Humboldt, CPC): Mr. Speaker, I enjoyed listening to my colleague's remarks, particularly the portion where he talked about income tax and so forth.

He suggested that \$100,000 should be tax free for artists. He also suggested income averaging over five years. That idea, I think, is fairly intriguing.

On the income averaging, would the hon. member be interested in extending that in a much more general way to broader elements of society, to perhaps the whole population? If so, why? If not, why not?

Does the hon. member also think there are other occupations that should have their first \$100,000 income tax free?

Mr. Pat Martin: Mr. Speaker, in strategic industries, such as arts, culture and heritage, we have the opportunity to encourage small actors to develop into large actors in that field. Yes, I absolutely support this. Income averaging is a reasonable and sensible way to deal with self-employed people, especially in the arts community.

With the \$100,000 threshold, we would essentially be raising the basic personal income tax exemption for artists only on the earnings they make from their creation, which is the proposal. If they have two jobs, a real estate agent and a painter, I do not think the tax system should be subsidizing their earnings from another source. However, their earnings from their creations is a far more equitable way to stimulate and encourage creators than the current grant systems that exist now, which are complex. There is a great deal of line loss associated with the Canada Council for the Arts and other grant systems, where a lot of the tax dollars are actually burned up in the delivery and the administration of the system. It would be simpler and more straightforward to give them that tax credit.

●(1230)

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, it appears, from the discussions we are hearing today, that this bill needs a lot of fine-tuning and that not enough time is being given to zero in on the problems and reach a good, healthy compromise. We have seen this with other pieces of legislation that have been rammed through.

Government Orders

I would like to ask my colleague to comment on the following point. This bill would require that, where a digital lock exists, copies made for the purpose of study self-destruct within five days and that course materials be destroyed no later than 30 days after the conclusion of a course. This would pose large problems for those pursuing long distance education and is not an appropriate use of copyrighted material.

Mr. Pat Martin: Mr. Speaker, I thank my colleague for raising another perfectly legitimate point. We have been dealing with the commercial implications for both the creator and the owner of the copyright of the knowledge. We have spent very little time on the dissemination of knowledge for academic, non-profit and education purposes. It is a whole other element of this bill that requires a lot more study and detail.

My colleague raises a perfectly legitimate concern that, frankly, would strike most people as ridiculous. This is not like *Mission: Impossible* where the message that we receive will go up in smoke after 30 seconds. This is elevating the human condition through the free exchange of knowledge and information. That is how society and civilization moves forward. If we put limits and constraints on the free distribution of information, we will be holding ourselves back.

It is very unbaked. It is like a turkey dinner at Christmastime. We put it in the oven when it is frozen, take it out four hours later to eat it, cut it open and realize that it is raw and not ready to eat. We need to shove it back in the oven and let it finish cooking before we can enjoy it because it is not ready for human consumption at this point in time.

[*Translation*]

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Mr. Speaker, I want to begin by acknowledging all the artists in my riding, namely those from Notre-Dame-de-Grâce, Montreal West, Lachine and Dorval, who have written to me on several occasions to explain how they are directly affected by this bill. I also acknowledge the Canadian Alliance of Student Associations, whose representatives came to meet with me and tell me about the impact of this legislation on Canadian students.

I am proud to take part in the debate on copyright modernization. I want to be clear. There is no doubt that we, on this side, think that a review of the Copyright Act is long overdue. Indeed, this legislation is not up to date, and some things need to be improved. We also think that some provisions included in the bill are beneficial to both authors and consumers. However, we want to propose amendments, because we believe that, as it stands, the bill is very flawed and that, as parliamentarians, it is our duty to improve it.

The government keeps saying that we vote against various bills, that we are against the budget, that we oppose all sorts of measures, but that is false. We support many initiatives that are good for the public. Today, we are trying to make proposals so that the Conservatives pay attention to all the measures presented in this House.

We want to achieve a balance between creators and consumers. Right now, as my colleagues pointed out, artists in Canada are missing out on millions of dollars with this bill. The average income

of an artist is around \$12,900 a year, but we know that Canada's culture industry brings in millions of dollars for the government.

This bill seems to target certain consumers who should pay more than others for rights to which they are entitled.

The first thing that bothered me when I read the bill is the fines that the government wants to impose on those who remove digital locks for personal, non-commercial purposes. While there is no doubt that we have to deal with certain issues in this regard, the bill provides for fines of up to \$1 million and a five-year term of imprisonment.

Before becoming a member of Parliament, I worked in a detention centre in Quebec. I taught there for some time. Among those there, I saw people who had assaulted children and received sentences of two years less a day. I also saw people who had participated in all kinds of illegal activities and were in a detention centre for two years less a day.

Today, I read in the bill that an individual who has pirated copyrighted material—obviously something that I do not encourage—will get five years in prison, whereas someone who has raped a child will be handed a lesser sentence. I think that there are absurdities of this nature in the bill that absolutely must be addressed, because sentences like that seem somewhat disproportionate to me.

The other thing that disturbed me about this bill is that digital locks essentially trump all other rights including the fair dealing rights of students and journalists. Allow me to explain what I mean.

Currently, where digital locks are concerned, it is a requirement that copies made for educational purposes automatically erase themselves after five days and that course notes be destroyed within 30 days of the course ending.

I was a student less than two years ago, and I still have course notes I reread at home because I find them useful and I paid for them. As a student, I was asked early in the session to pay student fees, and there was always a fee for the material we would require in class. Having paid for this material, I consider it only normal that I should still be able to use it today. Students participating in distance education are asked to do the same thing. Distance education courses are not completed overnight. And yet, data is supposed to be automatically erased within five days and course notes are to be destroyed within 30 days of the course ending. In the case of distance education, five days is clearly not enough time to make use of this data.

● (1235)

The other problem is that our society is increasingly trying to use digitization for ecological and environmental reasons. This creates an imbalance and stalls the promotion of the very innovative cultural formats of our time. That is what upsets me the most. Several groups came and told us that change was critical in this regard.

According to the Cultural Industries' Statement, left unamended, this bill would be toxic to Canada's digital economy.

Government Orders

The Writers Guild of Canada stated that “the only option that Bill C-11 offers creators is digital locks, which freezes current revenue streams for creators, and creates an illogical loophole in the copyright Bill by taking away the very rights the Bill grants to consumers in its other sections.”

More work really needs to be done on this.

The reason why we in the NDP are proposing amendments is not that we are against copyright or that we are against doing some housecleaning on this issue. We are proposing amendments because we believe that, rather than encouraging certain large cultural industries in Canada, we must go to the source and help the creators and artists in my riding and in the ridings of every member of the House. That would allow creators to make money from their work and to be paid a fair price for it, and ensure that consumer rights are not violated. In this regard, a student came to see me and told me that he had paid for class notes that he has to destroy at the end of the course. That is completely ridiculous.

In addition, the Society of Composers, Authors and Music Publishers of Canada believes that amendments must be made to the bill to facilitate access to creative content through new media and to ensure that creators are fairly compensated for the use of their creative content through new media. This comes back to what I just said. Creators provide something to us: culture, a story, a product that is part of our identity. Yet, instead of compensating those creators, we are telling them that they will not be given a fair return under this bill.

Howard Knopf, a copyright, patent and trademark lawyer, has said that the measures to apply digital locks continue to divide Canadians and defy consensus. They are stronger than required by the WIPO treaties and stronger than necessary or desirable.

In conclusion, we are of the opinion that we must move this bill forward because a cleanup is needed. However, the amendments proposed by the NDP must also be taken into consideration so that we can accept this bill and so that it is fair for consumers, producers, artists, students and everyone who wants to have a stake in today's culture.

• (1240)

Mr. Denis Blanchette (Louis-Hébert, NDP): Mr. Speaker, I would like to thank the hon. member for shedding a different light on the issues surrounding this bill. I was struck by her discussion of sentences and her comparison of them. Many members of the public make copies. There are many court cases about it in the United States.

Could my colleague talk to us about the changes she thinks could be made so that people do not break the law and become serious criminals while others who commit more serious offences are given more lenient sentences?

Ms. Isabelle Morin: Mr. Speaker, I would like to thank the hon. member for Louis-Hébert for his question. Certainly in the United States there are relatively severe sentences for digital copying. I am not saying that people who violate copyright should necessarily be cleared, not at all. I think that people who make copies should be punished, but perhaps a fine would be enough.

We know that with these bills being introduced by the Conservatives, prisons will be even more full. But I cannot see myself standing before my constituents to defend the fact that they will pay taxes so that people go to prison because they illegally copied a digital file that belonged to an author.

As I said earlier, there is something incoherent about that. As I said earlier, I personally find it much more serious when someone abuses other people than when someone makes an illegal copy of a copyright protected work.

I think that balance needs to be restored and a slightly less serious sentence should be handed down.

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, here on this side of the House, we think the copyright modernization bill gives with one hand and takes back with the other. I wonder if my colleague could comment on that.

• (1245)

Ms. Isabelle Morin: Mr. Speaker, I would first like to thank my hon. colleague for the question. As I said at the beginning of my speech, it is time to clean this mess up, because there is no balance here. On the one hand, we have artists who want to give their work to the country to share their culture, their history—and this can include scientific and other research—and who currently earn \$13,000 a year. On the other hand, we have the consumers. Students, in particular, have come to see me and told me that they are paying for course notes that they are obliged to destroy afterwards. They do not believe that, with this bill, they are paying for something that belongs to them.

We in the NDP believe that a balance must be struck so that what we are proposing satisfies artists and creators, as well as consumers, who want to be able to say that they paid a reasonable price for something that belongs to them. That is the basic principle of consumerism.

If something is not working, we need to take the time to amend it now, in order to ensure that the legislation is honest and beneficial for all parties involved.

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, I wish I knew what the Conservatives have against this country's workers. After the tax cuts to large corporations, the subsidies to oil companies and all the inappropriate expenditures for the G8 and the G20—always with Canadian taxpayers' money—the government now wants to target our artists' income.

Many of the artists we love, admire and appreciate are not rich. The majority of them have a very modest income and, because of the nature of their occupation, it is not a stable income. They must accept contracts and work at many jobs to provide for their needs and those of their family.

Government Orders

In Quebec, the average income of artists is estimated at \$24,600 per year, based on the 2006 census data. We are talking about \$24,600 to pay for rent, food and transportation, to send one's children to school and look after their needs. That amount must also cover heating costs and the material needed to create. What makes things even worse is that, with an annual income of \$24,600, Quebec artists are considered to be the richest in Canada. That same year, the average income for artists in Canada was estimated at \$22,700 per year.

These numbers reflect the reality of our actors, painters and singers. Our artists are struggling to make ends meet. While all the evidence should convince the government to provide increased support to our creators, it prefers, as in Bills C-10 and C-19, to ignore the facts and please the cultural industry's big businesses. This bill is going to hurt artists and make them poorer. And they certainly cannot afford that.

The Union des artistes is worried about its members' income and so are we on this side of the House. How can artists continue to create if they do not have the means to do so? Copyright royalties are an important source of income for Canada's creators. This government must ensure creators receive their fair share and are paid for their work.

I wish this government would take out its earplugs and start listening to the Society of Composers, Authors and Music Publishers of Canada, which is asking that the bill be amended so that artists are compensated fairly for the use of their creative work in the new media.

I also wish it would listen to the Society for Reproduction Rights of Authors, Composers and Publishers in Canada, which is telling it that this bill is going to have a significant impact on creators' income and that it needs to be amended in order to strike a balance between the interests of creators and those of consumers. Unfortunately, as with Bills C-10, C-13, C-18 and C-20, this government prefers to turn a deaf ear.

Passing this bill would have a very negative impact on our country's cultural industry, and it would have a direct impact on creators' income. Moreover, many people are worried about producers and publishers, who would not enjoy the same protection as holders of scientific patents.

We are not stupid. Canada's copyright laws need to be reviewed. Former Bill C-32 was reviewed in committee, but the Conservatives chose yet again to ignore the recommendations made by the witnesses who appeared before the committee.

● (1250)

This bill could potentially create more problems than it solves. That is why I cannot support it in its current form. Even the Union des artistes finds that some of the wording is ambiguous and that court challenges are inevitable. For example, they cite the concept of fair dealing for the purpose of education and that of reasonable grounds.

Why is this government still refusing to listen to opinions that differ from its own? Why does this government not want to work with all the players involved in copyright in order to reform it properly and adapt it to the reality of the 21st century? Such

stubbornness would not be so bad if Canadians did not have to bear the consequences of the government's bad bill. Copyright in the digital age has to build on two fundamental principles: accessibility for consumers and remuneration for the artists.

Unfortunately, the Conservative government has not respected either principle. It is directly compromising the millions of dollars in royalties artists receive under current copyright legislation, and it is encroaching on consumer rights by adopting provisions on digital locks.

The fact is that this bill gives consumers rights they will not be able to exercise. The general provisions on digital locks will allow the companies to decide which legal rights can be exercised and which cannot. This unbalanced perspective will end up harming artists and educators. That is also quite worrisome.

I urge this government, the Minister of Industry and the Minister of Canadian Heritage and Official Languages, to review this bill in light of what was said in committee during consideration of the now defunct Bill C-32 and to listen to what the artists have been trying to get across, in order to ensure that this copyright reform is balanced and beneficial to everyone.

Mr. Denis Blanchette (Louis-Hébert, NDP): Mr. Speaker, I would like to thank my colleague for her speech. During the speech she focused on a reality that is too often forgotten, which is that aside from the big stars, most artists and creators earn rather low incomes, often below the average wage.

I would like to hear the member talk about some consequences of this loss of revenue, for which there will be no compensation. Personally, I am afraid that we will see creators producing fewer works.

● (1255)

Mrs. Djaouida Sellah: Mr. Speaker, I thank my colleague for his important question. As you heard, I focused on the fact that the average artist is barely making ends meet. I was not talking about stars, nor about the people who cannot make ends meet at all. They are the people we are concerned about. Unfortunately, with this bill, major corporations will have the right to provide services and not the average artist.

That is my main concern, and this also has to do with accessibility for students. Unfortunately, after 30 days, their course books will be erased. Once again, this makes people even poorer by indirectly taking away a source of income.

[English]

Mrs. Susan Truppe (Parliamentary Secretary for Status of Women, CPC): Mr. Speaker, the member opposite talks about protecting the artist. The Copyright Act did not have the means for copyright owners to protect their works. At the announcement of the copyright bill, the president of bitHeads said they were losing 90% of their sales to online piracy. Does the opposition not support a law that provides more to creators and goes after the thieves, the online piracy sites?

Government Orders

A creator's right to protect his or her works is important. When creators cannot get the right to make a living from what they make, they will either stop creating or move somewhere else. Why does the opposition not stand up for creators? Will the member support this bill that will help owners protect their work?

[*Translation*]

Mrs. Djaouida Sellah: Mr. Speaker, I thank my colleague on the other side for her question about the protection of copyright.

Unfortunately, as we have already heard, this bill does not really benefit creators. It gives more latitude and powers to major corporations. I understand and I am also concerned about piracy. However, as my colleagues mentioned this morning, young people say that they can break digital locks. The digital locks we have been talking about will not be very useful for the average creator and producer. We are not talking about stars of Hollywood proportions.

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, I have one preliminary remark. I simply must comment on the fact that this important debate on the future of culture in Canada and in Quebec is mostly taking place on one side of the House. No Conservative members are rising to defend the government's bill.

The New Democrats are standing up to defend creators and artists, but the Conservatives are sitting in silence, even though it is their bill. Since they are already aware of how damaging the bill is going to be for our creators and artists, they are remaining silent, and are not bothering to explain the objective of Bill C-11. So we will do so, and we will put forward as many arguments as possible.

I also wish to say that I am very proud to rise today to speak about this important bill. I am proud for two reasons. First, I come from a family where culture is extremely important. My father is a writer and my brother is a musician. Because of this, I know just how important the five cents or so for radio airplay can be. I understand the importance of photocopies in a school. I know how important it is at the end of the year for writers, artists, singers, and musicians. We are not talking about a trivial amount. And yet, copyright—the rights of authors—is being overhauled and turned inside out by the bill under discussion today. Artists in Quebec and Canada are making a heartfelt plea, and I think it is important to listen to them.

The other reason I am proud to rise today to challenge and debate Bill C-11 is that I have the opportunity and the honour to represent Rosemont—La Petite-Patrie, an extraordinary riding where artists and craftspeople abound, where folks give things a try and have ideas, and where people want to express their point of view and their vision of the world. It is for them that I rise today, to stand up for their rights including their right to a decent life. I rise to stress how important it is to truly support artists and not pull the rug out from under them by cutting off their revenue streams, which are so important to these people who contribute to the soul of the Quebec and Canadian nations. Quite the contrary, they deserve a lot more recognition and respect.

In Quebec, there is an unprecedented outcry from artists, cultural groups and copyright collectives. I shall now list the associations that previously spoke out against Bill C-32 and oppose Bill C-11, which is a carbon copy of the Conservatives' former legislation.

Here is the list: the Association des journalistes indépendants du Québec, the Association nationale des éditeurs de livres, the Association des professionnels des arts de la scène du Québec, the Société de gestion collective de l'Union des artistes, the Association québécoise des auteurs dramatiques, the Association des réalisateurs et réalisatrices du Québec, Copibec, DAMIC, Artisti, the Guilde des musiciens et musiciennes du Québec, the Regroupement des artistes en arts visuels du Québec, the Société des auteurs de radio, télévision et cinéma, the Société de développement des périodiques culturels, the Society for Reproduction Rights of Authors, Composers and Publishers in Canada, the Société québécoise des auteurs dramatiques, the Société professionnelle des auteurs et des compositeurs du Québec, the Union des artistes and the Union des écrivains et des écrivains québécois.

Why is this Conservative government incapable of listening to the people who are mainly targeted by this bill and who are saying that it is threatening artists' survival as well as culture in Quebec and Canada?

Why is this Conservative government incapable not only of listening, but also of speaking to artists, explaining its objectives and explaining why it is risking potential losses to creators of \$75 million in Quebec alone? That is serious.

The NDP condemns the 40 new exceptions in Bill C-11 concerning the free use of works. We cannot confuse free use with access to a work. It is important to provide access, but for it to be free represents the death of the artist, who would have to find a new job. That is significant.

The Conservatives have a vision of culture, but it does not include creators. Culture is important, and they will discuss it in speeches; they will say that it is nice, it is good, but when it comes to really helping people who have good ideas, who have dreams and who want to say what is in their soul and express their vision of the world, the Conservatives slash their funding and their income. What will happen? Creators are at risk of losing at least four sources of income.

First, the new private copying system is completely obsolete.

● (1300)

It offers no compensation for artists. That is the first source of income that is going to disappear for artists.

Second, since 1990, there has been a levy on blank cassettes and CDs. That is because when people make a copy of a song, they download it or they make a copy of a version they get from a friend or family member or neighbour. The artist who created and recorded the song and the people at the studio do not get anything more. That is it.

That is the method everyone had agreed on so that copyright could be shared and we could ensure that the artist and the creator earned something. Now levies on cassettes and CDs have become completely outdated. Who still buys audio cassettes today to listen to music?

Government Orders

Why is there no adaptation to new technologies in this bill? We are told we need to modernize. Let us modernize. Why are there no levies for MP3s or iPods? That is how young people and children use their music and listen to it now. Why are artists having this taken away from them?

In 2008, \$30 million in levies was distributed. In 2010 it was only \$10 million. Artists lost two-thirds of transfers, and there is nothing in this bill to compensate for the copies that will be made.

Royalties are being abolished for ephemeral recordings by broadcasters. In this case they will stop paying \$21 million to artists and people in the music trades. This is serious.

As well, schools and universities have to continue doing their share to support writers, the people who supply the materials found in their libraries. That represents \$10 million a year. This system has existed for a long time. It works well. We do not understand why there is a need to pick it up, tear it apart and throw it on the ground and offer no support or other compensation for artists in this regard.

So we are very concerned. The Conservatives have already cut programs that enabled our artists to go on international tours, to get exposure abroad and to take Quebec, Canadian or aboriginal culture around the globe. They have already cut that support. Today, they are cutting directly. The Conservatives are directly attacking the incomes of artists, writers, singers and creators. That is unacceptable to us.

I also wanted to stress the fact that by eliminating or jeopardizing the payment of significant amounts to creators, Bill C-11 also contributes to weakening all the copyright collective societies, and yet these societies are an essential link in the administration of copyright.

UNESCO has said of copyright collective societies that they are “one of the most appropriate means of assuring respect for exploited works and a fair remuneration for creative effort of cultural wealth, while permitting rapid access by the public to a constantly enriched living culture”. That is a quote from UNESCO. Obviously, once again, the Conservative government is refusing to listen.

Creators’ incomes, and the very existence of copyright collective societies, are thus jeopardized because of this government’s determination to promote a single business model: the digital padlock, the digital lock, putting locks on works.

Artists do not want their works to be locked. Artists want it to be possible to distribute them and download them, but they want something in return. They want their songs to be listened to by as many people as possible, but they want to get something in exchange.

In Quebec, Luc Plamondon has been clear on this. We thought copyright was recognized by people in our society. But today, copyright is being hurt. And all the artists are the ones who will be hurt. Culture as a whole is also at risk.

Once again the government has given in to the siren songs of big business, which seems to be the only winner with Bill C-11, a bill that is totally out of whack. There are winners—the major movie studios and the U.S. movie studios. Contrary to its claims, the government is not protecting creators; it is attacking them directly.

I will stop here, but I have a great deal more to say. I urge our colleagues opposite to listen to artists, to hear their appeals and to support culture by accepting the NDP amendments to improve this bill and make it a real bill that will modernize copyright by moving into the future and not returning to the dark ages, as Marie-Denise Pelletier said in Quebec.

● (1305)

[English]

Mrs. Susan Truppe (Parliamentary Secretary for Status of Women, CPC): Mr. Speaker, the member opposite talked about new technologies. We know that the Association of Universities and Colleges support this bill. It said:

This bill reflects a fair balance between the interests of creators and users of copyright works and is a positive step forward for university communities across Canada. It clarifies important questions and will help ensure students and learners have access to the content they need, including digital material.

The Copyright Act currently permits certain uses by educational institutions, in many cases without payment to the copyright holder. The bill makes many of these flexible for use in the future by removing references to specific technologies such as flip charts and overhead projectors, and introduces new exceptions to facilitate new models for education outside of the physical classroom.

Does the hon. member agree that the Copyright Act must adapt to new and emerging technologies, reinforcing the government’s significant investments in the Internet, infrastructure, education and skills development?

[Translation]

Mr. Alexandre Boulerice: Mr. Speaker, do we need to modernize the act? Yes, of course. Are some parts of the act outdated? Yes, of course. Is this a balanced bill that takes into consideration consumers, students and artists? The answer is no. This bill is completely unbalanced and represents a backward step for copyright and artists’ compensation.

I believe I was quite clear in my presentation. All the associations that represent these people, in Montreal and the rest of Quebec, have told us that they are very worried and that their income will drop. There may be a group somewhere that is happy, but that does not mean that this bill makes sense, that it moves our society forward and that it promotes culture. On the contrary, we will be taking a step backward. This is an unbalanced bill that only benefits big business. Universities and the education sector do not accept this exemption. They can and they must continue to compensate the people who produce the works that they use.

Government Orders

•(1310)

[*English*]

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, the Conservative member brought up an example of how it was supported in one way. My hon. colleague had a point in saying that one person's version of fair and balanced was not necessarily fair and balanced for another stakeholder in the same group. Therein lies a broad exemption. We need to apply a test by which it would not have commercially bad implications for creators.

There are three steps in the Berne convention. This is a clear and concise way of saying that if we use this exemption and by using it, we would impede the commercial potential of a particular creator's book, for example, then that is wrong. That is not the point of the exemption. Other countries have worked their way around this and talked about it.

Not all stakeholders involved have been heard in this regard. We have different opinions from wide-ranging stakeholders, the stakeholders about which the hon. member spoke. Would he support the idea that we still have not heard enough from the people affected by, say, just the education exemption?

[*Translation*]

Mr. Alexandre Boulerice: Mr. Speaker, I thank my hon. colleague for the question. We do not want to leave any stone unturned, because many of the issues regarding Bill C-11 are very important.

The Conservative government would benefit from broader consultation, a broader public discussion. But that does not appear to be what this government wants. Instead, it prefers to steamroll everything and suppress debate. It refuses to discuss things or listen to anyone else. It is unfortunate, because this affects a lot of people in many sectors and many areas of activity in our society. This will be a fundamental issue in the years to come.

We must therefore take the time to conduct a thorough study, look at what is being done in other parts of the world, assess the interests of everyone involved, including creators, consumers and people in academia—both educators and students—and ensure that we have the best, most comprehensive bill possible, one that takes everyone's suggestions into account.

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, today we are debating Bill C-11, An Act to amend the Copyright Act. I am part of the generation that was born with technology at our fingertips. I think many of the members on this side of the House are part of that generation and have had digital technology at their fingertips from birth. We have a great deal to offer this government, thanks to our vast experience with digital technology, when it comes to its future in relation to copyright. Any time we talk about copyright, it invariably concerns this technology.

Seeing any initiative to modernize copyright makes me very hopeful. However, when I open this bill, I see many shortcomings that will or could create problems. When I get up in the morning, I organize my entire day on my smart phone. I organize all aspects of my day, including my work, my personal life and my family life. It is

also my source of entertainment. My entire world is becoming digitized and will become even more so.

Right now, I have the notes for my speech on a tablet computer. I can transfer data on my tablet, which I can take with me, to my office computer or to my desktop at home, for personal use. In this bill, there are grey areas with regard to the transfer of data that we purchase for personal use. We do not know exactly what will happen. That is one of my concerns about this bill. We do not know what we will legally be able to do with products we have paid for.

I am now going to talk about the impact that this bill will have on the school system. When I finished school—high school, college and skills training—I kept all my notes and all the relevant manuals that I bought or that were given to me at school. There are many that I still use. If today's students cannot use information for more than 30 days during their studies, how will they be able to do reasonably good work without paying even more? They should at least be able to use the information that they purchase throughout the entire course of their studies.

In the past, people had to fight over the two or three copies of a book that the university had and that they needed for their studies. Today, universities have implemented systems to solve this problem. The last thing we want to do is throw a wrench into this system, as my colleague mentioned earlier. We also do not want to impose time limits on the use of information that people will obtain in the future.

I am part of the generation that grew up with this technology. How can emerging artists, who are often young people, succeed if they reap hardly any economic benefit at all from their new creations? Royalties were paid to artists on videocassettes and CDs when they first came out, and that is still the case today. However, artists are receiving fewer and fewer royalties and eventually they will no longer receive any at all. It would be nice if we could adapt royalties to new technology. For example, artists could be paid royalties for every digital player to which their content is added.

•(1315)

That is something that is not in this bill. It complicates the lives of emerging artists, which are complicated enough as it is. These artists are not as well-off and they are unable to profit from their creativity and earn a living from it.

There is something else that I find a little disturbing. My colleague who spoke before me addressed this issue, which is the attitude of the current Conservative government. Right off the bat, with every bill, it systematically moves a motion to limit debate—a gag order. The government did it again with this bill. On this side of the House, we want to debate. We rise to defend our points of view, but right now we are faced with a government that does not even rise to defend its own bill.

Government Orders

It would be interesting to hear the Conservatives' arguments about why we should vote in favour of this bill. At the same time, we could propose amendments and they could listen in order to improve the bill. Because we agree with the idea behind it. We want to modernize the Copyright Act. However, there are some parts that need to be improved. It would be nice if the government changed its attitude a bit and was more open. It could include us in the debate, because we can do a lot to improve the bills it introduces, and it could see the other side of the story.

I want to briefly come back to the fast-changing digital technology that uses a host of products for all sorts of possible purposes. We cannot adopt just one measure for all these different products on the market. For example, if I get a product from a provider, I want to be able to keep the product I purchased, even if I have to change providers. New products come on the market and some might be compatible. If I need a new tool that has just come on the market, but my provider does not use that service, I have no choice but to change how I use my tools and change providers. Nonetheless, I want to keep my tools.

These examples show that we cannot have just one measure for all the tools we might use. There remains some work to do, because there are some matters that are not addressed in this bill.

In closing, I would like to come back to the government's current attitude. We, on this side of the House, have a lot to bring to this bill, and many others, because we are talking about the future of our country in terms of technology. That is the case, for example, with the bill on our institutions. The future of our country is at stake. It would be worthwhile to talk about this at greater length and to listen to what people have to say.

• (1320)

[*English*]

Mrs. Susan Truppe (Parliamentary Secretary for Status of Women, CPC): Mr. Speaker, I bring to the attention of the member opposite that currently those who violate copyright can be found liable for statutory damages from \$500 to \$20,000 per work. If people illegally demand five songs, for example, they could theoretically be liable for up to \$100,000. Under this bill, those who infringe for non-commercial purposes would be subject to a total award of statutory damages of \$100 to \$5,000.

Does the hon. member agree with this approach of ensuring that Canadians are not subject to unreasonable penalties for infringement for non-commercial purposes?

[*Translation*]

Mr. Jonathan Tremblay: Mr. Speaker, in fact, I was just saying that there are good measures and bad measures and grey areas in this bill. We do not disagree with everything. We have to stand up together and debate the bill in order to improve it and add things that are missing. Unfortunately, judging by the question from the hon. member from the government side, it seems she was not listening to what I was saying. She seems to be asking only about measures that the Conservatives happen to think are good. They are not listening to what we are proposing in order to improve their bill.

[*English*]

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, earlier the Parliamentary Secretary for Status of Women quoted from the Association of Universities and Colleges of Canada, AUCC, with respect to how much it is in support of the bill.

Interestingly enough, last week a number of us had visits from students. The students raised a very serious issue around digital locks. They said that after five days the digital lock will have them destroy their notes, and after 30 days professors who use material will have to destroy their course notes.

I do not know many students who do not refer to their material when it comes time to study for exams. I do not know many professors who, when they give their course in the following year, do not refer back to material they have previously used.

Could the member comment on the fact that this particular piece of legislation, as it is currently written, will have a serious effect on the ability of students to study and on the ability of professors to do their jobs?

[*Translation*]

Mr. Jonathan Tremblay: Mr. Speaker, it will have short-, medium- and long-term effects.

As I said in my speech, I have kept my course notes and textbooks. I remember what is in them. I do not necessarily remember the details, but I remember that a certain textbook can answer my question and I will look it up. It might be a historical fact or something else. During the education process, if we succeed one year, we continue to delve deeper in our studies the following year, but we will still need past information. So, yes, this has immediate as well as medium- and long-term effects.

• (1325)

[*English*]

Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, the hon. member and several of his colleagues have mentioned levies and taxes on iPods. I think it was around 2008 that the collective suggested to the Copyright Board that the levy should be \$75 for any device over 30 gigabytes. That was a few years ago.

As the NDP has put forward the idea of a levy, does it think that number still applies? Given that it was three years ago, maybe it should be a little higher.

I am curious to hear the hon. member's take on that idea.

[*Translation*]

Mr. Jonathan Tremblay: Mr. Speaker, I thank the hon. member for his question.

Government Orders

No, I do not believe that \$75 is a reasonable amount. However, I do feel that there should be a levy on those types of products. The NDP also believes that. I particularly like—“like” being one way of saying it—the way the hon. member delivered his question. He spoke about a tax on iPods. That demonstrates the government's attitude and desire to create an image surrounding the proposals that would create a balance between the rich and the less fortunate people in the industry. Some people like to use the word “tax” to scare people, but in reality, it is not a tax. The same decision to deal with this issue was made some time ago for blank videotapes and CDs. We did not have to pay \$50 for a videotape to record our shows.

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, I rise today in the House to oppose the bill on copyright modernization.

It is clear that the Copyright Act needs to be amended in order to reflect our changing technology and ways of communicating in Canada. We are witnessing the transformation from print media to digital media, which has caused a profound change in the way Canadians interact with their political environment, their society and their cultural context.

In Canada, creativity, innovation, and vision are born where people live and where they identify as Canadians. All artistic works, whether they be musical, literary or in the visual arts, are based on the experiences that people have in their native regions and these experiences are important.

In my riding, Gaspésie—Îles-de-la-Madeleine, artists like Kevin Parent, Jean Lemieux, Stéphanie Boulay, and Madelinots like Georges Langford, Sylvain Rivière and many others help to share our culture with those outside our region.

Indeed, cultural events such as the festivals that take place in the Gaspé and on the Magdalen Islands are important economic and social forces in the region. Moreover, these events encourage artists to continue to be creative.

For example, the Festival Musique du Bout du Monde is one of the most popular events in my region. Held in the Gaspé, this festival showcases world beat music and also provides a forum for cultural exchanges between the Gaspé and the various cultures of the world. It is a very popular festival.

Amending the Copyright Act may have an impact on our festivals. La Virée in Carleton-sur-Mer is a festival that showcases the cultural customs of the Quebec tradition of storytelling, music and traditional dance, and circulates them more widely.

The Festival International Maximum Blues, which also takes place in Carleton-sur-Mer, is one of the best-known festivals in the region. Each year the festival presents over 50 shows.

The Festival international Contes en Îles is a major cultural event for the people of the Magdalen Islands. This storytelling festival takes place in the fall. In just six years, it has become one of the major storytelling festivals in Quebec.

These festivals are crucial to the economy of the Gaspé region and to the cultural and social development of the Gaspé and Magdalen Islands.

Unfortunately, Bill C-11 will deprive artists, such as those behind the festivals in my riding, of millions of dollars in revenue and will erode the market. This bill includes a long list of exceptions that do not adequately recognize the rights of creators. In fact, these exceptions create new ways for consumers to access protected content without simultaneously creating new avenues through which to compensate creators for the use of their work.

It seems that all the efforts put into reforming the Copyright Act in recent years have not been intended to create a balanced system that takes into account the rights of creators and those of the public. Instead, these efforts have constituted attempts to meet the demands of the major U.S. content owners. I am referring, for example, to film studios and record companies.

We all know that the vast majority of businesses in Canada are small, local or family businesses. The vast majority of artists are independent and local. These are the artists who transform culture and society and who sow the seeds, yet it is the multinational entertainment industry that reaps the financial rewards.

Canadian copyright legislation can succeed in striking a balance between the right of creators to fair compensation for their work and the right of consumers to reasonable access to content. This bill grants a number of new privileges in connection with access to content, but does not provide any alternative method of remuneration for artists.

• (1330)

That will have a significant effect on artists' ability to survive. The copyright modernization bill gives with one hand and takes back with the other.

Although the bill contains some concessions for consumers, they are undermined by the government's refusal to adopt a compromise position on the most controversial copyright issue in Canada: the provisions relating to digital locks.

In the case of distance education, for example, the provisions of the new bill mean that people living in a remote community would have to burn their course notes 30 days after downloading them. That is not an improvement over the present situation and not an appropriate use of copyright rules. A lot of people in my riding count on distance learning to finish their education. The idea that students would lose access to their course notes after 30 days is completely ridiculous. Does that mean that 30 days after a student finishes a course, the knowledge and skills they learned are no longer needed?

As a university graduate, I still have a lot of books that I bought for my studies. I have had some of those books for more than 20 years. Should I burn them? Are my university studies no longer valid because the 30 days have expired?

Will students who do not burn their notes be convicted of violating the Copyright Act? Are they going to be sent to the new prisons we have just built?

Government Orders

The NDP is proposing that the clauses that criminalize removing digital locks for personal, non-commercial purposes be withdrawn from the bill. We support reducing the penalties for people convicted of violating the Copyright Act, since that would prevent excessive prosecution of the public, a problem that exists in the United States.

The Conservatives have ignored the opinions of the experts who testified in committee and the conclusions of their own copyright consultations in 2009. As a result, they have presented a bill that could cause more harm than good.

The NDP believes it is high time to modernize the Copyright Act, because this bill presents too many blatant problems.

I am waiting impatiently for the return of the festivals in my region so I can once again participate in the emancipation of the culture of the Gaspé and the Islands, and also of Quebec and Canada. Our culture is always threatened by our powerful American neighbour, which will always have more resources than we have and has always had a louder voice. American multinationals are given preference in this bill. Artists' small businesses in Canada are largely small and medium enterprises. They are family businesses and regional businesses. The bill before us is going to affect the regions significantly.

We often seem to be under attack from the Conservatives. They constantly try to make us pay for the economic crisis. The people in the regions are starting to get a little impatient with waiting for the Conservative government to give them a hand. The artists in my region cannot improve their situation with the bill before us today. They are going to lose an enormous amount.

We should really be working together to protect our local culture. That is the real Canadian culture, a culture that exists in spite of all these economic and political forces. It is just about time for us to work together to restore balance here in Canada.

•(1335)

[English]

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I have the privilege of working with my colleague on the procedure and House affairs committee, as well as the private members' subcommittee. I find him to be a very reasonable person, so I was somewhat surprised to hear him raise the issue of university notes. That throws a bit of a red herring into our argument today.

What we are trying to accomplish with this bill is to bring a balance between the rights of creators of material and the consumer. That is clear as one reads through the bill.

Just this morning I had the privilege of speaking to a university librarian who acknowledged that the changes in this iteration of the bill are strong evidence that our government listened to the concerns of people in our communities and have brought a clear balance back into the issue of balancing the rights of creators and the rights of consumers.

I am wondering if my colleague would agree that what is in the bill would help our university librarians and many others who are trying to balance that fine line. We need to be honest. We are not talking about confiscating someone's university notes. We want to bring a clearer balance to the imbalance that has existed for too long.

Mr. Philip Toone: Mr. Speaker, it is true that we on this side are open to recalibrating the way that this law is being presented. There are certain things with which we agree and certain things that we do not.

When it comes to university students, we need to be careful because these people are already disadvantaged in our society. They have a lot of challenges. They are deferring remuneration today so that they can participate more fully in our economy tomorrow. We should encourage them to the best of our ability.

I beg to differ with my colleague that, when it comes to discussing these matters with university communities across this country, I do not think we have done a fair enough job. If the government were serious about recalibrating the bill, then maybe some of its members would speak in favour of it.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I thank the member for so ably outlining the importance of the arts community to our communities. In Nanaimo—Cowichan, we have any number of festivals, theatre, potters and painters. In February, on Gabriola, an island in my community, we will be having an international festival of poets.

My colleague talked about the economic returns to our communities as a result of these vibrant arts and culture communities. Could he comment on the spinoffs? It is not just about payment to the artisans for the work that they do, but the spinoffs to our local communities from this activity.

Where I come from, we have many famous carvers and painters. I wonder if he could comment on the indigenous arts and the importance of balancing the need to protect their work while still looking at reasonable copyright legislation.

•(1340)

Mr. Philip Toone: Mr. Speaker, when it comes to artists in our regions and their impact on the culture and the day-to-day activities of the people who live in those regions are probably even more pronounced than they are in urban areas. We can never underestimate just how much of an impact they truly have.

In the areas in which I have lived, and right now in Gaspésie—Îles-de-la-Madeleine, artists are one of the main reasons that we have such a vibrant tourist industry. People come from far and wide to see the incredible art that is being produced locally. These artists have very small margins. If we do not properly address their needs, we could imperil the economies of our regions to an extent that has not been quite properly expressed in the House at this point on the bill.

When it comes to our native communities, they are already seriously disadvantaged. We can never underestimate just how much assistance we can give them so that their communities can start to flourish after so many years of oppression.

[Translation]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, I am very pleased to rise today to address Bill C-11, the Copyright Modernization Act.

I join all my colleagues in the House in stressing the fact that this bill, as worded, poses a number of problems for our artists and for society as a whole.

Government Orders

We all agree that copyright modernization is long overdue, considering that the technology has been modernized. In fact, because these technologies and the Internet are evolving very rapidly, it is difficult to craft a bill that can adjust to all these changes. However, we need to take our time for that very same reason, to ensure that we do things right, that we consult with experts and that we use a logical approach considering all the available options. This is why it is necessary to make a number of changes and to strike a better balance between the rights of creators, who deserve to be compensated fairly for their work, and the rights of consumers, who want to have access to this content at a reasonable cost. The bill must also promote market innovations, instead of just creating obstacles.

The problematic clauses of the bill include, of course, those that deal with digital locks; they have been mentioned repeatedly since the legislation was first introduced. These digital locks pose problems in the educational sector but, more importantly, they deprive creators of a major source of income. Under the bill in its current form, they would take precedence over all other rights, including those of journalists and students who, for obvious reasons, should have reasonable and affordable access to this material.

My colleagues have all raised specific cases where well intentioned Canadians or students—ordinary Canadians as members opposite would say—find themselves in violation of the law because they made a personal copy of the content that they bought, or because they did not destroy class material that they have had in their possession for more than 30 days.

I have difficulty thinking of my students as criminals, when they are respectful adolescents who keep their course material in order to refer to it later and to learn more. I graduated from university more than seven years ago and still keep documents because I need to refer to them to plan courses for my students. I would be liable to imprisonment because I did not destroy these documents. I would be punished more severely than someone who assaults a child. Is this not a double standard? Is it not somewhat illogical? I think it is.

Having said that, based on what the government has been saying for a few weeks, I am convinced that it would not bring forward a bill that would make criminals of ordinary Canadians. I hope that the government will take a logical, consistent, thoughtful and critical approach to this bill. The NDP is prepared to work with our Conservative colleagues in making amendments to improve this bill.

Many of my colleagues have discussed the problems related to education and course material and therefore I will address the consequences of this bill and the digital locks, which affects the income of creators.

Canada's cultural heritage is very rich. As my colleague mentioned earlier, artists and creators teach us, inspire us and pass on values, especially among our youth, important values such as tolerance, open-mindedness, social engagement, a sense of community and many other values. In addition, Canadian culture helps us to develop our cultural identity and pride.

In addition to this social contribution, creators make an important economic contribution. Despite modest investments of \$7.9 billion in culture by all levels of government, the cultural sector generated

more than \$25 billion in tax revenue in 2007-08. The Canadian Arts Coalition, which met with several MPs, says that every dollar invested in culture generates more than three dollars in the arts. It is really a profitable investment for our economy.

• (1345)

In addition, this sector is directly responsible for the creation of many quality jobs. There are the people in box offices, radio and television hosts, journalists, computer specialists, people who work on sets and backstage and the artists themselves, just to name a few. There are also all those who publish, who build musical instruments and so on. One does not need to be a genius to understand that investments in the cultural sector help our economy. Artists also contribute in the health sector through art therapy.

Any legislation that modernizes the Copyright Act absolutely must emphasize and even encourage these contributions. Unfortunately, for most people, a career as an artist is not a high-quality job since the average salary of artists in Canada is approximately \$12,900 a year. I have several friends who are artists and even a brother who is a musician and who is currently travelling around the world. He is an ambassador for Canada on the international stage. Committed and passionate Canadians who work hard to promote their creations and who want to inspire and teach people are important in our society. They are role models for young people and ambassadors for Canada. However, they live from paycheque to paycheque and can barely make ends meet. Often, they cannot even cultivate their art because they have to work full time so that they can explore their passion and improve. Rather than remedying this situation and celebrating the considerable contribution of the cultural sector, this bill will once again take millions of dollars away from artists and creators and benefit large corporations.

Instead, we should be seeking to create new ways for artists to receive fair compensation. Adding digital locks will actually have the opposite effect. It limits the market. That is not necessary since the provisions on digital locks proposed in this bill will be among the strictest in the world. As we have said many times, this is creating all kinds of problems in the United States. Why not learn from our neighbours' experience and try to do something different and better?

With a little bit of thought, we could make this clause less strict and more reasonable so that the approach is more balanced and our creators would receive more support. It is important to protect the income sources of the creators who work hard and do not receive the recognition and encouragement they deserve, because of this type of bill and all the cuts they have experienced.

Government Orders

Clearly, this is a complex bill. We must find a way to manage the interests of consumers on the one hand, while protecting and supporting Canada's cultural sector on the other hand. This bill also needs to be able to respond to the rapidly evolving nature of technology and the Internet. It is very difficult to anticipate all of that. In its current version, the bill does not even meet today's needs. As my colleagues have pointed out, representatives of the cultural sector and experts are criticizing the bill. Experts appeared before the committee, but the Conservatives chose to ignore their recommendations and suggestions. Why bother calling in experts if what they have to say is completely ignored?

In light of the recent limits on debate in this House and this government's systematic refusal to listen to experts, I am very worried. I think the complexity of this bill warrants a careful review and reasoned amendments. I therefore call on the Conservatives to listen to the experts and work with the NDP so that we can make constructive amendments to this bill, which will have an impact on an entire generation and many more to come.

What message does this bill send to society, to the next generation of artists in the making, to those in our ridings, in our regions, to the people who are trying to support the local and national economy, to those whose work is showcased internationally? Many groups from Montreal, for instance, travel internationally and have boosted Canada's reputation. What will happen to those entrepreneurs?

We need to educate people, but this government has a double standard. It is not setting a very good example. This bill needs to be amended in order to move forward. We need to take the time to sit down, discuss this again and think about it very carefully.

• (1350)

[*English*]

Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, the hon. member spoke at one point about the importance of copyright to the economy and getting it right. Many members have spoken about the amount of consultation needed. The hon. member is new in the House so she has not been around for the last decade, when we have been discussing copyright for the four different iterations of copyright legislation that have come before the House. She was not here for the thousands of hours of consultation that went into this particular bill, or the hours and hours of debate in the House and 39 hours of testimony before committee that we have already heard. Those are numbers unheard of in my time in the House. This is about the most consulted bill that I have seen.

Most of the witnesses at committee talked about the balance in the bill and the importance of passing it quickly. I am wondering if we can count on the NDP members to actually pass the bill through the House so that we can send the bill to committee, listen to some more witnesses and hear the amendments that I imagine the NDP will put forward.

[*Translation*]

Ms. Anne Minh-Thu Quach: Mr. Speaker, I want to thank the hon. member opposite. Yes, we are new, but we have experience and we interact with artists. I am a teacher and I have used material created by artists. I know how important it is, in terms of economic balance, for creation to continue and for the work of the artists to be

recognized for what it is worth. They have to be given more funding, not less funding, with a larger share going to corporations, as the bill currently provides.

It is complex and a number of people are feeling trampled on because of this bill. There is something not quite right. Consultations were indeed held on the matter of the digital locks, but the technology has advanced quite a bit since then. Like the Internet, technology has become more digitized in the past few years. There are more and more new technologies. The proposals also have to be new and take into account these new developments.

[*English*]

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, there are a number of items that this Parliament and previous Parliaments have dealt with. One that comes to my mind is an end to child poverty. We debated that in this country for a long time, but I do not see a bill before us to say we are going to take action on it right now.

Even though some of the concepts in this bill might have been discussed earlier, this is a new bill before a new Parliament. Therefore, how does my colleague see the impact of the bill not only on artists, but also on students?

• (1355)

[*Translation*]

Ms. Anne Minh-Thu Quach: Mr. Speaker, I want to thank the hon. member for raising this very important point for students. They are getting an education and do not yet have steady, well-paid employment. It is outrageous to have digital locks on the work they access digitally and for them to have to pay to continue benefiting from that material after 30 days. They do not have the means to keep paying for 30 more days. They need affordable, permanent access to the material because their schooling lasts more than 30 days. We have to balance all these complex aspects with respect for the work of the artist, who should be paid fairly.

[*English*]

The Acting Speaker (Mr. Barry Devolin): Resuming debate. We have about three minutes left in government orders.

The hon. member for Timmins—James Bay.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I am very proud to rise in the House as the digital affairs critic for the New Democratic Party on the issue of copyright.

I have been involved in the issue of copyright in this House for seven years and I have seen somewhat of a transformation in terms of the understanding of Parliament when it comes to copyright. Unfortunately, with the bill, we still see that on key elements the government does not get it.

If we go back to 2004, the idea of a digital culture that was being told to us by the lobbyists was that of a great cultural tsunami that would wipe out everything that was special about Canadian culture. They tried to constrain the digital environment as it somehow was a threat. However, we saw it in the New Democratic Party as probably the greatest platform for the distribution of ideas and culture since Gutenberg got his Bible.

Statements by Members

I want to be fair to all parties. We have moved down the road in terms of understanding that the digital culture is not, as the recording industry used to say, the toothpaste they were going to put back in the tube or the genie to be put back in the bottle. We were going to have to find a way to adapt, as we have done time and time again with copyright. However, what is missing in the bill are two key elements that make copyright work.

One element is the understanding of remuneration of artists. We have to be able to monetize how artists' materials are being transmitted. That is the fundamental principle of copyright, yet we see within the bill time and again the traditional royalty payments to artists being erased. That is not a balance. That is creating an incredible disequilibrium in the artistic and creative community.

The other element is access, the ability of people to access works. The Conservatives' position is to put a digital lock on products and let the market decide. That would create a two-tier set of rights where Parliament would establish which rights citizens can have. For example, a blind student could access work in an analog format, but if there were a digital lock on it, that right would disappear. In a parliamentary system, we cannot create a two-tier set of rights. The digital locks cannot override the rights of Canadians.

The obsession of the Conservatives that digital locks would somehow create a better market does not stand up to the test. Our WIPO competitors around the world have adopted standards on digital locks. Under the WIPO treaty, specifically in articles 10 and 11, countries are given the right to establish digital locks to protect property from being stolen, but the exceptions that are created in a parliamentary system are a citizen's right.

Most of our competitors have adopted that model. The Conservative government is actually going backwards and would put artists and consumers in a worse position.

The Acting Speaker (Mr. Barry Devolin): Order, please. I must interrupt the hon. member for Timmins—James Bay. He will have seven minutes remaining when this matter returns before the House.

STATEMENTS BY MEMBERS

● (1400)

[*Translation*]

CIAX FM

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I would like to take this opportunity to highlight the 10th anniversary of the creation of CIAX 98.3 FM, a community radio station that plays an essential role in the community of Windsor and the Val-Saint-François region.

Ten years ago, a group of friends, Julie Lupien, Jean-François Fredette, Gaétan Graveline and Patrick Lévesque, created this community radio station in order to enable young people to go back to work or back to school. With support from the community, they rolled up their sleeves and created a service that the community can no longer live without.

Over the years, volunteers of all ages have helped create various types of programming that meet the needs of the cultural,

community, political, sports, education and business sectors, just to name a few. I congratulate the volunteers and creators of this radio station for their commitment to maintaining this communication tool, which is much appreciated by the listeners. Long live CIAX FM.

* * *

[*English*]

R.B. BENNETT

Mr. John Williamson (New Brunswick Southwest, CPC): Mr. Speaker, some prime ministers have provided the leadership that makes our country great. One such leader was the Right Hon. Richard Bedford Bennett, a son of New Brunswick and a westerner by adoption.

R.B. Bennett was prime minister from 1930 to 1935 and was elected after campaigning to fight the Great Depression.

Upon winning office, he allocated aid to the unemployed and continued this with the Relief Act of 1932. He addressed the country on radio, promoting minimum wage, unemployment insurance, health care and the regulation of banks, all early examples of modern public policy.

Prime Minister Bennett created the Bank of Canada, the Canadian Radio Broadcasting Commission, later the CBC, and the Canadian Wheat Board, although membership then was voluntary.

Importantly, he signed the Statute of Westminster, making Canada fully independent and equal in status to Great Britain.

It is time that recognition be given to Prime Minister R.B. Bennett, who achieved so much despite enormous obstacles.

I fully support the effort to have a statue erected on Parliament Hill to commemorate his contribution to Canada and call upon our government to join this bipartisan campaign. The time for a statue of R.B. Bennett is now.

* * *

PATHFINDER YOUTH CENTRE SOCIETY

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, youth gang prevention programs are critical for the future of our children and the safety of our communities.

The Pathfinder Youth Centre Society is an important organization in my community that helps at-risk youth by teaching them conflict resolution, personal responsibility and job skills while helping to build their self-esteem and confidence.

Cost-effective crime prevention programs like Pathfinders help our youth stay out of gangs and in school.

Statements by Members

Unfortunately, I recently learned that the Conservative government will soon be cutting most of Pathfinders' federal funding.

The Conservatives' out-of-touch approach to crime ignores crime prevention and the safety of our communities. I urge them to restore funding to Pathfinders and support organizations like it across the country.

* * *

HUMBER COLLEGE

Mr. Bernard Trottier (Etobicoke—Lakeshore, CPC): Mr. Speaker, I rise in the House today to celebrate the official opening of Humber College's newest building, the Lakeshore Commons, at the college's Lakeshore campus.

The Lakeshore Commons is the new hub for student interaction and learning. As the new campus centrepiece, surrounded by an academic village of nine historic buildings, this facility is fully electronic, built to LEED Silver standards and features the centre for digital and media communications.

The Lakeshore Commons will serve students in the schools of community and social services, liberal arts and sciences, media studies and information technology, and the business school.

The Lakeshore Commons received a Government of Canada investment through the knowledge infrastructure program. The Lakeshore Commons was built in less than two years and generated more than 600 jobs during construction and post-construction.

In Ontario, the Government of Canada is investing \$800 million in 56 knowledge infrastructure projects. Our government has invested in innovation and knowledge infrastructure to set the foundation for economic prosperity.

The program is creating jobs and generating the advanced technological infrastructure needed to keep Canadian institutions at the forefront of scientific advancement and to ensure economic growth into the future.

* * *

IRAN

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, the presence in Canada of Mr. Mahmoud Reza Khavari, who has exercised a leadership role in Iranian banks that have been sanctioned by the United States, the European Union and the United Nations for their financing of Iran's nuclear weaponization program and terrorist activities, is most disturbing.

In particular, Mr. Khavari would have had knowledge of, if not influence over, transactions of such state-sanctioned banks, including those with the Iranian Revolutionary Guard Corps, which emerged as the epicentre of the Iranian nuclear, terrorist and domestic repressive regime.

• (1405)

[*Translation*]

Canadians are troubled, and rightly so, by the ties between Mr. Khavari and these dangerous elements of the Iranian regime. The government must take action to determine the exact ties between Mr. Khavari and the Islamic Revolutionary Guard Corps as well as

the specific nature of his business with the Iranian regime, and take the appropriate measures once the results of the investigation are known.

* * *

[*English*]

SHIPBUILDING INDUSTRY

Ms. Wai Young (Vancouver South, CPC): Mr. Speaker, I rise today to acknowledge the immense contribution that our government recently made to the future of my city, province and country. After a fair, transparent and competitive process, the shipbuilding secretariat announced an \$8 billion contract to Vancouver's Seaspan Marine Corporation. This announcement was met with jubilation across British Columbia. I applaud our government for its success in implementing a fair and transparent arm's length process.

As we have heard, this decision has been great news for Canadians, British Columbians and Vancouverites. By some estimates, our national shipbuilding procurement strategy will create 15,000 good jobs over the next 30 years, revitalizing our Canadian shipbuilding industry.

While the parties in opposition have no plan for growing our economy and creating jobs, our government supports job growth, delivering on our promise to create good jobs in high-tech industries across Canada, and to provide much needed ships for the Canadian Navy and Coast Guard.

I join the people of Vancouver South in congratulating Vancouver's Seaspan Marine Corporation for its most successful bid.

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AFFORDABLE HOUSING

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Mr. Speaker, this week we marked National Housing Day. Safe and affordable housing is a major issue in my constituency and, sadly, is something that far too many Canadians go without.

In recent months, municipal authorities in Toronto have taken the steps to sell up to 2,356 public housing units in my constituency alone to address budget shortfalls, displacing 2,356 families in my community. Further, many of the residents in these units that are up for immediate sale were not even informed that they were going to be sold.

Safe and affordable public housing in communities like mine and the people who occupy these units have been neglected and pushed aside to prioritize budgetary concerns and deficit problems. Budgets are being balanced on the backs of the poor and vulnerable.

Today I call upon the government to take action to make safe and affordable housing a reality for all Canadians. I call upon my colleagues from all sides of the House to support the establishment of a national housing strategy.

Let us ensure that no—

The Acting Speaker (Mr. Barry Devolin): The hon. member for Langley.

*Statements by Members***UKRAINE**

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, in 2008 Canada's Parliament unanimously passed a bill to recognize the Ukrainian famine of 1932-33 as an act of genocide. The horrific truth is that millions of Ukrainians were starved and murdered by Stalin's Communist regime. That genocide is known as Holodomor.

Last year I was honoured to stand with our Prime Minister, the member for Selkirk—Interlake, and Senator Andreychuk at the national Holodomor memorial in Kiev during Canada's official visit to Ukraine. The Prime Minister placed a symbolic jar of grain at the memorial and stood with Ukrainians to remember Holodomor.

The Government of Canada is committed to remembering the victims of Holodomor and to increasing international awareness of genocide and the dignity of life in Canada and around the world. May atrocities like Holodomor never happen again.

Vechnaya Pamyat, in eternal memory, to Ukrainians who perished in Holodomor.

* * *

SKI TOURISM INDUSTRY

Mr. Blake Richards (Wild Rose, CPC): Mr. Speaker, it is my pleasure today as chair of the parliamentary tourism caucus to congratulate Senator Nancy Greene Raine and her husband, Al Raine, on the lifetime achievement award they will receive tonight at the TIAC Canadian tourism awards.

Senator Greene Raine and Mr. Raine are two of the true pioneers of Canada's ski tourism industry. They were instrumental in the early development of Whistler Blackcomb and Sun Peaks resorts in British Columbia. The senator is, of course, also an Olympic ski racing champion, who continues to hold the Canadian record for the most World Cup victories. She is an Officer of the Order of Canada and was named Canada's female athlete of the century in 1999.

Together, this couple's contribution to the development of B.C.'s ski industry and its integration with the broader tourism sector has helped create an unparalleled experience for visitors and tens of thousands of jobs for Canadians.

I applaud their contributions to our tourism industry.

* * *

● (1410)

YEMEN

Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP): Mr. Speaker, I rise today to congratulate the people of Yemen, whose peaceful revolution has resulted in a deal that will see President Saleh finally step down after nine months of protests.

The struggle for peace in Yemen is not over. The president's family members are still in key positions in the government and the military, and Saleh himself has been granted immunity. The regime still stands, yet an important first step has been taken. We call on all parties to respect the agreement.

On Tuesday I met with members of Yemen's opposition, who noted that Yemen is entering a new political chapter, and they will

need the help of Canada. Canada must now work to promote democracy in Yemen.

New Democrats stand in solidarity with the people of Yemen and offer them our best wishes as they continue their non-violent struggle for peace and justice.

* * *

GREY CUP

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, on Sunday afternoon Canadian fans are set for the football showdown of the year at Vancouver's B.C. Place as the B.C. Lions compete for their sixth Grey Cup, this time on home field.

After a slow start to the season, Lions roared back to win 11 of their last 12 games. Lions fans have had lots to cheer about watching our team finish first in the regular season and clinch the western final last week against Edmonton.

They are under the direction of head coach Wally Buono, and I am sure we will see plenty of offence from Arland Bruce, Paris Jackson, Geroy Simon, quarterback Travis Lulay, and field goal specialist Paul McCallum.

Vancouver Island Raiders alumnus Andrew Harris, number 33, has had a great season with the Lions, and thousands of fans from Vancouver Island will be cheering him on.

Lions are hungry. Fans are revved up. Look out, Bombers. Go Lions.

* * *

ACCESS TO INFORMATION

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, in the Federal Court of Appeal decision on access to information documents, the judge specifically warned against the ethics committee interfering in the work of the courts.

It is very similar to what the Parliamentary Law Clerk said warning against Conservative interference. Yesterday the Information Commissioner warned against Conservative interference.

If the Conservatives have truly had their road-to-Damascus moment when it comes to access to information, they need to show more of a true and humble conversion, and maybe they could look at their own backyards.

The Information Commissioner has said the Conservative ministers are a “black hole of accountability”. She listed their failures as “off the chart” and a “red alert”. The commissioner even calls the Prime Minister's own department the “antithesis of the duty to assist”.

Statements by Members

We all know these out-of-touch Conservatives have one set of rules for themselves and one set of rules for everybody else, but I would suggest that they take a bit of a pause from their full out attack on the CBC, and begin looking in their own backyards and deal with their own black hole of—

The Speaker: The hon. member for Selkirk—Interlake.

* * *

GREY CUP

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, out in B.C. they may have flirted with an orange crush earlier this year, but in 1958, 1984, 1988 and 2011 Conservatives won strong, stable majority governments.

In 1958, 1984 and 1988 the Winnipeg Blue Bombers won the Grey Cup. It is 2011 and the Bombers are going to win the Grey Cup on Sunday, too.

We Manitobans love swaggerville and 2011 has been a great year for the Big Blue, much like another Canadian political team associated with the colour blue.

In fact, 2011 has already been a great year for Winnipeg and Manitoba sports fans. It is going to get even better this weekend as I join football fans cheering on the Bombers in B.C. Place.

We are ready for our first Grey Cup in 21 years. With the leadership of our CFL all-stars Brendon LaBatte, Odell Willis, Jovon Johnson, Jonathan Hefney, and Ian Logan, we will remind all Canadians that blue, not orange but blue, is Canada's colour.

There is no better way to celebrate our final season in our team's old home than by winning it all. Go, Bombers, go.

* * *

[*Translation*]

RENÉ MAHEU

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, René Maheu passed away on November 12, surrounded by his children and loved ones. René was the husband of our late colleague Shirley Maheu. For decades, René was one of the most active volunteers in Saint-Laurent, volunteering for the chamber of commerce, the optimist club, the United Way and the hospital foundation. In addition, René was the chief organizer for the Liberal Party of Canada in Saint-Laurent—Cartierville, in election after election, fundraiser after fundraiser, and one membership campaign after another. He did all this without complaint and with his nose to the grindstone because he believed in his party and his member of Parliament. Even on his death bed, he wanted to make calls about a benefit for the party.

In addition to René Maheu, I want to thank all of the party faithful—the supporters of all democratic parties—who, spurred on by their convictions, advance our democracy. They are what fuel our democracy, a forever-renewable energy, that is, as long as we keep in our hearts and minds the memory of fine people such as René Maheu.

● (1415)

[*English*]

TAXATION

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, I am glad I am following the godfather of the carbon tax.

The Liberal member for Vancouver Quadra wants to punish the Canadian economy with a tax on everything. She is not alone.

The member for Saint-Laurent—Cartierville has called for a global carbon tax. Families would pay more for gas, more for electricity, and more for everything else. That is the Liberal vision for Canada. A Liberal carbon tax on everything would hurt Canadian families and job creators.

The interim Liberal leader called for the end of tax credits for children, transit users and workers. The Liberals continue to call for higher taxes on job creators. These are reminders of the Liberals' hidden agenda of imposing a massive new tax on everything if they ever get the chance.

Just like its NDP friend, the Liberal Party has no new ideas other than high taxes on Canadian families. When the Liberal member for Avalon had a moment of clarity on the issue in 2008, he said, "Liberals should not kid themselves. It's going to be a tough sell".

* * *

[*Translation*]

WHITE RIBBON CAMPAIGN

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, tomorrow marks the beginning of this year's White Ribbon Campaign, a time for men to unite and say "no" to violence against women.

[*English*]

Of course, this landmark campaign would not have been possible in the first place without the passion and dedication of our former leader, Jack Layton. He co-founded the White Ribbon Campaign back in 1991. Working out of a bedroom in Jack's house, he created a vision where men took greater responsibility and worked together to end violence against women.

While he may no longer be with us, Jack's vision is as strong as ever. Today, the White Ribbon Campaign has spread to 60 countries, with millions of men taking up the cause.

Starting tomorrow, I encourage all men to don a white ribbon and stand up against gender violence.

[*Translation*]

Violence against women can never be justified. It is up to all of us, men and women together, to put an end to it once and for all.

*Oral Questions**[English]***NEW DEMOCRATIC PARTY OF CANADA**

Mr. Rodney Weston (Saint John, CPC): Mr. Speaker, the NDP recently voted against helping the manufacturing sector stay strong; against helping small businesses hire more people; against tax credits for families, like the family caregiver tax credit and the children's arts tax credit; and against the volunteer firefighters tax credit.

The NDP opposes creating jobs. Then, to drive the point home, its members go abroad and attack Canada.

The NDP chooses to side with a small group of activists protesting against our energy resources. However, it also opposes other industries, such as mining, sealing, forestry, auto manufacturing, and trucking, just to name a few.

The NDP also wants to hit families and job creators with a job killing tax hike that would hurt our economy and set families back.

Undermining the economy and attacking Canadian jobs are yet more worrying examples that the ineffective, disunited NDP is unfit to govern.

ORAL QUESTIONS*[English]***HEALTH**

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, provincial health ministers are meeting today and they will be joined by their federal counterpart tomorrow. The NDP believes that privatization should be off the table.

The government should bring forward a 10-year health accord proposal, including a 6% escalator of the federal contribution. In return, we need a clear, monitored and enforced commitment to respect the Canada health accord.

Does the Prime Minister agree?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as we have said before, health care is one of the most important services that governments deliver to the people of Canada. That is why this government has been firm in its commitment to health care funding and to the Canada Health Act and to supporting those provinces that have engaged in alternative service delivery to improve service and universal access to Canadian patients.

• (1420)

[Translation]

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, if the Prime Minister is committed to supporting the provinces, he should be able to tell us his position.

What is he bringing to the table? More specifically, what will be the term of the next accord? What escalator is he proposing? And will he commit to closing the door on privatization? Canadians want to know the Prime Minister's position.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government has increased provincial health transfers to record levels. We strongly support our health care system. We are

working with those provinces, including Quebec, that have used alternative service delivery to improve universal access to our health care system.

* * *

PRESIDENT OF THE TREASURY BOARD

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, on another matter, why does the Prime Minister continue to defend his President of the Treasury Board?

In committee, we asked the minister if he would table all the documents sent to his office. In committee, he said yes. He said "sure" twice. Not once, but twice. Not only has he not tabled the documents, but the minutes were changed and he has the gall to ask for an investigation into the matter.

Does the Prime Minister realize that this farce has gone on long enough?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the President of the Treasury Board has already answered these questions about these documents. He has already sent the documents requested by the Auditor General to the Auditor General's office.

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*[English]***G8 SUMMIT**

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, yesterday the Muskoka minister made the claim, "the documentation that was in my purview was forwarded to the Auditor General, who had access to all documentation". That is simply not true.

Here is what the Auditor General said, "We received a small amount of documentation, which wasn't directly relevant".

Therefore, why is it that, even as he is trying to protect his privileges, he cannot give the House a straight answer? When will he bring forward the documents that he has been hiding, just as he promised to our committee?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, the allegations from the hon. member are not true. I answered all the questions that were put to me at two committee meetings, 75 questions in all. I have co-operated fully with the Auditor General. The Auditor General, in her conclusions, made clear there needed to be more official documentation at the intake stage of projects. However, the Auditor General also made clear that all documentation for the approved project proved that all dollars were accounted for.

Oral Questions

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, it is the Pinocchio principle. The Auditor General said that the rules were broken. The minister told the committee that he had nothing to do with the review of 242 projects and no role in deciding which ones to support or reject. That is simply not true. We have a letter from his office, sent to Muskoka Lakes, telling him that he reviewed its project and he rejected it.

Therefore, why was this letter not given to the Auditor General and when will he live up to his promise and give over those documents that he hid from the Auditor General?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, this is the same line of questioning that the hon. member pursued at committee. At that time, my hon. colleague, the Minister of Foreign Affairs, indicated that he made the final decisions on all projects.

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THE ECONOMY

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, economic risks are getting worse across Europe. The contagion has moved from Greece and Italy into Spain and Portugal and maybe France. Now even Germany is having trouble selling its bonds.

Here in Canada, unemployment is going up, while job quality is going down. There are nearly 600,000 fewer full-time jobs in Canada today than just before the recession began in 2008.

Will the government stop making things worse and cancel its job-killing payroll tax increase that is planned for January 1? Just stop it.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, there are 600,000 more people working in Canada than there were during the recession. We are one of the very few western countries to have achieved that outcome.

We are obviously very concerned about the situation in Europe. That is why we have announced the employment insurance position that we have, which has been very well-received by the small business community in the country and which certainly opposes the Liberal idea of a 45-day work year that would add 65¢ to EI premiums.

• (1425)

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, small business says, "Freeze the premiums. Don't raise them by \$600 million".

Even with all of their economic trouble, the Americans do better than Canada on productivity growth. Therefore, facing this challenge, plus more global risk, more unemployment, a more vulnerable middle class, what does the government choose as its leading priority? Bigger jails. Its policy for affordable housing and mental health seems to be bigger jails. Its policy for aboriginal training and jobs is bigger jails.

Why is the government putting prisons ahead of schools? Think what that \$13 billion could do for education and productivity.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, for this government, jails in our country are only for violent and repeat criminals. That is the policy of this government.

Obviously for the population at large, this government is dedicated to the creation of jobs. That is why we were elected. That is the platform on which we ran. That is what we will do.

I know the Liberal Party will vote against the creation of jobs, but that is why it will continue to sit in the far corner of the House of Commons.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, complacency is never good policy, especially when economic risks are rising and the gap between the very rich and everyone else is getting wider. Household debt is record high. Ten percent of Canadian kids live in poverty. Food banks are in growing demand. However, children in low-income families cannot qualify for the government's tax credits. Low-income firefighters cannot qualify. Low-income home caregivers cannot qualify.

Why are Conservative tax credits designed deliberately to exclude low income Canadians?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government recently passed a series of budget measures to help Canadian families, to provide tax credits for things like kids' education, to provide tax breaks to small business for new hiring. However, the Liberal Party of Canada, in its obstinate way, continued to oppose these measures, which are widely supported by Canadian families and Canadian business.

We are proud to be on the right side of these issues.

* * *

JUSTICE

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, yesterday the Prime Minister pointed to an important study by Justice Melvin Nunn to justify his misguided prisons agenda. However, today Justice Nunn is contradicting him, saying that he does not agree with the heavy-handed approach and that the government is going too far.

Is the Prime Minister now going to ignore Justice Nunn on youth justice?

When will the government finally see reason, abandon this misguided and costly prisons agenda and focus on hiring more police officers and take other preventive measures like the opposition has been suggesting?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I appreciate the NDP members have trouble fighting crime on any particular level, but I am quite surprised that they would specifically mention the Nunn report.

The bill that we have before Parliament right now targets those individuals who were zeroed in on by the Nunn report, a small group of out-of-control young people who are a danger to the public and a danger to themselves.

This is why I am so proud to be a part of this party. We were elected on a mandate to fight crime. That is exactly what we are doing.

* * *

FIREARMS REGISTRY

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, Justice Nunn is not the only one the government is ignoring. Victims of gun crime are here today in Ottawa desperate to be heard.

The Steyr HS .50 sniper rifle can pierce an armoured target from a kilometre and a half away. The Ruger Mini-14 has killed before. However, we are losing our last remaining safeguard in this legislation. Anyone will soon be able to sell these rifles and dangerous shotguns on the street without even checking for a valid gun licence.

In 2006 the government included safeguards for rifles being bought and sold. This time there is no such luck. What has changed?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, we understand the NDP is opposed to the abolition of the long gun registry, which targets ordinary law-abiding citizens. In fact, the member is incorrect. It is against the law to sell firearms to an unlicensed individual. There is a penalty of up to five years for that.

The member knows that and yet he makes that kind of a statement.

[Translation]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, a dangerous loophole in the bill to abolish the firearms registry could enable people without valid permits to purchase firearms such as semi-automatic rifles. Gun vendors will no longer be required to verify whether buyers have a permit.

Today, the Groupe des étudiants et diplômés de Polytechnique pour le contrôle des armes, the Fédération des femmes du Québec and the Association québécoise de prévention du suicide came to Ottawa to express their outrage. The government is leaving the door wide open for criminals and is abandoning victims. That is shameful.

Will the government wake up before it is too late?

• (1430)

[English]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, selling a firearm to someone without a licence is a crime. If people do so, they will be held accountable to the full extent of the law. Again, the member knows we are doing nothing in that respect by abolishing the long gun registry.

Rather than misleading people, I would ask her to get on board and work with us to target real criminals. That actually helps victims from becoming victims again.

* * *

JUSTICE

Ms. Françoise Boivin (Gatineau, NDP): I recommend the minister read his own law.

Oral Questions

[Translation]

This government, in the name of standing up for victims, is forcing a misguided crime bill on us that is based on personal observations instead of scientific studies. So much for being tough on crime.

The only study they have is from Justice Nunn, an expert on youth justice. This study does not have to do with every aspect of Bill C-10. In fact, this judge has been very critical of certain provisions of this bill.

Could the government give us just one scientific study in support of this bill?

[English]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, we have had input right across the country. I was very pleased, for instance, to get the input of the NDP in Manitoba, which has encouraged us to move forward on these initiatives. I can see that does not impress the hon. member.

The bill is very targeted. It goes after drug traffickers and those who would molest children. It sends out the right message.

The hon. member talks about victims. I am proud to be a part of the only party that stands up for victims and law-abiding Canadians in our country.

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GOVERNMENT APPOINTMENTS

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, every day Canadians learn of more pork patronage from that out-of-touch government. Today, its defeated Conservative minister, Jean-Pierre Blackburn, could soon be jetting off to UNESCO in Paris thanks to his buddies.

Appointing Conservative friends to important posts undermines all appointments. Why is the government using the Alfonso Gagliano approach to rewarding failed ministers? When will the government clean up appointments and establish a public appointments commission like it promised?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, our government has committed very strongly to improving the quality of public appointments. We are very proud of the appointments we have made so far.

In terms of the public appointments commission that has been referenced by the opposition member, we attempted to establish that. Last I checked, it was the opposition that blocked it from being put into place.

[Translation]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, it is hard to be convincing when you are not convinced. I would also remind the House that the Prime Minister promised not to appoint any new unelected senators. Yet one of the first things he did after the election was to appoint not one, not two, but three defeated Conservatives to the Senate. By appointing their friends to various positions, the Conservatives are doing exactly the opposite of what they promised Canadians.

Oral Questions

Will the Conservatives stop giving their defeated candidates promotions, or will they simply continue this culture of entitlement and giving gifts to their friends?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I welcome the NDP's support for an elected Senate. It is a good idea, and I encourage the NDP to support our bill, which, once law, will allow for such appointments.

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[English]

AUDITOR GENERAL

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, after several damning reports pointing out their mismanagement on important files like military procurement, the Conservatives are now proposing to cut the Office of the Auditor General. Our new AG's first task is to cut 60 jobs.

That is quite a coincidence, just days after the AG's fall report described some government spending as "disturbing". What does the Conservative government have against being audited?

• (1435)

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, as President of the Treasury Board not only did I take it upon myself to be part of the process that is reviewing 67 government departments and agencies, but I also wrote to various other officials and agencies that could also, on a voluntary basis, contribute to making sure that the government spends within its means. That includes the Speaker of the House and the Auditor General. I think that is fair. I think it is fair that we all work together.

When is the NDP going to join us in coming up with solid, decent proposals to help make sure the government spends within its means?

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, auditors find problems with the government, and that is where it could actually save the money to make sure those 60 jobs stay intact and that the savings are passed on to Canadians.

To quote the Auditor General, some government projects were "so poorly monitored that some producers made business arrangements that undermined the program".

With these types of conclusions on recent Conservative mismanagement of government programs, why is the government cutting the budget of the major accountability watchdog agency? What is it trying to hide?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, nothing could be farther from the truth.

We feel it is important to continue on with a low-tax agenda that creates jobs and opportunity in our economy and to make sure that the government and all of its relevant agencies spend within their means.

The NDP wants to raise taxes. The NDP does not care about jobs for citizens; we do, and we are going to continue, because we have the mandate from the people to do so.

[Translation]

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, if the government wants to convince us that it has nothing to hide, it will have to give us better answers than that.

We learned recently that nearly 20 annual audits of small boards, agencies and tribunals will be withdrawn from the Auditor General's program. The Auditor General conducts very important, independent audits, like the one that found inappropriate behaviour on the part of the Public Sector Integrity Commissioner.

Will those budgets also be cut? What is this government trying to achieve with that? Perhaps it is because the government would prefer that no one be able to check its books.

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, Canada is not immune to the problems that other countries are facing. Canadians gave us a strong mandate to protect and complete Canada's economic recovery.

[English]

We are carrying out that agenda, the agenda of the people. It includes lower taxes. It includes focusing on jobs and opportunity. It includes government spending within its means.

* * *

[Translation]

JUSTICE

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, Quebec's justice minister, Jean-Marc Fournier, has repeatedly asked the government to table studies to support Bill C-10, saying "Frankly, I cannot accept that we are making laws on criminal justice issues... guided by just personal observations".

When will the government table these studies and recognize that bills have to be based on hard facts?

[English]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, as I pointed out to the Attorney General, we had a look at the Nunn report and received suggestions from there. I went across Canada, every province and every territory, and received input with respect to the Youth Criminal Justice Act. I have consulted with provincial attorneys general.

Most importantly, we consulted with the people of this country with respect to our agenda in this area, and they gave us overwhelming support. I am very grateful for that.

Oral Questions

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, the Minister of Justice, as all ministers of justice, has a duty to ensure that all government legislation comports with the Canadian Charter of Rights and Freedoms, yet Bill C-10 raises serious constitutional concerns, including the risk of cruel and unusual punishment due to prison overcrowding, gross and disproportionate sentences, overly broad and vague offences, and disproportionate effects on already vulnerable people, such as aboriginals.

Will the Minister of Justice commit to tabling before the House a review of the constitutionality of Bill C-10 respecting these concerns and ensure that none of—

The Speaker: Order. The hon. Minister of Justice.

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, the provisions in the bill are very reasoned and well proportioned, and they send out the right message. For those people who are in the business of molesting children, there will be jail time. For those people who are part of organized crime, we are sending out the message that if they bring drugs into this country, they are looking at jail time. This complies with the charter and the Canadian Bill of Rights.

We have been given a mandate by the Canadian people to proceed in this direction, and that is exactly what we are going to do.

* * *

● (1440)

THE ENVIRONMENT

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, I have a simple question on ozone monitoring based entirely on what the Minister of the Environment himself has already said.

In the House he said that his cuts are simply consolidating and streamlining duplicating measurements, but in his own signed order paper answer, hopefully not an unreliable source, he states that: “These measurements complement, but do not duplicate each other”.

Can the minister please clarify for us whether the two measurements that his department uses, ozonesondes and Brewer, are complementary or duplicated?

Hon. Peter Kent (Minister of the Environment, CPC): Mr. Speaker, I would suggest that my hon. colleague spend less time trying to mine past statements to prove some dire hypothetical outcome. The simple message that my colleague should hear, digest and accept is that Environment Canada will continue to monitor ozone.

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HEALTH

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, as health ministers meet this week, Canadians are looking for leadership from the federal government, not only on the upcoming 2014 health accord but also on the lack of action from the 2004 accord. It is clear that the government has dropped the ball on health care. Right now, five million Canadians do not have a family doctor.

I ask the Minister of Health: what is she going to do now to meet the commitments of the 2004 health accord?

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, of course I do not accept the premise of that question. The minister will have the opportunity to meet with health ministers tomorrow to discuss what we have learned from the 2004 health accord. Our government is committed to a universal and publicly funded health care system and the Canada Health Act. We are committed to continuing the 6% escalator to the provinces and territories.

The upcoming discussions will be about accountability and results for Canadians, because that is what they want, which will include better reporting from the provinces and territories to measure that progress.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, Canadian families are still waiting for an affordable drug plan and long-term care and want to know why there has been no federal action on the commitments made in 2004. With an aging population, lowering the cost of prescription drugs is more important than ever. The government has had five years to act, but nothing has been done.

How can we expect leadership from the government on the 2014 health accord if it still has not delivered on the promises that were made in 2004?

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, again, our government is committed to the Canada Health Act, and we have committed to continue supporting the provinces and territories. We have delivered over 30% more money to the provinces and territories to deliver the services to Canadians, which is provincial jurisdiction, and we are having great conversations with the provinces and territories. These conversations have started two and a half years before the end of the health accord so that we can get started on the next agreements with the provinces, and we are looking forward to that.

[Translation]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, ever since the Conservatives have been in power, they have been turning a blind eye to the pressing needs in the health care system.

Still today, 5 million Canadians do not have a family doctor. Wait times in emergency rooms are getting longer.

With the negotiations on the 2014 health accord starting this week, the Conservatives have an opportunity to work with the provinces and territories to correct this embarrassing situation. This is a critical accord.

What will this government do to guarantee Canadians real, measurable results to improve our public health care system?

*Oral Questions**[English]*

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, as I said, we have been working with the provinces and territories and following through with the accord that was signed in 2004. We are taking a proactive approach with the provinces and territories. It is two and a half years before the end of this agreement.

We have continued to support the provinces and territories with the delivery of their health care. We respect their jurisdiction and we are looking forward to their ideas and what they are finding on the front lines so that we can work together, because that is what Canadians want. They want governments to work together for the best health care system in the world for Canadians.

[Translation]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, this government has not been able to keep its promises on the current health accord. That is not very proactive.

The government promised to be accountable to Canadians on the \$40 billion investments in this accord, but eight years later, the situation is far from improved.

Far too many Canadians still have to wait for surgery, others do not have access to home care, and drug insurance coverage is inadequate, to name a few of the problems.

In the negotiations to renew the health accord, will the government show leadership to ensure that Canadians can have the health care they deserve?

• (1445)

[English]

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, I do not know where the NDP has been in regard to health care for Canadians.

Our government has increased health care transfers to the provinces and territories by over 30% since forming government. If the NDP members were paying attention, they would know we made additional investments in pandemic preparedness, medical and neurological research, food and product safety, wait times, electronic health records and aboriginal health care. Each and every one of these things the NDP voted against.

When are they going to get onside with Canadians so that we can work together to have the best health care system available to communities?

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*[Translation]***LANGUAGE OF WORK IN QUEBEC**

Mr. Costas Menegakis (Richmond Hill, CPC): Mr. Speaker, recently, the media have reported some problematic situations regarding the language of work in several companies in Quebec.

Could the minister responsible for Quebec tell us whether the government intends to take action on this issue, which is so important to Quebecers?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, the NDP has clearly not done its homework with regard to language of work.

Our government is committed to promoting and protecting the French language in Canada. I have the privilege of announcing today in the House that our government is going to set up a consultative committee that will be responsible for determining whether a problem exists with regard to the French language in federally regulated private businesses.

French is an integral part of our history, our identity and our daily lives. French is Canada's founding language, and our Conservative government is very proud of that.

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THE ENVIRONMENT

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, the Conservatives can call us anything they want. If they put as much effort into creating a serious plan for sustainable development of the oil sands, the United States and Europe would not be slamming the door on Canada. While they refuse to act to protect our environment, our jobs are going up in smoke.

Will the minister finally listen to what Canadians want and come up with a sustainable plan for our resources?

[English]

Hon. Joe Oliver (Minister of Natural Resources, CPC): Mr. Speaker, in a torturous scrum yesterday, the NDP environment critic twisted herself into a pretzel of contradiction and bizarre ideas. She admits it is all about jobs, but she opposes Keystone XL, which would create hundreds of thousands of jobs in Canada. She wants refineries built, but does not want pipelines built to send the refined oil to product. Can members believe it?

I ask the member, is this total confusion or rank cynicism? Canadians—

The Speaker: Order, please. The hon. member for Halifax.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, if being a grumpy old man makes one an expert on world—

Some hon. members: Oh, oh!

The Speaker: Order, please. We are not even through our second week of a five-week stretch. If we cannot get through this week, I hate to think what next week will be like. Let us have a little bit of order.

The hon. member for Halifax, and I hope she will not make personal comments about other colleagues.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, this is the smiling face of cynicism.

This week I met with European representatives, who told me that because of the government's inaction on climate change, Europe is slamming the door on Canadian energy, which is the same reason that the Americans slammed the door on Keystone. With every door that closes, the minister is killing Canadian jobs.

When will the government clean up its act and actually support real job growth in the Canadian energy sector?

• (1450)

Hon. Joe Oliver (Minister of Natural Resources, CPC): Mr. Speaker, it is one thing to go to foreign countries and work against the interests of Canadian workers and those who are unemployed from coast to coast. It is another thing to insult senior citizens.

In this country we live was on the shoulders of our ancestors. How despicable—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Burnaby—New Westminster has the floor. We will have a little bit of order.

* * *

EMPLOYMENT

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, we take no lessons from that minister or this failed government on jobs.

Last month the Conservatives lost 72,000 full-time jobs across the country. Seventy-two thousand families lost their breadwinner because of the government's policies. Statistics Canada announced today that real wages for Canadians went down nearly 2% over the past year under this government.

People say that Tory times are tough times, but when will they start to care about middle-class and poor Canadians? When will they get down to work on helping struggling Canadian families? Where is the jobs plan that we have been asking for in this House week after week?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, it is the one the NDP voted against on Monday night in the House of Commons. Do they remember that? They refused to support the budget.

They voted against the job creation tax credit for more than half a million small businesses in Canada. That is the part of the economy that generates jobs, the 600,000 net new jobs we have in Canada since the end of the recession.

They voted against the family caregiver tax credit, the children's art tax credit, the volunteer firefighters tax credit, tax relief for the manufacturing sector and making the gas tax fund permanent for infrastructure for municipalities.

That is where the jobs come from. Why does the member keep voting against everything?

[Translation]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I have seen it all. The minister does not know that the government lost 62,000 full-time jobs last month. That is unbelievable. Today we learn that Canadian workers are earning

Oral Questions

2% less this year than last year because of the Conservatives' policies. It is very clear that this government could not care less about ordinary families.

When will the Conservatives come up with a plan? When will they take care of real people? When will they do their job, produce and create—

The Speaker: The hon. Minister of Finance.

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the NDP bandies about numbers with respect to jobs, so I thought I would seek some authority about their numbers. I went to one of the large unions and the Canadian Labour of Congress's chief economist, Andrew Jackson, said that the Conservatives have the job numbers about right. He said:

[S]ince the worst part of the recession we've created 600,000 jobs. We even have more jobs in Canada than we had at the beginning of the recession.

There is a good authority you should respect.

The Speaker: I remind colleagues to address their comments to the chair and not directly at other members. The hon. member for Halifax West.

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HEALTH

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, fed up with government inaction on the critical issue of worldwide drug shortages, Liberals held a round table this morning with industry, pharmacists, academics and doctors to seek their input on the cause of the problem—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. member for Halifax West has the floor.

Hon. Geoff Regan: Mr. Speaker, I guess they are sad that they were not invited.

One key recommendation was for Health Canada to fund a drug shortages monitoring system similar to the FDA's in the U.S.

Will the government commit to this first step, or does it still think that timely access for prescription medication, as listed in the 2004 health accord, is not its responsibility?

• (1455)

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, that was the problem when the Liberals were in government. All they ever did was hold round tables. They never took action.

Our government is way ahead of the Americans. We are playing a leadership role when it comes to the drug shortage issue around the world.

This summer the minister talked to drug companies and said that if they did not take action, the government would look at regulations.

Oral Questions

I am pleased to report to the House that these companies have responded positively to our request. Information about drug shortages will soon be available on public websites, giving patients and medical professionals the information they need to make decisions. The final details are being worked out—

The Speaker: Order. The hon. member for St. Paul's.

* * *

ABORIGINAL AFFAIRS

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, today first nations communities are taking the federal government to court in order to seek justice in the egregious underfunding of first nations schools. Communities like Attawapiskat still have no school, something which Shannen Koostachin so bravely fought for.

Provinces typically spend about \$12,000 per student in non-aboriginal schools. The federal government spends only \$8,000 per year per student in first nations schools.

Will the Minister of Aboriginal Affairs and Northern Development acknowledge that this funding inequity is actually discrimination, and commit immediately—

The Speaker: The hon. Minister of Aboriginal Affairs and Northern Development.

Hon. John Duncan (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, in terms of first nations education across the country, we have obviously taken this very seriously. We have made it a priority.

I cannot comment on the litigation that has come forward; once there is litigation, obviously we cannot do that.

In terms of the school in Attawapiskat, we have made a commitment. It is under way. Even the member for Timmins—James Bay said that it could not be done any faster. We are doing the right thing.

* * *

[*Translation*]

TRANSPORT CANADA

Ms. Éline Michaud (Portneuf—Jacques-Cartier, NDP): Mr. Speaker, the people of Neuville are worried about an airport being built in their area, but the Minister of Transport, Infrastructure and Communities has consistently refused to meet with the mayor because this apparently is not his jurisdiction.

He should probably tell his staffer, who told the mayor of Neuville last week that he would organize a meeting. Perhaps the issue is that no one knows what falls under the minister's jurisdiction.

Will the minister finally commit to meeting with mayors who are worried about the effects of the Carriage by Air Act?

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, our government has a tremendous amount of respect for provincial and municipal jurisdictions in Quebec. This member does not understand that the city is responsible for what happens within a municipal region. The mayor and the city council have an

agreement. The city signed an agreement with the developer to minimize the effects of the construction.

Could we talk about federal jurisdiction in the House and allow those in other jurisdictions to do their jobs?

* * *

VETERANS

Ms. Annick Papillon (Québec, NDP): Mr. Speaker, it took a veteran's desperate act to make the minister agree to establish a consultative committee on veterans' health.

The minister promised Pascal Lacoste that the committee would be set up by December 8. That is in two weeks' time. However, we have heard absolutely nothing since he made the announcement. All we know is that the first topic of study will be the effects of exposure to depleted uranium.

Can the minister tell us who will sit on the committee in question and can he commit to tabling the committee's report in the House?

Hon. Steven Blaney (Minister of Veterans Affairs, CPC): Mr. Speaker, on this side of the House, when it is time to vote for our veterans, we rise and support the budget initiatives to help them. Furthermore, when it is time to help veterans, as I helped Mr. Lacoste, we extend our hand to them. We are prepared to provide him with treatment and an assessment that meet his needs and those of his brothers in arms. I made the commitment and hon. members will have to stay tuned: the veterans' health committee will be set up by December 8.

* * *

[*English*]

ABORIGINAL AFFAIRS

Mr. LaVar Payne (Medicine Hat, CPC): Mr. Speaker, first nations members have been calling for the same accountability and transparency from their elected officials that all Canadians expect and deserve.

Despite fierce opposition from the NDP and the Liberals, our government is taking action to ensure that first nations people can access financial information about their chiefs and councillors, and take real steps toward democratic and economic change.

Could the Minister of Aboriginal Affairs and Northern Development tell the House how our government is addressing this issue?

● (1500)

Hon. John Duncan (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, our government believes that first nations, like all Canadians, deserve transparency and accountability from their elected officials.

The first nations transparency and accountability act builds on our government's ongoing commitment to ensuring first nations have strong, transparent and accountable governments. It will also decrease the reporting burden.

Oral Questions

We have listened to community members who have repeatedly said this is necessary for their communities. I am proud that our government is taking action, which has been long overdue.

* * *

[*Translation*]

SEARCH AND RESCUE

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, the Minister of Veterans Affairs, he who stands side by side with our brave veterans, must know that when one's life is in danger, it is a human reaction to want to speak in one's mother tongue, with one's accent, with someone who understands us and knows the danger we are facing.

What is the minister going to do to prevent Quebec from being divided in two, with half going to Trenton and the other half going to Halifax, and to ensure that this rescue centre, located across from his riding, can continue to save lives on the St. Lawrence River and in the Gulf of St. Lawrence?

[*English*]

Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC): Mr. Speaker, in terms of the sub-centre in Quebec City, the member can rest assured that the services provided in Trenton will have fully bilingual people trained to perform that duty. There will be no jeopardy on safety and security.

* * *

[*Translation*]

LAPIERRE ISLAND

Ms. Paulina Ayala (Honoré-Mercier, NDP): Mr. Speaker, under the ecological gift program, businessman Alfonso Argento donated Île Lapierre and walked away with nearly \$14 million. The island is covered in garbage and no longer has any ecological value. All the officials who worked on the file have said so. The land was last evaluated at less than \$400,000.

How could the Government of Canada have determined a market value of \$14 million, when no assessment agrees with that amount?

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, of course, when it comes to assessing land values, there are jurisdictions here, too. Our government has always operated based on respect for the environmental value of all federal assets. We will focus on the things under federal jurisdiction.

* * *

[*English*]

EGYPT

Mr. Ted Opitz (Etobicoke Centre, CPC): Mr. Speaker, the media has recently been reporting on clashes near Tahrir Square. Canadians are rightly concerned about the difficult transition from the Mubarak regime to a democratically elected and legitimate government of Egypt.

As the House knows, Canada has played a significant role in assisting the Arab Spring, as well as supporting democratic aspirations of the people of northern Africa and the Middle East.

In this regard, I would ask the Minister of Foreign Affairs to please give the House an update on the Canadian government's reactions to these most troubling media reports.

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, I think I can speak for all members of the House that we are outraged when we see the violence in Tahrir Square when people are seeking to peacefully protest. We are outraged when we see Coptic Christians in Egypt being targeted and many being killed.

We are calling on all sides to work co-operatively toward the elections that are coming up this Monday and to ensure that democracy will outweigh the violence that we have seen in recent days.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, my question is a matter of federal jurisdiction. What the member for Madawaska—Restigouche said is insulting. In his opinion, workers in the Atlantic provinces want to work only the minimum 12 weeks required to obtain employment insurance benefits. He also said that workers should have to have a grade 12 education in order to be eligible for benefits. That is unacceptable.

Is the minister going to take the same stand with regard to the people in his riding who worked at the Irving sawmill, which closed in October, and tell those who do not have a grade 12 education that they are not entitled to benefits? Come on. Why does the minister want to penalize workers in the Atlantic provinces?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we want to help people find jobs. That is why we gave the provinces and territories funding for training and education through our economic action plan—so that unemployed workers can acquire the skills they need for the jobs of today and tomorrow. That is the best way to help these people. It is unfortunate that the NDP does not believe it.

* * *

● (1505)

[*English*]

THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, next week the United Nations negotiations under the Framework Convention on Climate Change will begin in Durban. Given that the Minister of the Environment has led us to understand that there will be no MPs travelling with him to Durban, I would like to pre-empt the usual Thursday question and ask the hon. government House leader if he plans to have a debate on climate change in the House before his colleague leaves next week.

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, we have no such plans right now.

*Business of the House***PRESENCE IN GALLERY**

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the Honourable Robert Henderson, Minister of Tourism and Culture in the Legislative Assembly of Prince Edward Island.

Some hon. members: Hear, hear!

* * *

BUSINESS OF THE HOUSE

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I have noticed a disturbing trend developing around the Thursday question over the past several weeks. It is a trend that allows the government House leader to take advantage of a certain convention.

[*Translation*]

The hon. member on the government side is using the Thursday statement to create spin and rhetoric concerning the government's legislative agenda.

Last week, even after my colleague from Laurier—Sainte-Marie reminded the House that there was no place for debate in the Thursday statement, the Leader of the Government in the House of Commons made a 600-word speech on the virtues of the schedule, instead of simply reading out the schedule.

[*English*]

That is what he is supposed to be doing. In fact, he argued in favour of a number of bills, including Bills C-18, C-13 and others.

If you review the record, Mr. Speaker, there can be no doubt that it was debate, not simply providing information, as the Thursday question is supposed to be for.

Also, Mr. Speaker, you will know as well as anyone else that this past week, the government voted to shut down healthy debate for the 10th time in this Parliament. It continues to undermine Canadian democratic principles by ramming bills through the House without adequate debate. This, too, is a radical and much more serious departure from the traditions of this place, which enshrine the duty of MPs to exam and debate legislation comprehensively before passing judgment on it.

I would ask the government House leader what the business of the House will be for the next week. I would also ask, if he is allowed to stray from his talking points, if he perhaps could spare us the spin from the Conservative war room and curtail his own debate rather than that of MPs trying to do their jobs on behalf of all Canadians.

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, this is delivering results on jobs week.

I will begin by noting that the highlight of the week was the passage of the budget implementation act, Bill C-13, keeping Canada's economy and jobs growing act. That legislation has now moved on to the other place where we look forward to its passage.

We have also advanced Bill C-18, the marketing freedom for grain farmers act, past report stage. This bill would give marketing choice to western grain farmers, so it is a priority for us to have market

certainty and have it passed by next year. For that reason, it is our intention to complete third reading of the bill on Monday.

[*Translation*]

Of course, Tuesday afternoon and again this morning, the House has continued debate on the opposition amendment to decline second reading of Bill C-11, An Act to amend the Copyright Act. We will continue that debate this afternoon. If the opposition finishes their effort to block this bill—after 16 hours of speeches—we will proceed to Bill C-14, Improving Trade Within Canada Act.

Tomorrow will be the sixth allotted day.

[*English*]

On Monday, we will start here for law-abiding Canadians week.

On Tuesday, we will start the post-committee stages of Bill C-10, the safe streets and communities act. This will continue on Wednesday. I note that it was reported back from the Standing Committee on Justice and Human Rights this morning. I do want to thank the members of the committee on their 27 hours of meetings in just the past couple of weeks. All told, including the nine predecessor bills within this legislation, we have seen 95 hours of House debate, 261 speeches in both chambers of Parliament, not to mention 70 meetings in committee rooms of this place.

On Thursday, we will continue here for law-abiding Canadians week with the start of debate on second reading of Bill C-26, the citizen's arrest and self-defence act, which the Attorney General introduced recently. Should time permit after that debate next week, we will return to debate the opposition's motion to block Bill C-4, the human smuggling bill, from going to committee. We hope we will be able to complete the debate on the opposition's motion to prevent that bill from going to committee soon so that we may actually have it go to committee.

[*Translation*]

Finally, as part of this week's delivering results on jobs week, on behalf of my honourable friend, the Minister of Finance, I am pleased to table a ways and means motion in support of the establishment of a financial literacy leader for Canada. As honourable members would know, November is Financial Literacy Month; an issue championed by the hon. member for Edmonton—Leduc, the chair of the finance committee.

Pursuant to Standing Order 83(2), I ask that an order of the day be designated for the consideration of this motion. For the benefit of the House, I plan to call this motion immediately after question period on Tuesday of next week.

Points of Order

• (1510)

[English]

POINTS OF ORDER

DISTURBANCE IN GALLERY

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I rise today on a point of order to draw attention to the disturbing incident that occurred in the gallery yesterday afternoon during votes.

I think members on all sides of the House are well aware that protests are a part of parliamentary life. In fact, during the summer months in particular it seems there is a protest on the front lawn of Parliament almost every day. However, those protests, invariably, are peaceful, and they are outside. Yesterday the protest occurred inside the House, and it was far from peaceful.

Many people who are listening to this may wonder how this could this occur, how could a protestor get inside Parliament.

The answer is quite simple. The protestor was sponsored and, in this case, he was sponsored by the member for Churchill. This is unfortunate because it is a continuing pattern. It seems that the member for Churchill has been involved in incidents like this before. Mr. Speaker, you will remember that just last year a handful of protestors staged a sit-in in the offices of the Minister of Aboriginal Affairs and Northern Development. During that sit-in, the members of the protest group disrupted the activities of the office of the minister and intimidated his staff. That sit-in occurred only moments after those protestors left the offices of the member for Churchill, with whom they had had a meeting earlier.

When the protest occurred yesterday, one of the most distasteful elements was that it appeared quite apparent to all of us that the member for Churchill and her opposition colleagues knew that the protest was going to take place because they had their cameras ready and they were cheering and encouraging the protestor when he started to try to make his statements.

Members in this place are expected to uphold the dignity of and respect the institution in which they serve. However, by their very actions yesterday, members of the opposition who were applauding and encouraging the protestor actually diminished this institution, and for that they all should be ashamed.

However, it does not stop there. When security guards approached the protestor yesterday afternoon, the protestor engaged them in what can best be described as a wrestling match, thereby putting the safety of the security forces at risk. During that tussle, that wrestling match, members of the opposition—not all, but many—continued to applaud and cheer and actually egg on the protestor, thereby even further jeopardizing the safety of our security forces.

Mr. Speaker, I can assure you of one thing. On this side of the House, no member of the government would ever encourage or condone the actions of any individual who would put the health and safety of our security forces at risk.

I simply ask that the member for Churchill, at her first opportunity, stand in her place to apologize to the fine men and

women of our security forces for putting their security in jeopardy and to apologize to this House for disrespecting the very institution in which they serve.

• (1515)

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I have spoken with the member for Churchill about the incident and I am absolutely certain about the following facts.

She did give passes to at least eight people for the members' gallery west. This is a common practice for all members when we are welcoming visitors to the parliamentary buildings. She had no knowledge that a single person within the group to whom she gave a pass would misbehave in any way. Like most members, she believes that people are generally nice and well-behaved, and the government has no evidence of any foreknowledge because such foreknowledge does not exist.

The member for Churchill is no more responsible for the behaviour of the person in the gallery than the Speaker of the Senate was responsible for the protest from the Senate page which took place during the Speech from the Throne. Interestingly, the government has yet to bring forward that debate. Just because someone helps people to be in their place does not imply any knowledge of their plans.

The member for Churchill regrets the disruption in the gallery. None of us condone it. We are pleased with the actions taken by our security services.

Mr. Speaker, should you find that this behaviour constitutes a prima facie case of privilege, she will be happy to address the chamber on the frustrations that all Canadians feel stemming from the anti-democratic approaches the government takes to governing. How people react to a government that denies debate on public policy is certainly worthy of debate in this chamber.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I rise on the same point of order.

I sat here and watched the demonstration. In fact, I will admit that I stood up and applauded. Civil disobedience is a part of democracy but I do agree that it should not have happened in this chamber.

However, I spoke to the group in a meeting before and after the incident and I can assure the House that of the eight individuals, seven of them did not even know that the incident was going to take place.

The government member basically said that there was a wrestling match. I watched it and there was no wrestling match in the gallery, none at all. The individual—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Malpeque has the floor.

Hon. Wayne Easter: Mr. Speaker, the individual walked out peacefully. Yes, there were security officers around him but he left—

Some hon. members: Oh, oh.

Points of Order

The Speaker: Order, please. I find it very ironic that we are talking about decorum in the gallery, yet the House will not give the member for Malpeque the civility and decorum that the Speaker has asked for.

The hon. member for Malpeque.

Hon. Wayne Easter: Mr. Speaker, that is in fact the problem, which leads me to the key point on why the incident took place in the first place.

The government member talked about respect for this institution. If we were to talk to the individual who held up the signs and shouted from the gallery, he would tell us about the respect that he has lost for democracy as a result of the government's actions in terms of how it is basically doing away with the Canadian Wheat Board.

Those individuals sat here while the minister answered questions. I can assure the House that, from their perspective, they do not believe the minister's answers were fully honest, if I can put it that way. The individual is a young farmer. Those individuals strongly believe that this is an important debate and that this institution and the government should be allowing hearings on this major issue in western Canada. That is what those people believe. They believe their voice has been taken away. They know their vote has been taken away. The individual did what is right in a democracy by standing up in civil disobedience against the actions of the government, which is doing undemocratic things.

That is why it happened. It should not have happened, but the blame does not rest with the member for Churchill. The blame falls right on the shoulders of the very government that is doing these undemocratic things.

• (1520)

Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC): Mr. Speaker, I find this outrageous. This has nothing to do with one party or another party. This is Parliament. We cannot have these outrageous demonstrations in Parliament. Civil disobedience is fine. Civil disobedience can be done anywhere in the country. It can be done on the lawn. However, this is the House of Commons, a very special place where laws are passed and budgets are passed. We cannot have these kinds of disturbances.

The member for Malpeque just made his comments. I notice that you are a member of Friends of the Canadian Wheat Board, as is Mr. Dean Harder, the person who demonstrated up there. Is that not an interesting coincidence? You also had your camera ready to take—

The Speaker: Order, please. I need to remind the hon. Chief Government Whip to address his comments through the Chair and not directly at other members.

Hon. Gordon O'Connor: Where I said, you, I meant you.

Mr. Speaker, this was an outrageous act in this Parliament that should not have happened. It would get resolved quickly if the people involved would apologize and promise not to do it again.

Members may remember that about a year ago a bunch of people from the environmental movement were also sponsored in here.

They had their demonstrations. Why does demonstration after demonstration come from the same group of sponsors?

The Speaker: I hesitate to allow this to turn into a debate about the merits of government policies in terms of the flow of debate, but I see the opposition House leader rising, so I will take that intervention and then I think it is time to move on.

The hon. member for Windsor—Tecumseh.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I had not intended to stand, but that last comment cannot go without a response.

Mr. Speaker, you heard very clearly from our whip. We all sponsor members of the general public to come here and sit in the galleries. We do that every single day.

To then attribute misbehaviour on behalf of one of those people that we sponsored to the individual who was the sponsor is just totally inappropriate. To make that kind of comment is wrong because at any given time one of those people who we provided a pass to sit in these galleries could be doing the same thing.

This weekend I will have been here 11 years. I have been through five incidents, and in not one of those incidents, and I include the one that happened yesterday, can we point to the member of Parliament who allowed the person to have the pass as having any foreknowledge that there was going to be an incident.

We have had five incidents, and I do not believe there have been any other incidents. I was in the chamber every single time and there has never been an occasion when we could show that the member who was the sponsor had any knowledge of what was going to happen.

The Speaker: I understand the hon. member for Ottawa—Orléans is rising on a different point.

STATEMENTS BY MEMBERS

Mr. Royal Galipeau (Ottawa—Orléans, CPC): Mr. Speaker, it is with some sadness that I stand today to make this point, but you may be able to allow me some indulgence.

Concerning the five incidents that the opposition House leader just referred to, it is passing coincidence that in each of those five cases the individual was sponsored by a member of Parliament from the New Democratic Party.

[*Translation*]

As we just discussed, emotions were running high yesterday in the House. In addition, the hon. member for Portneuf—Jacques-Cartier rose in the House when I was not here with the specific goal of accusing me of saying things about the Auditor General that I did not say. Her statement can be found on page 3,456 of yesterday's *House of Commons Debates*.

For the record, I would like to remind the members of the House that I support the government's decision. We wanted bilingual candidates. Upon completion of a rigorous process, it was determined that the candidate chosen was by far the most competent applicant. I am happy to know that Mr. Ferguson has committed to becoming bilingual and that he has already been taking language courses for several weeks.

The hon. member knows full well that I am careful not to play partisan games. She also knows that I welcomed her here with all the dignity she deserves. She could have a promising future in the House, serving the riding of Portneuf—Jacques-Cartier, her province and her country. For that to happen, she should avoid picking up bad habits and stick to what was said, instead of putting words into the mouths of other members.

I would be pleased to provide you with a transcript of the speech I gave the day before yesterday before the Standing Committee on Official Languages.

• (1525)

[English]

In fact, I would be prepared to table it at this time if the House would give me unanimous consent.

The Speaker: Does the hon. member have unanimous consent to table the document to which he is referring?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: There is no consent.

The Chair will take the matter under advisement and come back to the House if necessary.

The hon. member for Yorkton—Melville is rising on a different point.

DECORUM

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, this is a separate point of order, but ties in a bit with what has been happening in the last little while.

We are concerned about decorum in the House. The applause yesterday for the demonstrator is an encouragement for decorum to continue to decline. The NDP made a pledge for proper decorum in the House, but I was very disturbed today by the fact that the NDP applauded the statement made by the member for Halifax that was very demeaning to seniors in Canada. This occurred during question period.

At first one could view this as just the view of the one member for Halifax, but the laughter of the members opposite, like the member for Winnipeg Centre, demonstrates an attitude that really concerns me. The label given to seniors by this MP is totally unacceptable. The laughter she engaged in after making those derogatory comments reflects a problem that goes a lot deeper than just the comments made. The decorum in the House on the part of the NDP has slipped considerably.

I am asking you, Mr. Speaker, what could be done to remedy this situation?

The comment is an insult to seniors across this country. The member did not retract her statement. She had lots of time to do that. I would like you to review that, and if you agree with me that this is demeaning to Parliament, I would like to pursue this further.

Points of Order

[Translation]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I appreciate the comments made by the hon. member in defence of seniors. That being said, the comments that the minister is making about the hon. member for Halifax having twisted herself into a pretzel are no more ministerial or sensible.

We will take no lessons from a government that treats the opposition in such a cavalier manner, denies it the basic right to debate most of the bills introduced in the House and is acting almost like a dictatorship.

This results in a type of behaviour that is somewhat unfortunate. Indeed, we would like there to be decorum, but decorum and respect have to be earned.

[English]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I will keep my remarks short. What is disturbing is using legitimate points of order as an attempt to create a narrative that then can go out to the public. That undermines the role of a point of order.

The idea that members of the New Democratic Party are to sit and be polite to whatever government insults they receive on a daily basis—

An hon. member: A point of order.

Mr. Charlie Angus: This is a point of order.

The Speaker: I have just been informed that the earpieces are not working.

They are working now. The hon. member for Timmins—James Bay.

• (1530)

Mr. Charlie Angus: Mr. Speaker, the hon. colleague is concerned that the term that the member was acting like a “grumpy old man” was somehow to be inferred as a complete insult to senior citizens across this country. People back home would think this is like the bully who suddenly gets challenged.

If we are going to talk about legitimate points of order, we should be following basic parliamentary procedures, not “he called me that” or “she called me this”, especially when we see the kind of ridicule that comes off the government benches on a daily basis.

I would urge you, Mr. Speaker, to be mindful of the larger role of parliamentary democracy and not be taken in by these attempts to rewrite the public record as being malicious attempts to undermine everything that is good in this country just because we are doing our job of challenging ministers who are refusing to answer questions.

The Speaker: I appreciate that some members may want to add, but we have gone on now for over half an hour on these points. The Chair has heard enough on all three issues raised today, and we will move on to orders of the day.

The hon. member for Windsor—Tecumseh is rising on a different point of order.

*Privilege***PRIVILEGE**

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I had advised you that I would be responding to the question of privilege that was raised by the President of the Treasury Board yesterday.

I stand to respond to the question of privilege he raised. He raised it with respect to the apparent altering of the official record of the Standing Committee on Public Accounts.

The first note I would make is that there seems to be some ambiguity. I was not quite sure where he was going with this, so I will perhaps pose this rhetorical question. Is he asking the Speaker to rule on whether and how the blues were altered? It was not entirely clear, but I think that is where he was going.

If that is the thrust of his question of privilege, certainly members on the official opposition side would—

The Speaker: Order. I have just been informed of a problem with channels 2 and 5. In the interim, I would suggest members use channel 1, which is the floor channel, and there should not be any interference. In the meantime, we will try to resolve the problem.

Mr. Joe Comartin: Mr. Speaker, if in fact the request is for you, Mr. Speaker, and your office to determine whether the blues were altered and how, members on this side of the House would be in full support of that.

However, we would note that the point that was at issue, and would ask you to address it if that is the thrust of where we are going, is how the formal commitment contained within the committee blues for the President of the Treasury Board to provide documents to the public through the committee was struck from the official record.

You have repeatedly heard the term “sure, sure” in response to questions from the member for Timmins—James Bay, and that those words had been taken out. I think the President of the Treasury Board was in fact admitting that it happened, that the initial draft came with the word “sure” twice in response to questions from the member for Timmins—James Bay, and that they were not there in the official record when it was finalized. How that came about, we would like to know.

On the other hand, if the government seeks to engage in a thorough debate about how it is that the Conservative government, through its ministers, continues to withhold vital information about how public money was spent by the President of the Treasury Board, we would respond very vigorously that we would like to do that as well; that is, engage in that debate.

It is entirely possible that the privileges of all of the members of the House were breached by his actions in the public accounts committee, first by saying “sure”, and then by not giving the documents, as he appears to have made a very clear commitment in that regard.

However, if the President of the Treasury Board is hoping to correct the record as to what was said to the media in the press conference in the morning, if that was the thrust of where he was

going, and I had some sense of that although it was not entirely clear, that is beyond the purview of you and this Chamber.

Therefore, if he wants to try to correct whatever impression was left there, that is a question of debate—

• (1535)

The Speaker: Order. I am sorry to keep stopping the hon. member for Windsor—Tecumseh.

Do we still have problems?

Mr. Scott Simms: Mr. Speaker, I brought it up before. I think channel 2 is not working, which is the English channel. I am also getting tweets from the general public saying they cannot hear either.

I do not know what is happening. Maybe we want to suspend. I am not sure.

SUSPENSION OF SITTING

The Speaker: In light of the technical difficulties and in the interests of allowing members to hear what is being said, we will suspend for a few minutes while we try to sort this out.

(The sitting of the House was suspended at 3:36 p.m.)

• (1540)

SITTING RESUMED

(The House resumed at 3:44 p.m.)

The Speaker: I have been informed that the technical difficulties seem to have been worked out. I will go back to the hon. member for Windsor—Tecumseh so he can finish his remarks.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, just as we ran into the technical problem, I was pointing out that a second aspect of the seeking of a finding of breach of privilege by the President of the Treasury Board was more a question of debate. Information that, as he perceives it, breaches privilege was given in the media outside this chamber and outside of committee. Mr. Speaker, if that is what his criticism is, I would suggest it is beyond the scope of your role as the Speaker of this House and that he would be better to take it up directly with media sources.

If in fact there is a breach of privilege, we could see that it could be established without in any way finding that the source of that breach of privilege was the member for Timmins—James Bay, given the dispute we have over the facts.

I want to go back to the initial comments I made. If there is a breach of privilege here, we could see that finding, but we are not at all suggesting or admitting that the member for Timmins—James Bay is the source of it. There may have been a breach here because the statements made by the President of the Treasury Board in committee clearly had been altered. He sees that, and we see it on this side of the House.

I believe it behooves your office, Mr. Speaker, to investigate that matter. We are not opposed at all to that finding. However, we are saying very clearly that we are adamantly opposed to a determination that the cause or source of the breach of privilege is the member for Timmins—James Bay. There may be a general determination that his privileges have been breached, because the records have been altered. We should get to the bottom of that, if for no other reason than to make sure it never happens again.

Government Orders

• (1545)

The Speaker: I thank the hon. member for his comments on this matter. Orders of the day.

GOVERNMENT ORDERS

[English]

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.

The Speaker: The hon. member for Timmins—James Bay has seven minutes to conclude his remarks.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I am proud to rise yet again today on Bill C-11, an act to amend the copyright act.

As someone who has spent many years involved in the artistic and publishing business, I understand the vital importance of copyright for artists. There is an enormous amount of effort for an artist to create a work. As well, there is a great intellectual effort.

Copyright is a public construct. I love the way it comes down to us in French law, *le droit d'auteur*, the right of the author. This is a principle that has been fought over for hundreds of years.

As has been defined in parliamentary tradition, when an artist creates a work, it is not a piece of property. This is sometimes misunderstood by some creators. It is not a piece of property, something one can put a fence around, because we do not want to create fences around ideas; when we create a piece of artistic work, we want to open it up to the public. We want the public to be able to access that work. The problem occurs when artists are unable to receive rightful recompense for their work.

In 18th century England there were the so-called book wars. People would make copies of works, and then the book owners would keep out new competition.

We need to have a balance, and this has always been the issue with copyright. There is a need to ensure that a work can be put into the public realm and become part of our consciousness, our literature, our identity, so that new authors or new artists can build on that work and create more. We do not want to lock that content down so that it is inaccessible. However, in order for the creative process to continue, the artist must be paid.

Let us see how that relates to Bill C-11.

Unfortunately, in Bill C-11 we see a number of areas in which content is being locked down. It is being locked down as a so-called market solution. We hear the government say that we should let the market decide what copyright is or what rights the author and consumer have. That is not good enough. That is not forward-looking copyright. That is not copyright that would bring us into the 21st century.

We need to establish the principle that Parliament, not the marketplace, decides what the balance is. The marketplace has its

role, but a corporate entity in the United States, such as Sony Music or another massive entertainment industry, does not have the right to trump the rights that have been established under Canadian parliamentary tradition.

Let us examine what those rights are.

Under the bill there would be the right to do parody and satire, which is a fundamental of art. All artists have done parody and satire of other artists. Today's great artist was yesterday's thief. Parody and satire are important. The documentary film community wants to be able to access work so that they can comment on it and create new works, but if a digital lock is put on it, those rights disappear.

With one hand we are offering rights to the Canadian public, meaning the right to make backup copies and the right to do parody and satire, but with the other hand we are taking those rights away if a digital lock is imposed, because a digital lock supersedes all other rights. That is not consistent with what many of our trading partners have decided.

There is a possibility to have a balance on digital locks, so let us examine their role.

A digital lock in a modern age is an electronic code to keep a product from being unfairly taken, and a corporate entity has a right to put a lock on their product. For example, in the gaming industry, codes were being broken on video games. People were taking the games without paying. The New Democratic Party has always supported the right of an entity that has invested in its creative work to put a digital lock on it.

However, in most of our WIPO-compliant countries, there is a right for exceptions. For example, someone may have to break a digital lock if that person is partially blind and needs to access a work to read it in larger print. That person is not the same as a criminal. In fact, it is a perfectly okay thing to do.

• (1550)

Another example is that because of digital locks, television networks will no longer be allowed to excerpt footage of films. They will only be able to show a screen. That does not do anyone any good.

There are legitimate reasons to be able to break a lock in order to access something someone has a right to. However, we do not support breaking digital locks just so product can be taken without paying.

On the issue of education, there are a number of areas where we have grave concerns. We support the idea of updating copyright into the 21st century, but we have concerns on the issue of fair dealing for education.

Fair dealing has been defined by right under the Supreme Court CCH decision, which established the six principles of what constitutes fair dealing. Fair dealing should not be seen as an open season to make it fair to take a textbook and just make endless copies to avoid buying more textbooks. That is not considered fair. The Supreme Court established the six principles of fair dealing so that we could have some clarity. We do not have that clarity in this bill, and it is important that we ensure clarity on education.

Government Orders

We also do not even define what education is. I can imagine many private businesses saying they are doing company training and saying it is education. That is not necessarily the same thing as education through an educational institution.

One of our great concerns in terms of education is the digital book-burning provision. If someone is learning through a distance education college, and many of my communities take education by long distance, students will be forced to destroy their class notes 30 days after the end of the semester, and teachers will be ordered to destroy their entire class notes. That would create a two-tier system of education, one in the classroom and one by distance. That makes no sense, and it would undermine the incredible ability of distance education.

To conclude, we are opposed to this bill because we do not see the government willing to work with us on the key amendments needed to make this bill into proper and positive copyright legislation for the 21st century.

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, as many people know—and if they do not, it bears being reiterated here in the House—most Canadian artists' wages are below the poverty line, below \$13,000 a year. It is incumbent on us as policy-makers to fashion policy that is going to support innovation and allow for the building of a greater middle class of Canadian artists. This sector is a major economic driver in our economy, but the copyright bill as it stands right now would take \$20 million a year out of the pockets of artists because of the changes in the broadcast mechanical provisions. Would my hon. colleague care to comment on the effects of this kind of policy for our Canadian artists?

• (1555)

Mr. Charlie Angus: Mr. Speaker, my hon. colleague and I have shared many royalty payments together over the years. He will know, as I do, that the greatest theft from musicians everywhere has never been necessarily piracy, but the line in the recording contract that was called “recoupable”. It enabled the recording industry to recoup every possible dime that it might have ever spent off their royalty payments.

Therefore, the issue of mechanical royalties for a musician is essential. The radio mechanical royalty is in many ways some of the only real revenue an artist sees, but the government has decided that \$20 million in mechanical royalty revenue to Canadian artists is something artists do not need and is giving it to the big broadcasters. The broadcasters will not have to pay a royalty right that they have had to pay for years. That money is being directly robbed from artists.

In no other system that I know of has it been decided that people who had a right to earn a living no longer have that right. The Conservatives call that “balanced”; we call it wrong.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windor, Lib.): Mr. Speaker, my colleague and I have worked quite a bit on this issue over the past few years. We have been through many of these battles and through three versions now, I think, of this particular bill.

I want to ask him about the situation with the education exemption. We are slowly finding that we rushed ahead with the

provisions of TPMs and digital locks and have now locked down material that under normal circumstances should be accessible.

Because of the way these TPMs operate, sharing among one's own devices, ironically, will be eliminated by the provision for TPMs. It does not seem to me, and I am sure it does not seem to him, that this is technologically neutral. It does not add up to it. At present one has a right to transfer material from one device to another, but because of digital locks, that right will be eliminated. That ability had been given to us by the private sector, not by legislation.

I wonder if the member could comment on that aspect.

Mr. Charlie Angus: Mr. Speaker, that is an excellent question, because this is not a technologically neutral bill.

As my hon. colleague said, the bill says that the TPM defines the right. This is going to have an extreme effect on education and libraries. Right now, if people want to get a master's thesis from the University of York and read it in Alberta, they contact the university which mails them a copy. They can read it for a while and then send it back. It is pretty easy to make a photocopy. It would not do any real damage. It happens.

The bill would force all libraries to put digital lock codes on the transmission of materials, so that after, I think it is, five days of study it magically goes poof and disappears. The ability of libraries to impose that kind of technology on the products they have, that are meant to be shared and understood, is excessive. I do not think it is even possible for them to be able to do.

It is going to have a negative impact. It is actually not serving anybody's purposes by having this arbitrary use of TPMs.

[*Translation*]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, to begin with, I would like to stress how important this issue is to all creators, and particularly those in my riding, whether they be in Sutton, Magog, Bromont, Cowansville, Knowlton, or elsewhere. Moreover, I salute all those creators who are very active across all forms of art, which improves people's quality of life, whether it be through the medium of cinema, theatre, improvisation, television, writing, painting, and so on. Artists are entitled to be fairly compensated for their work. This bill will deprive artists of millions of dollars in revenue and erode their market. The long and complex list of exceptions does not adequately recognize the rights of creators.

Government Orders

In fact, these exceptions create new ways for consumers to access protected content without concurrently creating new avenues through which to compensate creators for the fair use of their work. Bill C-11 does not adequately protect the ability of people to post content submitted or produced by users themselves, even if it were easy to collectively authorize this. Moreover, Bill C-11 creates an artificial distinction between copying for private use and reproducing for private use in Part 8, section 80 of the Copyright Act, and section 29, paragraph 22(1)(e) of the copyright modernization bill.

There are also direct implications for consumers. The rigid provisions assign unprecedented powers to rights holders, which trump all other rights. If passed, Bill C-11 could mean that an individual would no longer have access to the content for which he has paid, and which he has every right to use. For example, if someone is enrolled in long distance education courses, it is draconian and unacceptable to ask him to destroy his course notes within 30 days of the course concluding, as proposed under this bill.

For all these reasons, it is felt that powerful, new anti-circumvention rights must be created for content owners, as opposed to content creators and content developers. In addition to preventing access to copyrighted works, these new provisions are strengthened by fines of over \$1 million and sentences of five years detention. A further provision prohibits access to protected information by way of a digital lock, such as a digital watermark.

This would lead to a situation whereby digital locks would take precedence over virtually all other rights, including the fair dealing rights of students and journalists. This is problematic for several reasons. In particular, there is a very tangible danger of consumers, in some circumstances, not being authorized to use content for which they have paid. Moreover, the digital locks trump all other rights guaranteed by the Charter, including change of format in the case of a visual disability.

Secondly, the new provisions would require, where a digital lock has been used, that copies made for educational purposes be automatically erased after five days and that course notes be destroyed within 30 days of the course concluding. That would lead to serious problems for students enrolled in long distance education courses. It is not an appropriate use of the copyright rules.

Thirdly, it would create new limited exceptions to the fair dealing provision of the Copyright Act, including the exceptions for educators, and exceptions for parody and satire. The exceptions do not adequately recognize the rights of creators. In fact, the exceptions facilitate consumers' access to copyright protected content without the provision of new methods for creators to be compensated for their work.

With this bill, the Conservatives have intentionally avoided dealing with the question of the possibility of extending the exception for private copying, a measure that has been proposed by the NDP and also by a number of experts.

• (1600)

The private copying exception has been very effective in the past for cassettes, CDs and DVDs. The government has tried to put a populist face on its opposition to extending the exception.

The NDP believes it is high time to modernize copyright rules, but there are too many major problems with this bill. In some cases, it even creates problems where there were none before.

We are going to try to amend the bill so that it better reflects the interests of Quebec and the Canadian public. The NDP believes that copyright rules in Canada could balance the right of creators to receive fair remuneration for their work and the right of consumers to have access to content at reasonable prices. We are also going to study any potential amendment that could be made to the bill to create a fair system of royalties for artists. As it stands at present, the bill eliminates several million dollars in income for our artists.

For all these reasons, it seems that the efforts Canadians have put into reform of the Copyright Act in recent years have had very little to do with the creation of a system that strikes a balance between the rights of creators and the rights of the public. Those efforts have instead been attempts to meet the demands of the big owners of American content, the film industry, record companies, video game developers and others. When will Canadians finally have legislation that meets their needs?

In the NDP, we believe that Canadian copyright legislation can achieve a balance between creators' right to receive fair compensation for their work and consumers' right to have reasonable access to content. We are going to assess all of the amendments that might be made to the bill to create a system of fair royalties for artists. As it stands at present, the bill eliminates income worth several million dollars.

As a result, the copyright modernization bill gives with one hand and takes back with the other. Although the bill contains some concessions to benefit consumers, they are undermined by the government's refusal to adopt a compromise position on the most controversial issue: copyright in Canada.

We are also proposing that the clauses that criminalize the elimination of digital locks for personal, non-commercial purposes be removed from the copyright modernization bill. We support reducing the penalties for people convicted of violating the Copyright Act, since that would prevent excessive prosecution of the public, a problem that often exists in the United States.

The Conservatives have ignored the opinion of the experts who were heard by the committee and the conclusions of their own copyright consultations in 2009. As a result, they have introduced a bill that could cause more harm than good.

The NDP believes it is high time for a modernization that will eliminate these blatant problems and we are going to work to amend the bill so that it better reflects the interests of Canadians.

Government Orders

In conclusion, a number of groups have stated their ideas and supported what we are calling for through their statements, such as the cultural industries and the Writers Guild of Canada. The Guild says that the only option Bill C-11 offers creators is the addition of a digital lock, the effect of which would be to block existing sources of income for creators and create a loophole in the bill by taking away from consumers the same rights as are guaranteed to them in other clauses of the bill.

• (1605)

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Mr. Speaker, in listening to my colleague, a question comes to mind.

We, on this side, read a lot or we have all read a lot. In a book there is often a bibliography of 20 pages and on every second or third page, we find a reference or a quote from an author.

Under this legislation, we would find at the end of the book a page indicating that every note and every reference was destroyed at the end of 30 days. It is utterly ridiculous.

I believe it is a good bill, but trying to make it a smart bill is like running a mule in the Kentucky Derby.

• (1610)

Mr. Pierre Jacob: Mr. Speaker, I want to thank my dear colleague for his comments.

As I have already said, I agree that this bill does not help creators. This lock will help neither creators nor consumers. For all the reasons I have just listed, we will work on amending this inadequate Bill C-11 because it is very important for Canadians. Canadians have spent \$1.4 billion on attending live artistic performances, or more than twice as much as on attending sporting events, spending \$0.65 billion on those.

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, my question is quite simple and concerns copyright.

A copyright payment is a royalty. It is a salary. It provides a living. My question is very simple: what do we call copyright legislation that essentially prevents creators from receiving an income? That is a key question. We keep talking about copyright, but this bill is essentially about denying copyright. It denies creators the possibility of making a living from their creations.

How can we hope to encourage creation when the creators are denied income?

Mr. Pierre Jacob: Mr. Speaker, I would like to thank the hon. member for his question.

Income is a right. Artists have the right to be fairly compensated for their work and effort. If they receive fair compensation, they will be encouraged to create. It is a cycle. This bill will deprive artists of millions of dollars in income, as I have already said, will erode their market.

The long, complex list of exceptions, which does not recognize the rights of creators, must be removed. These exceptions create new means for consumers to access protected content without also creating new ways to compensate creators for the use of their work.

[English]

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, the bill would grant a range of new access privileges, but does not really increase opportunities for artists to make a living. This is a big issue for us on this side of the House because we know the arts and culture sector is a major economic driver in our country. The bill is an opportunity for us to get copyright right so innovation can proceed in the country.

Would my hon. colleague care to comment on the import of the arts and culture sector to our economy and to Canada as a whole?

[Translation]

Mr. Pierre Jacob: Mr. Speaker, I can say that arts and culture are very important in my riding and across the country.

The Alliance of Canadian Cinema, Television and Radio Artists estimates that the arts and culture industries in Canada contribute \$85 billion a year to our economy, which represents 7.4% of Canada's GNI. They support some 1.1 million jobs, or about 6% of the Canadian labour force. These industries and the jobs that depend on them can only survive in an environment where intellectual property is protected.

I could go on to say that many cities and towns make their living in the arts sector.

• (1615)

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, it is true that everyone has been waiting a long time for a modernized copyright act that would reflect the new technologies and the new realities facing consumers, artists, producers and booksellers. At last, we have this opportunity to debate a new and modern copyright bill.

However, the debate on this issue has been going on for many hours and it is obvious that we are disappointed by what the government is proposing with Bill C-11.

Why are we disappointed? First, it is because both consumers and artists were consulted on many occasions but, unfortunately, most of the proposals put forward were ignored. Once again, people may be frustrated by the government's lack of consideration, even arrogance, regarding the views of those who have to live with the restrictions and the benefits of the laws that we pass.

Of course, this unwillingness to listen generates a lot of frustration, and we heard many vent that frustration. Allow me to address, among other issues, the government's lack of consideration for consumers' rights and also for artists' income and respect.

Government Orders

Generally speaking, there are several small things that have us worried about this bill. There are things which suggest that implementation problems could surface, because certain rights may not be respected and because the government may not have thought about everything when it drafted this legislation. I hope the government will be open to some changes, even just basic ones, to ensure that this bill is appropriate and that it respects people's rights.

I am not going to mention them all, but there is, for example, the difficulty that visually impaired people may have with the new lock standards on the content that they buy. Then there are the problems that distance learning could experience with the new standards and the new restrictions imposed by the locks. These are small issues which make us wonder and which also make us hope that the necessary adjustments will be made. I met with members of the Canadian Alliance of Student Associations and their position on this bill is very clear. They say:

The legislation misses an opportunity to take on the personal contributions made by students to publishers abroad, under the Book Importation Regulations. If these contributions were abolished, students could save \$30 million annually.

We are hearing a lot of talk these days about rising tuition fees and about students who have a hard time making ends meet, who are worried about adding more costs to their education expenses and about their studies becoming much more difficult because of copyright restrictions. I will mention some of the concerns I have heard. There are three main ones.

First, there are interlibrary loans. I was studying to be a teacher not very long ago, and I can say that interlibrary loans offer a wealth of information to students. Today, library books are still available in paper format, of course, but many are available online. Whether we are talking about scientific articles or complete volumes housed in libraries, students, regardless of where in the country they live, have access to an impressive amount of information thanks to a high number of interlibrary loans and loans of digital articles. These students are worried about their rights because this is a matter of access to information; it is a tool to help educate oneself, learn and produce new material. We must not forget that there are students at the bachelor, master's and doctoral level who produce very interesting material because they have access to information. This is one of the first concerns raised by the Canadian Alliance of Student Associations.

The other concern—and we have already talked about it a lot—has to do with the requirement that course notes be destroyed within 30 days.

● (1620)

I am greatly simplifying this. We already explained this measure. Students are also concerned about this. Students are recommending, among other things, that the clause in Bill C-11 about destroying information after 30 days be eliminated so that educational institutions can offer more effective and high-quality education, which will encourage lifelong learning and innovation.

I was a student but I was also a lecturer at a university. I know that there are things that need to be adapted. We agree that the Copyright Act needs to be adapted. Students often get together to purchase one copy of the class notes and then photocopy it. There are also professors who do not respect copyright. They photocopy entire

chapters of books and give them to their students. A change must be made in this regard to ensure that copyright is respected in universities, but I do not think that the solution is to pass the bill on to students or to limit their access to information. I do not think that we are targeting the real problem or the people who should be paying for these documents. Changes also have to be made in this regard.

I am now going to speak about the new problems that Bill C-11 could cause because of the many exceptions it contains. Unfortunately, these exceptions cast a net that is a bit too wide and certain problems may arise as a result. I am speaking once again about the use of texts and materials in schools.

It was not so long ago that teachers were required to contribute, by buying course material, to an organization that collected funds and redistributed them. It was a sort of large communal piggy bank, where the money that was put in was redistributed to authors, artists and writers to ensure a certain degree of respect for copyright.

Elementary school, high school and college teachers make a lot of photocopies. They use materials and give them to their students. In order for it to be worthwhile for authors to continue to produce educational materials adapted to our Canadian and Quebec reality and in order for it to be worthwhile for authors of educational material to produce topical material and to be up-to-date on new information and technology and the new interests of our young people, they have to be compensated. No one is going to produce educational material for the sheer fun of it or for little or no compensation. That is ridiculous. These people need to be motivated to produce material so that our children, our teenagers and our young adults are motivated to learn and have the benefit of educational material that is adapted and interesting. This is an issue that causes considerable concern as well.

Similarly, every time anyone purchased a blank CD, which was used to store music, for instance, a certain amount from each CD was sent to a big, central piggy bank, and the money was then distributed to music producers. Why not adapt that principle—which worked very well and allowed for the distribution of millions of dollars to music producers—to new materials like iTunes and new tools that are used to copy music? Why not allow authors, musicians and artists to receive a royalty on what they produce? There are many such examples that demonstrate how out of touch this bill is.

In closing, I would like to say that, of course, we will vote against Bill C-11. I am sure we will hear the familiar refrain that the NDP is against artists. There is an important distinction to be made. We are in favour of protecting artists and the rights of consumers, and in favour of adapting the Copyright Act, but not to replace it with just about anything, and not just haphazardly.

● (1625)

What we have before us needs some serious reworking, which I hope will take into account the concerns of the people working in the field and all the amendments and suggestions made by other parties.

Privilege

The Acting Speaker (Mr. Barry Devolin): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Scarborough—Rouge River, Post-Secondary Education; the hon. member for Scarborough—Guildwood, Libya.

The hon. member for Rivière-du-Nord.

Mr. Pierre Dionne Labelle (Rivière-du-Nord, NDP): Mr. Speaker, I would first like to congratulate my dear colleague for her very vibrant and inspiring speech.

At a certain point in my life, I was a songwriter and three of my songs were in the top ten on the charts at the same time. I automatically received my royalties, which were just crumbs, insignificant amounts. These songs were also played in Europe, and I received a lot of money. When I heard that the Copyright Act would be modernized I said to myself that we would finally get a little bit more money and that it would be an incentive to write songs. What I have learned is that artists and creators will lose \$126 million.

That is very disappointing and depressing and I would like to hear what my colleague has to say about it.

Ms. Lysane Blanchette-Lamothe: Mr. Speaker, I thank my artist colleague.

The best example I can think of to illustrate my point is the pride we feel when an Olympic athlete returns with a gold medal. These athletes are supported and receive financial assistance. They do not train full-time and also work full-time. No, athletes who perform are well taken care of and supported by sponsors, the government and others.

We are also proud of our artists who perform abroad and of the prizes won by movies, for example. But there are others. There are also all those who make music that may not be aired abroad, who write interesting and current school books for our youth, and so forth. Many artists are affected by this bill and they deserve consideration and a little more support to ensure that they continue to produce material that people will enjoy and be proud of.

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, my question is for my colleague and it has to do with education and copyright.

Right now, we are witnessing a negative effect of this legislation. In theory, the bill should promote knowledge and culture, but we find ourselves with something that will prevent students, particularly those who live in remote regions, from having access to inter-library loans, which are the electronic transfer of information between libraries.

This means that the whole long distance learning component is jeopardized. This affects all those students who not only take a course but who also use the information provided in that course to learn, to write a thesis or an essay, and so on.

I wonder if the hon. member could tell us about the major problem for a student who lives in a remote region and who wants to write a thesis.

Ms. Lysane Blanchette-Lamothe: Mr. Speaker, I did say a few words about it earlier in my speech.

As a former student and teaching assistant at university, I find it very disturbing that Bill C-11 creates problems for students. Again, I do not think the government is using the right approach and targeting the right people. Several changes are required in this regard. Whether it is students in remote regions or students in large urban centres, the important thing is the same: access to Internet and loans between universities.

In order to produce intellectual material, master's students must, as the hon. member pointed out, have access to information and to documents, and for more than a few days or weeks. They also need that access to produce new material and new documents on their research. It is very important to support them in their endeavour and to ensure that the authors get their due, but also that students have access to the information.

* * *

● (1630)

[English]

PRIVILEGE

STATEMENTS BY MEMBERS

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Mr. Speaker, I would like to raise this question of privilege because earlier today members on the government side raised issues of decorum in the House, the need for respect and the history of the House. However, during statements by members today, on behalf of my constituents of Scarborough—Rouge River, I raised the very important issue of the need for affordable housing across the country.

Safe, affordable housing is a major issue in my constituency and, sadly, it is something that too many Canadians go without. Many on this side of the House feel the government does not pay enough attention to this issue. Safe and affordable housing in communities like mine is a huge problem. I was trying to make a statement about this in the House because that is what my constituents asked me to do.

I am seeing almost 3,000 of my constituents lose their homes—

The Acting Speaker (Mr. Barry Devolin): Order, please. The hon. member has risen on a question of privilege, and I would hope she would get to it. I appreciate her reference to her statement today, but if she could quickly move to the question of privilege, that would be appreciated.

Ms. Rathika Sitsabaiesan: My apologies, Mr. Speaker. Clearly it is a very important issue for me and my constituents.

My question of privilege is that when I was making my statement, there was an excessive amount of noise. I was very disappointed that members opposite felt it appropriate to be excessively noisy. It is very disrespectful of the fact that I am here, as are all of us, to speak on issues on which our constituents want us to speak. However, what I was trying to say could not even be heard by members in the House let alone maybe even caught by the recording devices.

Government Orders

I feel my privilege was lost. I was unable to do the job that I was sent here to do, which is to speak on behalf of my constituents, because the members opposite were so loud.

I would ask you, Mr. Speaker, to rule that this is a prima facie case of privilege in the House.

The Acting Speaker (Mr. Barry Devolin): The Chair will take that under consideration and will return to the House on that if and when appropriate.

* * *

• (1635)

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.

The Acting Speaker (Mr. Barry Devolin): Resuming debate. Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Barry Devolin): The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Barry Devolin): All those in favour of the amendment will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Barry Devolin): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Barry Devolin): In my opinion the nays have it.

And five or more members having risen:

The Acting Speaker (Mr. Barry Devolin): Call in the members.

And the bells having rung:

Mr. Jack Harris: Mr. Speaker, I would like to request that the vote be deferred to Monday night at the end of government orders.

The Acting Speaker (Mr. Barry Devolin): The vote is deferred until Monday at the end of government orders.

* * *

IMPROVING TRADE WITHIN CANADA ACT

Hon. Maxime Bernier (for the Minister of Industry) moved that Bill C-14, An Act to amend the Agreement on Internal Trade Implementation Act and the Crown Liability and Proceedings Act, be read the second time and referred to a committee.

Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, I am pleased to rise to speak to the important amendments contained in Bill C-14 and to how its provisions help promote a vibrant economic union in Canada.

The bill seeks to implement improvements to the Agreement on Internal Trade, as agreed upon by the Government of Canada and all of the provinces and territories. These proposed amendments aim at strengthening the enforcement of this important agreement and ensuring governments are accountable in meeting their obligations toward this agreement.

One element I would like to highlight today is that the bill demonstrates the commitment of the Government of Canada to continuously strengthen our economic union by working in co-operation with provincial and territorial governments. However, it represents other significant developments as well and I would like to take advantage of this opportunity to cover some of them.

First, I would briefly remind the hon. members of what the Agreement on Internal Trade is all about and of the recent improvements to that agreement that go beyond how it is enforced. I think this will help to set out the reasons for the legislation that is before the House today. I will begin by taking a step back to touch on the importance of internal trade to our economy.

From the global perspective, the times continue to be challenging economically. Yet Canada has, through its sound economic and regulatory practices, weathered the storm better than almost any other nation. However, because the global challenges remain, it is more important than ever to ensure that our own house remains economically sound. The government has always taken the position that strengthening trade is not just something we seek to do internationally, but nationally as well. Internal trade strengthens competition which increases choice for businesses and consumers and drives productivity and innovation. To that end, we remain committed to encouraging, facilitating and playing a prominent role in implementing efficient internal trade practices within and across Canada.

The primary vehicle for strengthening the country's internal trade ties is the Agreement on Internal Trade. A bit of the history of the agreement is in order here since, in part, that history sets the stage for our discussions today.

The Agreement on Internal Trade is Canada's only national agreement governing the free movement of persons, goods, services and investments within Canada. On July 1, 1995, the Agreement on Internal Trade came into effect after being signed in 1994 by the Government of Canada and 12 provincial and territorial governments. Among other things, the agreement provides for general rules which prevent governments from erecting new trade barriers and which require the reduction of existing ones in areas covered under the agreement, as well as specific obligations in key economic sectors such as transportation, natural resources and communications, which cover a significant amount of economic activity in Canada. In addition, the agreement deals with cross-sectoral issues such as consumer protection and the streamlining and harmonization of regulations and standards.

Government Orders

To ensure each government lives up to its obligations under the Agreement on Internal Trade, governments and individuals can dispute the conduct of any government party to the agreement. In fact, the agreement contains specific provisions governing the administration and resolution of internal trade complaints. This process is key to ensuring the effectiveness of the Agreement on Internal Trade in committing governments to open and integrated internal markets and a stronger economic union.

One of the most important things to note about the Agreement on Internal Trade is that it is not a static agreement with rules that never change. Rather the agreement is in a constant state of evolution to meet the demands of our ever-changing economic landscape. For its part, the Government of Canada has remained committed to continuously working with the provinces and territories to improve the provisions of the agreement and expand its scope of coverage across the Canadian economy.

Indeed, the AIT has evolved to meet the changing needs of commerce and labour markets. In recent years, for example, the Government of Canada with the provinces and territories have incorporated an agriculture chapter that fosters freer trade of agricultural products. The chapter covering government procurement practices was also expanded to cover additional entities and the labour mobility chapter was also amended.

On the issue of labour mobility, I would like to take a moment to highlight the new AIT obligations to which the Government of Canada and the provinces and territories agreed to ensure better pools of available and skilled labour across the country.

As hon. members know, one of the biggest stumbling blocks to freer internal trade practices has been the matter of labour mobility. Over the decades, it has been a very difficult and contentious issue on which to come to agreement. That is why in January 2009 the Prime Minister and other first ministers were pleased to announce their agreement on amendments to the AIT that would enhance labour mobility in Canada.

• (1640)

In August 2009 a revised labour mobility chapter came into force. The new provisions ensure that a worker certified by regulatory authority in any one province or territory shall be recognized as qualified by all other provinces and territories. Certified workers are no longer required to undergo additional material training, testing or reassessment, resulting in seamless recognition across provinces and territories. The net result is improved employment opportunities and better access to a larger and richer pool of human resources for Canada's employers.

As we see, internal trade is a key to our economy and the AIT has allowed the Government of Canada, with the provinces and territories, to get things done toward building a better and stronger Canada. Our collective efforts are ongoing.

Bill C-14 is the next step toward improving trade within Canada. The bill would improve the dispute resolution process and the enforcement mechanism of the agreement on internal trade.

Let me say why this is important in today's context. A commonly-recognized challenge within the agreement has been the effectiveness of its dispute resolution mechanism. The lack of strong

enforcement tools has made the agreement less effective than it could be in ensuring freer and open internal markets. Without credible penalties, panel rulings could be ignored without consequence, and this issue has been raised by a number of private sector stakeholder groups, think tanks and even international organizations.

The Government of Canada understands and shares in the view that the agreements on internal trade need stronger enforcement. For this reason, all parties agreed in October 2009 to changes that would improve the dispute resolution process and strengthen the enforcement tools under the AIT. These changes apply to disputes between Canadian governments party to the AIT and not to disputes raised by or against a private citizen, business or association.

Key to the changes that were approved is the integration of monetary penalties that can be applied against a government for its continued failure to comply with the agreement. Simply put, an administrative monetary penalty is like a fine that is imposed on a government because it has not lived up to its end of the bargain in keeping our internal boundaries open for a more integrated economy with a multitude of choices for Canadians. With these fines now built into the process, they provide governments with an additional incentive to ensure they comply with the agreement and that they do their part in contributing to the sustainability of our economy.

How much are these penalties? The size of the monetary penalty varies by the population of the jurisdictions in question to take into consideration the budgetary constraints of some of the smaller governments. Maximum amounts range from \$250,000 for the smaller provinces and territories like P.E.I. and up to \$5 million can be applied against the Government of Canada and the larger provinces like Ontario and Quebec.

Furthermore, these amounts take into consideration the severity of the conduct in question. The new changes to the dispute resolution process permit a body called a compliance panel, that deals with disputes against governments for non-compliance with the agreement on internal trade, to determine an amount that corresponds to the negative impact of the measure in question. It also takes into consideration whether a government has made good faith efforts to remedy its situation so as to ensure that it is in compliance with the agreement.

Hon. members should also know that a government can lose its privilege to raise a dispute against another government if it fails to do its part in rectifying its non-compliant conduct. The application of these measures would encourage all parties to comply with their obligations and, over time, help to create a free and open market with better choices for businesses and consumers. In addition, the new process allows for appeals and for new qualification criteria for panel members.

Government Orders

In brief, those are some of the agreements on internal trade amendments agreed to by the federal government and provincial and territorial governments on the enforcement side. To back up our agreement, the 13 governments have either completed or are in the process of taking the necessary steps to implement these changes in their jurisdictions, including introducing new or amended legislation.

This is where we now come to Bill C-14, which is the Government of Canada's proposal to implement the new enforcement requirements under the agreement on internal trade. Bill C-14 is a very short bill, so there are not many specifics to account for, but it is what is in these provisions that makes for some powerful messaging.

Bill C-14 seeks to fulfill federal commitments made when it joined the provincial and territorial governments to provide for a stronger enforcement mechanism for government-to-government disputes under the agreement on internal trade. It is the legislation required for the Government of Canada to ensure that the new dispute resolution process under the agreement can be implemented for the federal government.

●(1645)

Under the new changes, governments have agreed to include monetary penalties. With Bill C-14, the Government of Canada will ensure that any monetary penalties awarded against it can be enforced in the same manner as an order of the Federal Court of Canada.

This is the important point. With the passage of this bill, it means that monetary penalties against the Government of Canada may be triggered for payment through the legal system and from the federal consolidated revenue fund if the government ever failed to make a payment.

I am not saying that should ever happen, but as this government is committed to act responsibly with respect to its commitments for a stronger economic union, it is also important to back that up with real accountability for that commitment. It is about being accountable for our actions as assessed by a qualified panel focused on Canada's internal markets.

This is not all that Bill C-14 does. It also provides for governor-in-council appointments of panel members to follow new qualification criteria to improve the decision-making process. It takes care of some other housekeeping amendments to the AIT implementation act and Crown Liability and Proceedings Act so that the supporting legislation is clear and up to date.

At the end of the day, Bill C-14 is a demonstration of the federal commitment to improving the agreement on internal trade and to continue strengthening the economic union. As provinces and territories are also taking similar steps in their jurisdictions to implement the new changes to the dispute resolution process, the bill is also a symbol and a reminder of our collaborative efforts in working with the provinces and territories to make the agreement more enforceable.

I believe in these efforts. Together, as each government ensures the changes are effective across the country, Canadians will have a stronger national agreement that will collectively address some of

the concerns and recommendations raised by stakeholder groups and hold its governments more accountable.

The clock is ticking. As Bill C-14 covers implementation of the changes for only the Government of Canada, provincial and territorial ministers of the committee on internal trade, with the agreement of their premiers, have completed or are in the process of passing similar legislation, or taking other steps necessary to ensure that accountability for compliance with the agreement on internal trade is widespread across the country.

I have spoken of the importance of internal trade for the economy, the role of the national agreement on internal trade, recent improvements to that agreement, and about the specifics of Bill C-14. Before I conclude, I will reiterate a few points on the importance of internal trade for the economy.

Internal trade for our multi-jurisdictional federation is a critical issue. This is a priority for the Government of Canada, which remains committed to working with the provinces and territories for a stronger economic union.

I mentioned already that Canada's governments have ensured greater labour mobility, introduced an agriculture chapter to the agreement on internal trade, and improved the coverage of government procurement rules. Something I did not mention is the success that we have made in removing barriers to interprovincial trucking. These efforts are all consistent with the ingredients necessary to build a stronger economic union that takes into consideration the need to work with provinces and territories to remove barriers that restrict businesses from growing, competing and producing. They are all critical elements for Canada to sustain its economic standing during these tough economic times.

I say to my hon. colleagues that at first glance Bill C-14 may seem to be a short and fairly technical bill pertaining to the administration of monetary penalties under the dispute resolution chapter of the agreement on internal trade and that, in the scheme of things, the changes may seem relatively minor. From a technical point of view that may be so, but from a principled point of view, they have real importance.

As we in the federal jurisdiction pass Bill C-14, we join our colleagues from other governments. Together, we show that the Government of Canada, with the provinces and territories, is committed to making national progress in removing economic barriers to more competitive markets with greater choices for Canadians. In that broader sense, we all triumph from the co-operation of governments working together for the greater good of Canada and the economic union that we are all proud of and part of.

The effective administration and evolution of the agreement on internal trade will continue to depend on co-operation. As the Government of Canada, we need to uphold our part of the relationship and pass Bill C-14. I now urge all members of the House to pass this important piece of economic legislation, so that we can do exactly that.

Government Orders

• (1650)

[*Translation*]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, I thank my colleague who presented the government's proposal. The Agreement on Internal Trade has been around for 17 years and allows for the free movement of persons, goods and services. The NDP is in favour of increased co-operation among the provinces with respect to internal trade.

Where we have some concerns is with the agreement itself. I am not necessarily talking about the bill, but about the agreement that the bill would amend. In terms of structure, it is rather similar to NAFTA, in the sense that it allows people or businesses, for example, to take a province to court if they deem it necessary. The problem with NAFTA, as we have seen in the past, is that a company can use this provision, not necessarily to win a legitimate case, but to create what we call a chilling effect on a province that might use its legislative power for environmental causes, for example.

What does my colleague think about the Agreement on International Trade with respect to the possibility of creating a chilling effect by giving investors the opportunity to take a province to court?

[*English*]

Mr. Mike Lake: Mr. Speaker, I welcome the hon. member to the industry committee where he has just joined us. I look forward to working with him on this and other things that we study at the industry committee.

With regard to the question, the bill is fairly straightforward. It does not deal with many of the things that he talked about in the question. It is following through on an agreement made by the federal government and agreed to by the provinces and territories that are part of the agreement, the provinces that have members of the legislative assemblies from all parties, and governments representing all parties.

It is a bill that is widely seen as being very important by all parties across the country, simply dealing with the enforcement mechanisms mainly to ensure that there are actual teeth behind the agreement and ensuring, again, we have that free flow of persons and goods and services across this country that are critical for us to maintain the leadership position that we have globally, economically, the position that has Canada being, really, the envy of the industrialized world when it comes to our approach on the global economy.

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, I was thinking of what Winston Churchill once said. He was asked about his political opponent Clement Attlee, "Isn't he a modest man?" and he replied, "A modest man, but then he has so much to be modest about". I am not speaking here of my opponent, although he is modest. However, I think his government, actually, is not modest, although it does have much to be modest about.

In fact, this is a very modest piece of legislation for us. Although it was interesting to hear my colleague actually say that this is really about powerful messaging.

Should we not want more than that in this House? Should we not want some powerful substance, instead?

It really does not do much. It does a little bit and that is good. The protocol makes some small steps in a positive direction. However, what concerns me is that the government is ignoring the real economic problems with the country; particularly, at a time when we see what is happening in Europe. Even China, now, is expecting to have lower growth.

We are looking at very difficult times around the world economically and we see a government that is sleepwalking toward it. We have people with real problems, facing joblessness, not getting much help through this period. In the meantime, what do we have the government doing? The government gets Parliament to authorize \$50 million for border security and ends up spending it on pork-barrelling in a member's riding hundreds of kilometres away from the border. What kind of responsibility is that?

• (1655)

Mr. Mike Lake: Mr. Speaker, I will not thank the hon. member for the question. There really was not even a hint of truth in that question or any facts in that question.

I can talk about some facts. I can talk about some reality for the hon. member. The reality is there were 600,000 net new jobs created in Canada since July 2009.

The reality is we have the soundest banking system in the world, according to a very credible third-party source, the World Economic Forum, four years in a row. The IMF and OECD, again, which are very credible third-party organizations, have said that Canada continues to lead the industrialized world through a time of very difficult global economic uncertainty.

There are those around the world who are praising Canada. Canada is the envy of the world, in terms of our approach to the global economic slowdown. Yet, all that we see from the opposition parties, both the NDP and the Liberal Party, are ideas to turn a complete 180 degrees, to go in exactly the opposite direction, to raise taxes. The very taxes that are lower now under this government and have been credited for Canada's economic strength, the opposition parties want to raise. We are not going to go in that direction.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Speaker, the previous speaker just does not get it. This is a bill that could actually help his constituents.

I am from Fort McMurray and, of the almost 10,000 Albertans who live in my city, most of them are from somewhere else in Canada. This was a huge issue for my constituents in the previous election, the previous one to that and the previous one to that. Most of my constituents are from areas closer to his home town than my home town. I cannot tell the House how much my constituents want this legislation. It means jobs and it would add to Canada's economy.

I would like the member to tell me how he thinks his constituents feel about this legislation, because it would affect the jobs that they want in order to take money back to their families and establish new lives in Alberta and elsewhere.

Government Orders

Mr. Mike Lake: Mr. Speaker, as the Edmonton caucus chair for the Conservative Party, I have had the opportunity to meet with several business groups, employer groups and many constituents. One of the top concerns that I hear time and time again is that they cannot find the labour they need in Alberta right now. At a time when Canadians need jobs, and there are still Canadians who are looking for work and need jobs, in excess of the 600,000 net new jobs that we have created, there is a place where jobs are available. However, we need to ensure we have measures in place to encourage labour mobility in this country.

Back in 2009, the Prime Minister made an agreement with the provinces and territories on this issue. The legislation that we are talking about today would put teeth behind that agreement. It puts penalties in place if the federal government does not meet its commitment in regard to that agreement.

This is not a long piece of legislation but it is important. We hope that we can count on the support of members of all parties in the House to get it passed quickly.

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, the parliamentary secretary did not include a description of the current progress or lack of progress on issues surrounding chapter 11.

In 2007 there was agreement between the first ministers of the 10 provinces and 3 territories and the federal government to conclude work on an energy chapter. Would the parliamentary secretary be able to provide an update to the House as to whether a comprehensive energy chapter will soon be completed and included in the internal agreement on trade?

• (1700)

Mr. Mike Lake: Mr. Speaker, the agreement on internal trade is an evolving process and it will continue to evolve. This government will continue to be focused on all factors within the agreement.

In regard to energy, it is not helpful when members of the New Democratic Party travel down to the U.S., our largest trading partner, and lobby against the interests of Canadians. That is absolutely not helpful when we are dealing with issues on energy security.

What is also not helpful in the area of our energy sector, which tends to be driving the Canadian economy and the social programs that we hold so dear here, is parties proposing things like a carbon tax, which the hon. member's colleague from Vancouver Island just recently raised again. It has been part of the election platforms of both the Liberal Party and the NDP in previous elections. That is not helpful to the Canadian economy.

[*Translation*]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, I am very pleased to address Bill C-14, An Act to amend the Agreement on Internal Trade Implementation Act and the Crown Liability and Proceedings Act, which proposes amendments.

I am pleased because, regardless of what members opposite may say, the NDP supports the removal of domestic trade barriers, the expansion of internal trade and also labour opportunities and mobility. More specifically, we support the parts of this bill that will

facilitate the movement of Canadians from province to province to get work. So, we think that some aspects of this bill are worthwhile.

As the hon. member knows, the Agreement on Internal Trade is an agreement between the provinces and the federal government that was signed in 1994 and came into effect in 1995. Since then, it has been amended several times. We are currently addressing the content of the 10th amendment. An 11th amendment has since been proposed and negotiated. We must recognize—and this is the point that I tried to raise in my question to the hon. member—the importance of striking a balance in a free trade agreement like this one, because this is really what it is.

It is a free trade agreement that is more similar to the one negotiated under NAFTA than to those that were ratified at the World Trade Organization. It is also obvious that an agreement like the Agreement on Internal Trade results in a loss of sovereignty for the provinces. That is the foundation of the accord. The provinces have signed it, and they have accepted it. However, the fundamental issue has to do with balancing that loss of sovereignty. I will elaborate on this later on.

We should also expect that agreement to harmonize standards between the provinces which, in many cases, may be a good thing. However, a lack of balance in this regard could trigger relatively serious problems for certain sectors. Indeed, it could create obstacles to a province's ability to legislate on the environment, workplace safety and other issues that may not constitute a trade barrier as such, but may have to do with specific concerns in the province involved.

There have been cases under the Agreement on Internal Trade. There was one that pitted Ontario against Alberta and British Columbia concerning substitutes and dairy blends. In fact, Ontario banned the sale and manufacture of various products that resemble or imitate products made out of milk or milk ingredients. The 2004 panel formed to talk about this issue found that Ontario's Edible Oil Products Act contained measures that were not compliant with the Agreement on Internal Trade. The 2004 panel found that the measures were discriminatory, that Ontario's dairy products constituted a like product and that Ontario gave them better treatment.

The panel also found that the measures interfered with the right of entry and exit, as the Edible Oil Products Act restricted or prevented the movement of goods and related services between provinces and created an obstacle to trade. After the report of the panel formed under the Agreement on Internal Trade was issued, Ontario had until February 1, 2011, to comply.

I want to know whether Ontario was denied its ability, not to protect its dairy sector, but to establish a distinction between the consumption of dairy products and edible oil products, which are different but try to imitate dairy products or milk itself.

Government Orders

Ontario still claims that protecting its dairy sector, not from a commercial point of view but from the consumer's point of view, is a legitimate objective. This also raises another question about supply management. We know that supply management in Canada affects the Maritimes, but it mostly affects three provinces: Ontario, British Columbia and, naturally, Quebec. Quebec and Ontario alone account for 50% of dairy production in Canada.

● (1705)

These two provinces are strongly committed to fully protecting the supply management system. What does the Agreement on Internal Trade say?

The chapter on agriculture allows parties to adopt or maintain measures concerning supply management systems that are regulated by the federal and provincial governments as well as measures concerning marketing boards governed by the provincial governments, which are not technical specifications.

According to the agreement, a technical specification is a technical rule or standard, a sanitary or phytosanitary measure or a compliance evaluation procedure. Based on that definition, is supply management protected? We are not entirely sure.

A technical specification is a technical rule, a document or a legal instrument that sets out characteristics of goods or their related processes and production methods, including applicable administrative provisions, and compliance with it is mandatory under the law. It may also deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a good, process, or production or operating method.

What is the point of supply management then? Can we protect the milk market? Perhaps, but we cannot regulate its manufacturing process, labelling, production method or characteristics in order to keep people from skirting the system by using analogs.

I am raising the issue of supply management because an agreement such as the Agreement on Internal Trade will surely have ramifications in terms of the free trade agreements we negotiate overseas. All of the rules that we want to apply to internal trade here are closely followed by our international trading partners. They can see the potential for loopholes and could ask for elements that were protected or were not on the negotiating table with the Government of Canada in the past.

As with any free trade agreement, it is crucial that there is a clear framework regarding the responsibilities of the parties. It is even more important to have the flexibility to protect sectors that are central to the economy of the parties, such as supply management. And this issue also brings up the question of programs that promote eating local. This is not a public health issue or a consumer protection issue. According to the Agreement on Internal Trade, it might therefore not be a legitimate objective.

Will these policies be challenged under the Agreement on Internal Trade because they give local products a higher profile? We are in favour of introducing exceptions so that the groups created under the Agreement on Internal Trade to judge cases can consider some of these exceptions. Once again, these exceptions are not there to impede commerce or to cause problems in terms of interprovincial

trade. We are more in favour of a real response to the specific needs of several provinces.

Many of the concerns raised by the government and these groups warrant our attention and, accordingly, the NDP would like to call expert witnesses in committee in order to get some clarifications on the potential impact of such a bill.

As I pointed out, it is important to understand that the Agreement on Internal Trade is similar to NAFTA in terms of its structure. One of the things about NAFTA that worries us—and it still worries us because NAFTA is still in effect—is chapters 11 and 19, particularly the provisions on investor states. Those provisions allow investors to sue foreign states directly. Thus, an American investor can sue the Canadian government or the Mexican government for anything it considers a constraint on its ability to do business in a country or its ability to make a profit in that country. Of course, some exceptions exist in NAFTA, but they seem pretty weak.

This brings me to the measures that were the subject of the question I asked the Parliamentary Secretary to the Minister of Industry. We are talking about companies that launch lawsuits against certain governments for reasons that are not necessarily trade-related, but that aim to prevent a given country from enacting completely legitimate, pertinent legislation, in this case, on the environment.

● (1710)

I will give two examples. Dow AgroSciences sued Canada for \$2 million because Quebec prohibited the use of pesticides manufactured by that company. We all agree that pesticides are a basic environmental issue that has been around for at least 40 years. A number of products sold by various companies are recognized as being harmful not only to the environment, but also to the health of people who live close to areas where these pesticides are used.

Dow AgroSciences has tried, and continues to try, to sue Canada for \$2 million because of the ban. This is not the only such suit. The Crompton company has also sued Canada for \$83 million because some municipalities have banned the use of the pesticide lindane. These two examples clearly show the weakness or the lack of balance in investor-state provisions when it comes to the state's ability to protect public health.

The Agreement on Internal Trade contains provisions that allow a person or a business to sue another province for decisions, regulations or laws that it deems to be contrary to its interests and to its ability to do business in that province. These aspects are dealt with in the agreement in effect negotiated between the provinces and the federal government. We will continue to talk about these aspects and any provisions of international or domestic agreements that do not uphold environmental rights or workers' occupational health and safety rights. We want the provinces to always have the opportunity to regulate their environment and to protect the health of their people.

Government Orders

We are in favour of the Agreement on Internal Trade to a certain extent, as long as it addresses all the points that I just raised. We want the bills related to the Agreement on Internal Trade or to international agreements to avoid encouraging policies that force deregulation or privatization on the provinces and territories. We want these bills to avoid pushing the federal or provincial government to have power of attorney over certain interests of an industry or major investor.

We also want to prevent the bills from seriously reducing a government's ability to buy products from local suppliers. That is an element that is very important, particularly when it comes to the strategy for economic recovery. We want to avoid limiting the provinces' and territories' ability to help their provincial companies and industries as part of an employment or economic recovery strategy, or preventing them from doing so.

In any free trade agreement, there must always be a balance between the various interests. Bill C-14 includes provisions that are encouraging in some respects. I mentioned the legal action taken against Canada under the North American Free Trade Agreement. At least, this bill limits the potential impacts of such legal action. We are talking about economic impacts of approximately \$5 million for a fairly large province like Ontario, Quebec or British Columbia. On a per capita basis, the maximum fine would be less depending on the size and population of the province to prevent what is often frivolous legal action from being brought against the provinces and to produce what I call the litigation chill effect and avoid things like the \$83 million dollar case that I just mentioned. There are even cases that involve several billion dollars. Yet, I feel encouraged that a limit such as this one was imposed.

Another one of our concerns about this bill pertains to the composition of the panels, to those who are presented by the parties to hear a specific case.

● (1715)

Of the five members who can be presented by the two parties involved, only one must be an expert on Canadian commercial law. The other four individuals may have other expertise not necessarily related to the case at issue. We think that is a problem, and it should be corrected.

The other problem is that only one of these five individuals must be bilingual and be able to work in French and in English. Why only one? This means that if there is one bilingual individual in a group and the other four members do not speak French, the discussions will take place in English. If we were dealing with different commercial laws, we could have required, for example, that a good proportion of members be bilingual and able to carry discussions in French and in English. However, I do not see the justification for having only one bilingual person on either side, just like we fail to see why only one individual should be an expert on Canadian commercial law.

Therefore, the NDP will definitely support this bill at second reading, so that we can discuss it in committee and correct some flaws, such as a certain lack of balance. We notice a lack of definitions or limitations that could apply to some people, businesses or provinces to prevent the possible use of the investor-state provisions. These provisions can sometime have a chill effect and result in a province being reluctant to make undertakings, to agree or

to legislate, even for the good of its citizens, on environmental issues or on their own stimulus measures. I am thinking of municipalities among others.

That is why we want to take a closer look at this bill. We will have a chance to do so in committee. I really appreciate this opportunity to present our views on this legislation.

I will be pleased to answer any questions.

[*English*]

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, it is not often that I have a chance to stand up and speak after such a great discussion by my colleague. I am pleased to do so.

We are all in favour of improving trade within Canada, but sometimes it does not work that way in the more remote regions of the country where, in order to provide services to people, we have to give businesses opportunities to compete. In many cases in communities across the far north there is a business incentive program. An incentive is provided to a business that locates in a community and pays the high cost of putting up an office building or a facility in a community where the costs are so much higher than anywhere else. Then that business is expected to compete with southern businesses that act like carpetbaggers. They come up and skim off all the good business. To avoid that issue in the Northwest Territories we have always had a business incentive policy that encourages businesses to actually provide services to the people of the region in their own communities.

How does the member see that this particular internal trade bill would work for the people of the Northwest Territories, the people whom I represent and want to see have the same opportunities as others across this big country?

● (1720)

[*Translation*]

Mr. Guy Caron: Mr. Speaker, I thank the hon. member for Western Arctic for his question.

The issue that he raised also exists in my riding, which is considered to be a remote region, since it is far from large centres. I think that the hon. member for Gaspésie—Îles-de-la-Madeleine, whose riding is close to mine, could say the same. These are particular situations. Because these regions are remote, the trade reality is not the same as it is in large cities like Toronto, Calgary, Vancouver, Montreal or Halifax.

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The reality is different because the level of competition is not the same. If we want to promote emerging or developing local trade in the regions—which, until now, was less developed but which is trying to expand—we must also be able to rely on local initiatives. It is in that sense that the agreement may be problematic. Resorting to fines like this one, even though they are less heavy and have some cap, can become problematic for some regions—and I am thinking of the Northwest Territories, where the hon. member hails from—for the future ability of the territories to develop their own economic policies. I fully agree with my colleague on this issue. I have the same problems in my riding and those problems also exist further east in Quebec.

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, does my colleague think that there is no longer such a thing as “small is beautiful”?

With respect to farmers, will Bill C-14 directly threaten small producers and small specialized markets which, if I understand correctly, will now have a harder time setting themselves apart? This bill will give more powers to people who do not view prioritizing local markets and agri-food identity favourably.

In my riding, there are vineyards and small-fruit farmers who produce apples, blueberries, pears, raspberries, etc. They will no longer be able to sell their products effectively. Also, if we penalize the markets, SMEs will have fewer chances to obtain contracts to provide goods and services, since priority could no longer be given to local businesses. I would like to ask my colleague whether this will do more harm than good for farmers and SMEs.

Mr. Guy Caron: Mr. Speaker, I want to thank the hon. member for his question.

The question is not necessarily whether this is going to help or hinder. It is a question of balance. Once again, we are more likely to find a possible problem at the heart of the Agreement on Internal Trade in the future, the possibility of using the agreement to determine, for example, that Quebec's supply management and marketing practices could be disputed by a province that is not necessarily involved in dairy production, but is aiming to enter the market by trying to pass off its product as a milk substitute. As far as the agricultural sector is concerned, the Agreement on Internal Trade makes it hard for one province to apply rules on labelling, marking, marketing, etc. It is because of the potential abuses of the agreement that we do not see eye to eye with the Conservatives and the interpretation of the agreement.

There have not been any abuses yet, but that does not mean they could not happen in the future. The bill mentions that fines could be imposed on provinces and territories that contravene a panel decision. That could convince a province not to further protect sectors that are essential to Quebec and its regions.

• (1725)

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, I would like the hon. member to tell us how he imagines the 2009 protocol, which is dealt with in the bill, would affect his riding. What other changes does he think will occur in this protocol or for the internal trade agreement between the provinces?

Mr. Guy Caron: Mr. Speaker, I would like to thank the hon. member for his question. My riding of Rimouski-Neigette—

Témiscouata—Les Basques is fairly remote and it is considered a resource region. Quebec implemented certain measures that benefit my riding, including a tax credit for resource regions. According to the terms of the agreement itself and not the bill, if a province can make the decision, it can be challenged.

However, the agreement also has some advantages. I said that we were in favour of a greater flow of goods and services and of improved labour force mobility. Domaine Acer, a company in Témiscouata, produces alcoholic beverages made of maple sugar or sap. They are quite delicious, by the way. This company would like to be able to export its products more freely outside Quebec, and that is a commendable goal.

In that sense, the bill could have positive effects by facilitating the trade of certain products. However, it could have more negative effects on my region's ability to apply the rules to develop its commercial sector differently than that of the larger centres, given its distinct character. If such is the case, according to the bill, there could be penalties imposed on Quebec in order to convince it not to go in that direction or to prevent the municipality or my region from doing so.

These are the types of questions that we want to be able to discuss in committee. That is why we are going to support this bill at second reading so that we can continue to discuss these issues in committee.

[*English*]

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, in southern Ontario there is an innovative program where farmland that is being underused is matched with young farmers who have been encouraged to come to southern Ontario and experiment with crops that people in Toronto, especially in the ethnic communities, want to buy. These are crops that they would normally would have to ship in from the Caribbean, Latin America or India and Pakistan.

It is an exciting program, reflecting interesting niche markets and a diversity of business opportunities. It serves a real market.

I am wondering if my hon. colleague, who has done such a great job with this overview, could speak to the concerns around this diversity of access for farmers.

[*Translation*]

Mr. Guy Caron: Mr. Speaker, I come from a riding where there are a lot of farmers. This type of proposal or initiative from a region or province is completely commendable, especially in times such as these when our businesses and our agriculture industry in general, particularly family farms, are having difficulty. If we want to diversify and fine-tune our research and our methods, this type of initiative is a very good idea.

Honestly, I hope to see this type of initiative implemented more often in Ontario, Quebec and elsewhere in Canada. Based on the provisions of the Agreement on Internal Trade, I do not see any major problem because I do not think that this gives Ontario or the region any particular advantage in this case. According to some analyses or interpretations of the agreement, it could eventually be the subject of a frivolous lawsuit, which is a concern for us because we want to avoid this type of imbalance.

• (1730)

The Deputy Speaker: It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[English]

MULTIPLE SCLEROSIS

Mr. Leon Benoit (Vegreville—Wainwright, CPC) moved:

That, in the opinion of the House, the government should help ensure that patients suffering from Multiple sclerosis (MS), and their families and caregivers, have access to the information they need to make informed decisions in the management of their condition by ensuring that: (a) the MS monitoring system currently being developed by the Canadian Institute for Health Information contain specific and useful information, accessible directly to patients, on the risks, benefits, and other relevant aspects relative to undergoing surgical treatment for chronic cerebro-spinal venous insufficiency (CCSVI); (b) departments, agencies and programs work closely with provincial and territorial counterparts, with health professionals associations, such as the Royal College of Physicians and Surgeons, and with patient groups, such as the MS Society of Canada, on the sharing of up-to-date research-based information on the nature of CCSVI and its link to MS; and (c) the government's two advisory boards dealing with MS ensure the patients' concerns and views are well represented and heard at future meetings.

He said: Madam Speaker, I note that it is a very complicated motion. I would have preferred a simpler one, but I think it was required to get the message across.

I am honoured to speak to my private member's Motion No. 274. It is a motion to help ensure that patients suffering from multiple sclerosis, MS, and their families and caregivers have access to the information they need to make informed decisions on the management of their condition.

In most situations, of course, they would get this information from their doctors. However, for some MS sufferers in the advanced stages of the disease, they simply cannot get the information they need in order to make the decision on whether to have the liberation therapy or CCSVI treatment. If they have already decided to have the surgery, they need to decide where to have it done. I will explain why their doctors cannot give them this information.

First, this treatment is not available in Canada because it has not been approved as a treatment for MS. It is simply too new.

Second, most doctors simply do not know enough about the treatment to give patients advice on it. Because the science is not complete, it would be difficult for doctors to advise patients to have a procedure done outside Canada.

The purpose of my private member's motion is to establish an information portal to allow MS sufferers who are considering having

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the liberation therapy outside Canada to get anecdotal information from others who have already had the procedure done. This would also allow people who have already decided to have the treatment to obtain information about the process, particularly about the results, in various clinics outside Canada. Of the many people suffering from MS that I have talked to, especially those who have had the procedure done, there seem to be different results from different clinics.

To be clear, my private member's motion is meant to fill a desperate need for information, just over the next two to three years until the scientific processes are complete or at least far enough along to release the information to the public.

What is MS?

Despite the amount of research to date, little is known about the disease or what causes it. While there are different theories, there are still questions about what causes MS.

There are four types of MS identified and a wide variety of symptoms for MS patients. It is an unpredictable disease that can affect a patient's vision, hearing, memory, balance and mobility. The most common form of MS is defined by attacks which are followed by complete or partial recovery. Eventually, the part of the body that is affected by the attacks loses its ability to recover and scarring begins. This can lead to more permanent damage. At the point when MS is diagnosed, the severity, the progression or the specific symptoms that might be suffered simply cannot be predicted.

For some types of MS, a sufferer will be immobilized to the point of needing constant care. Even if the MS sufferers are still very young, they are often put into institutions intended for disabled elderly people. They find this to be very difficult to take and they are looking for some way to get around it. These are primarily the people who are looking to this liberation therapy for help.

In June 2009, Dr. Paolo Zamboni from Italy published his first study that involved approximately 65 patients who underwent the CCSVI treatment. The CCSVI treatment is also referred to as liberation therapy or liberation treatment. It is a surgery that improves blood flow in certain veins which carry blood from the brain or upper spinal column. CCSVI itself is actually a restriction of the flow of blood drainage from the brain and spinal column. The treatment frees up this flow.

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● (1735)

Dr. Zamboni's treatment initially came from the concept of standard angioplasty which is used widely in Canada and around the world. This is a procedure where doctors use balloons to open blocked arteries that carry blood from the heart. Dr. Zamboni teamed up with a vascular surgeon, Dr. Galeotti. They began treating patients to see if endovascular surgery using these balloons to open veins would repair flow in the vessels and reduce MS symptoms. The study resulted in patients' experiencing a reduced number of attacks, fewer brain lesions that define MS, and most importantly, an overall improvement in the quality of life of many of the patients.

Unfortunately, when the veins start to narrow again, the patients' symptoms start to return. Since Dr. Zamboni's first study, the process has evolved and is different in different clinics. Therefore, when people are considering getting this procedure done, or have decided to have it done and are deciding where, they will benefit from even anecdotal information about the results achieved at different clinics in the United States or around the world. This procedure is unavailable in Canada.

Why have I chosen this topic for my private member's motion? Because I will only get one chance in the four and a half years of this Parliament to put forth a motion and have it debated. In fact, probably not everyone in the House will have that opportunity, even in this Parliament which will be longer than usual. Why have I chosen this motion on this issue? It is for many reasons, and the most compelling reasons come from my constituents. Groups in Lloydminster and Wainwright, and individuals from across my constituency have contacted me to tell me how desperate they are for information to help them make this decision.

For several months, I have been meeting with not only constituents, but with the Minister of Health, representatives from the Canadian Institute for Health Information or CIHI, doctors researching CCSVI treatment and other treatments, representatives from the MS Society and a lot of other people.

From these discussions, it was clear that there is great hope in the CCSVI treatment. People from around the world are working to get more answers regarding the treatment. In fact, our government has implemented a very comprehensive plan which is being implemented on an accelerated timeline, beyond anything I could have imagined done by government, to determine the potential of this procedure.

The people in the Lloydminster group are great people. They presented their case so well and I simply could not say no. That is why I am here today debating this issue.

The CCSVI treatment is new. It has brought new hope to many MS sufferers, particularly those in the later stages of progressive types of MS. Because the treatment is not yet offered in Canada, Canadians seeking this treatment must travel to the United States, Mexico, Poland, Cost Rica and a wide range of countries. Despite the high cost of getting the treatment abroad and the difficulty in travelling, MS patients are forced to undertake the cost in order to get their lives back. This is the kind of terminology I have heard from people who have had this therapy and from others who are looking at the possibility of it.

Our government is currently working on clinical trials, studying this liberation therapy and its potential at an unprecedented rate. We are including information from around the world. Despite all the work being done, Canadians with MS are questioning whether they should have the treatment and if so, where. The purpose of my motion is to provide this information portal where people considering the process can read testimonials based on a wide range of fairly comprehensive and specific questions.

● (1740)

Individuals can then take this information and have at least something to help them with this difficult decision. Information is available right now online, but it is very limited. The Lloydminster group was very lucky. About a dozen people have had this procedure someplace around the world. People can talk to them, and they do that, but they are looking for more information. That is the purpose of my private member's motion.

This database would be confidential, of course, and would not advocate that patients have this liberation therapy done. The procedure has not been well enough proven to do that. It is simply meant to be testimonials by people who have had it done.

Instead, it would allow people to access information that may assist them in their decision-making process. This information would come from others who have had the therapy done at various clinics and can comment on such things as the clinic, the doctor, how long ago the therapy was done and all the various things that make a real difference.

Unbelievably, Zamboni only came out with his study of this result a little over two years ago. In that two years, there have been incredible progression and improvements and changes made, more in some clinics than in others. That is the type of information that is meant to be provided on the database.

It is extraordinary that a report released just two years ago has had this kind of impact. There is a lot of controversy surrounding the results, but it is impossible to ignore the results.

I have spoken to MS patients and their families first-hand about the effects of this treatment, and most of them have found quite remarkable improvement, especially in clarity of thinking. We can imagine living in a fog for years and all of sudden being able to think clearly. That is one of the greatest impacts. So is improved mobility. There are many benefits, although I have spoke to a couple of people who did not have any noticeable results, so this is not a panacea. It is not perfect, but it is something.

In describing this to me, some have said they don't know what the findings will be after the trials are conducted, but what they do know is that this CCSVI treatment has given them hope. They say they have something to live for again. Others have said it has given them their life back.

● (1745)

[Translation]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Madam Speaker, I would like to highlight the very worthy effort that the member opposite has made by moving this motion that addresses the problems with multiple sclerosis, the complexity of the disease and the lack of information that is crucial for treatment.

Since specialists, experts, researchers and scientists do not all agree on the link between CCSVI treatment and multiple sclerosis or on the controversial side of the disease, and since a number of patients are frustrated and are hopeful about this treatment and their recovery, will the government ensure that this process goes through all four phases of clinical trials? The first two phases are currently underway. Will the government ensure that this progresses to the fourth phase and that there is a consensus in the scientific community before this treatment is recommended?

[English]

Mr. Leon Benoit: Madam Speaker, the member's question is extremely important. What I am proposing in no way makes any commentary on the effectiveness of this procedure, but the personal stories told to me have had an impact on me and leave no doubt in my mind that there have been some extremely positive benefits for some people. After talking to experts at Health Canada and other experts, I know that there does not seem to be any risk for this procedure beyond the normal type of risk for that type of operation.

This issue will go on over the next two or three or four years and beyond. A scientific determination will be made. The appropriate scientific process is taking place, as I mentioned in my presentation, at a rapidly accelerated pace.

If we were to find some real problems and risks in having this procedure done, then I suppose the government could have some egg on its face, except that the government has heard the same stories I have from people who have seen their lives benefit dramatically as a result of the procedure.

The scientific process will take place. The information gathering will be done by the government, but this portal would help fill an important gap over the next two or three years, which can seem like a lifetime, and can be a lifetime, for some MS sufferers.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Madam Speaker, I have a relative who had this surgery and I am interested in the types of questions that would be collected and that patients would answer.

I want to compliment the member as well. The surgery itself is very new around the world and I would like to compliment him on the step forward that he has taken, because it takes some initiative to do so, as well on as the research that he has done on it to bring hope to families and sufferers.

Mr. Leon Benoit: Madam Speaker, the types of questions that would be put on this information portal would be for people to give

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testimony about what has happened to them. There would be about five or six categories. Most of the questions in my suggested list, which will change, have come from people who have had the procedure. To give credit, most of the questions have come from people from the Lloydminster group. By the way, Lloydminster is on the Alberta-Saskatchewan border and has the highest rate of MS in the world, so this initiative is very important to people in that area.

The categories are as follows. One is general information, such as gender, age and that type of thing. The second is on the facility itself, such as how people were treated and whether they were given a film of the procedure so they could take it to their doctors. The third would ask if they had seen a result and, if so, to describe it. That is probably the most important section. Another category is information on travel. For people in the advanced stages of MS, travel to another country can be extremely difficult. There are a number of questions for information on that aspect as well.

That is a very quick summary, but those are the types of questions that would be asked.

● (1750)

[Translation]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Madam Speaker, I would like to congratulate my Conservative colleague for taking the initiative to move this motion for more information to be provided to those living with multiple sclerosis. We will support this motion.

This motion also gives us the opportunity to talk about multiple sclerosis and the impact this disease has on the lives of thousands of Canadians.

Canada is one of the countries most affected by this disease. In fact, it is estimated that between 55,000 and 75,000 Canadians have this disease. These people hope that science will eventually enable them to heal.

We know that multiple sclerosis is a disease of the central nervous system and that it attacks the myelin sheath, or cover, that protects cells in the central nervous system.

What does this mean for people who have this disease?

Many patients have vision problems, muscle stiffness, loss of balance, extreme fatigue and, on occasion, total paralysis. Some people have to use a wheelchair to get around. We know that there are still many barriers to mobility in our buildings, streets and homes. Some people have to renovate their homes, others have difficulty finding suitable housing, and still others must live in long-term care facilities. Daily life is not easy for those suffering from multiple sclerosis. The people who suffer from this illness know what I am talking about.

However, these people teach us life lessons. Most people who suffer from multiple sclerosis continue to work and lead an active life. Our society should recognize them and better integrate them.

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Take the example of Denis Baribeau from Montreal. As is the case for most people suffering from multiple sclerosis, the illness manifested itself early in his life. Mr. Baribeau discovered that he had multiple sclerosis when he was 26 years old. He had just finished university and was preparing to enter the job market.

It is a shock for us and our families to be told by a doctor that we will suffer from a chronic and incurable disease for the rest of our lives. When we lose our physical abilities, we lose them forever. Every flare-up leaves us a little less mobile and has lasting and disabling effects. It is difficult to accept this reality. And yet, people with this illness continue to fight, and to lead as normal a life as possible. Mr. Baribeau continues to work and also to raise our society's awareness about this illness.

However, it is difficult to remain active and have a good quality of life, especially for those who need drugs and cannot afford them. There are medications available that act mainly on the immune system. Some medications slow down the progression of impairment, whereas others help manage symptoms. However, the drugs are often expensive. It can sometimes cost up to \$30,000 a year for this treatment. It is beyond the reach of those without a drug insurance plan.

The purpose of the first part of my speech was to help members understand what it is like to live with multiple sclerosis and also to show the urgent need to find solutions.

For years, as the hon. member opposite mentioned, numerous researchers have put all their energy into finding a solution for this disease. One breakthrough that the scientific community feels is significant is chronic cerebrospinal venous insufficiency, or CCSVI. The term was coined by Dr. Paolo Zamboni, a researcher from the University of Ferrara in Italy. He observed that, in some patients with multiple sclerosis, veins in the neck and head are blocked or narrowed and therefore unable to efficiently remove blood from the brain and spinal cord. Phleboplasty was suggested as a potential treatment for patients. It consists of inserting a catheter into a blocked vein and inflating a balloon to dilate the vein. These treatment seems to have had results with certain patients, who said that they have regained some feeling and mobility.

A number of studies are taking place in Canada and elsewhere in the world to confirm the research results. The Multiple Sclerosis Society of Canada, in partnership with its American counterpart, is currently conducting studies.

In addition, the federal government has decided to fund phase I and II clinical trials on CCSVI. The goal is to determine whether there is a link between venous anomalies and multiple sclerosis. Researchers do not yet agree on the link between the CCSVI treatment and multiple sclerosis.

In fact, doctors and the scientific community do not yet have all of the data needed to understand CCSVI and to offer safe, effective treatment to patients. This lack of data means that CCSVI is not yet available in Canada.

• (1755)

Sometimes, patients travel abroad to get treatment without knowing if the method used is reliable and risk-free. The information available in Canada is limited and fragmented. Some studies show a

link between venous insufficiency and multiple sclerosis, while others reject that hypothesis.

So, a lot of information is missing and this prevents people from making informed decisions. Moreover, we do not know how many patients have received innovative treatments and how they have reacted to such treatments. Let us also not forget that research protocols, diagnostic procedures and treatments vary from country to country. This lack of national and international standards is a major impediment to the treatment of people suffering from multiple sclerosis.

Yet, it is critical that patients get all the information necessary to make informed decisions. After all, they are the ones who live with MS and they should be well informed. That is why the motion presented by the hon. member opposite is welcome, since it provides that these people should have access to more information. That is extremely useful to patients. Therefore, it is critical that the Conservative government work with scientists to get the most accurate information available for patients and their families.

I should point out that a database project is underway at the Public Health Agency of Canada. The agency is developing a new monitoring system to collect data on the condition of patients, on what is being done in terms of treatments, and on the findings of studies. We hope that this project will be developed quickly and will be based on scientific standards, in order to provide patients with the information they need. That should have been done a long time ago, considering that the treatment was made public in 2009.

I also remind the government of the importance of allowing the public to have access as quickly as possible to scientific data on venous insufficiency. In June, the federal government announced that it would fund clinical trials for phases I and II, but we still do not have any information on the research protocol, the timeframe, or the number of participants. It is also important to remind the government that all phases of the clinical trials must be completed in order to have reliable results. There are four phases and we are currently funding only the first two. We would like to have more details on these trials but, as we know, it is always difficult to get clear answers from this government.

I wish to stress how important it is to focus on the fight against multiple sclerosis. People who suffer from the disease, their families and Canadian society as a whole all have an interest in finding scientific answers to this disease. Let us show leadership. Canadian researchers have all the skills necessary to get results, and we are anxiously waiting for these results.

I thank the hon. member opposite for promoting better access to information. As long as scientists agree among themselves, we will support this motion.

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[English]

Hon. Hedy Fry (Vancouver Centre, Lib.): Madam Speaker, as members know, about 75,000 Canadians are living with MS. This disease is characterized by episodes when people are stable and at other times acute episodes that cause them to lose more of their mobility and to become sicker. The point is that it can be a very long-term disease in that the ability for some people to have frequent episodic acute phases or not is an individual variant. There does not seem to be any way of telling who will have more episodes and who will not. People's knowledge that they are living with a disease that could come or go, could come more often or could leave them very immobile is like spinning the dice and not knowing which way it will come. That must be a huge problem for MS patients in that they must live with this uncertainty about what is going on.

As a result of that, I think we all know that when people are very ill with a chronic debilitating illness that does not have a set prognosis, that could come and go, that people will try whatever they need to try to get themselves better. That is human nature. That is something that I would do, I guess. If I had a problem, I would go looking to see whatever could help me to get better or to feel better and to be able to curtail as much as I could some of those acute episodes.

However, it is really important for us to ensure that we do not give patients false hope. Having said that, I am not hinting that CCSVI is a false hope. I am not saying that at all. I am saying that we want to ensure that we do not lead people to believe that this is a slam-dunk, that this will make a difference. This is why the Liberals last spring called for clinical trials on CCSVI. The government announced those trials in June, which I must congratulate the government for, as that was a quick turnaround and a quick response.

However, now we seem to be in limbo waiting for protocols and waiting for this to move forward. My colleague from the New Democratic Party made an important point. Will it only be phase one and two? What happens then? Does it mean that we lead people to some hope and then pull it out? I hope the government will commit to all the phases of a clinical trial because that would give us a very clear understanding about whether this procedure works, how long it lasts, what the disadvantages are and what the negative aspects of this are so we can be very clear, when we decide whether it works or does not work, that all the work has been done and that we do not leave people with false hope or to feel that interventions which could, in some instances, cause serious side effects, would. This is what clinical trials are about. We do not put anybody on a drug until we do the work on them, until we find out whether that drug is safe and what the risks are, et cetera. This is just simple evidence-based protocol for any kind of drug or intervention that is to be used on a patient. It is a good thing and we would like to see that.

While I do support some of the pieces in this motion, I must say that we called a lot of the MS patients from the groups across the country over the last few weeks and there was a mixed review on this motion. Some of the MS groups decided that they did not like it because it was status quo, that it was only repeating what is already happening. The CIHI is able to post this information. That is already happening. The government and the CIHI said that it would happen. The groups wanted to know what was new about that.

The second piece of the motion is people working together across jurisdictions to link all researchers, academics, et cetera, to help people to understand the good aspects or negative aspects of CCSVI. However, nobody can really do that with any sense of certainty until the clinical trials are finished. So there is a sense that this is just treading water on this second one.

Those are the things that concerned me. A lot of people were concerned that this motion did not offer anything really new. I have to say that just putting information out there so it is easily accessible and people can find out what they want, look at case histories and look at what is going on, I hope that information will be based on looking at international work. In other words, are the people who go to Budapest for CCSVI intervention doing better than people who went to Thailand for the treatment? That is the kind of information I would hope we would see on this information module. I agree with it. I think information is good. I am just relaying to members what a big chunk of the community told us.

• (1800)

Another chunk of the community says that anything is better than nothing, that they are happy to see this happen and that it may not be a lot, but that it is a start.

I still do not know what I would do about the bill. There are some good aspects to it. As I said, we have talked with technical experts from across Canada.

What I would have liked to have seen in the bill is something that would assure us that if a patient goes abroad for CCSVI treatments, when they come back here and have side effects, or have negative problems associated with that treatment, that we do not turn them away. The hospitals and clinicians in this country should not say, "Sorry, you went abroad, took this upon yourself and therefore it is your problem". It is not reasonable or fair for us to leave Canadians in the lurch just because they were desperate to try something, anything, that would alleviate what is, in effect, a very terrible long-term disease. It would have been nice if we could have had some assurances that, under the Canada Health Act, anyone who has come back from a treatment who has side effects and needs help will get that help and will not be turned away.

We have heard stories of people who were turned away, who could not get into emergency, who were told that no one could see them because they brought the problem on themselves. That is a punitive attitude that I believe some provinces are already working on locally to ensure the colleges, et cetera will ensure that it is good medical practice to take care of a patient regardless of the reasons for their side effects and complications.

I understand the intent of the motion, with the evidence and so on, but I do not understand part (c), which talks about collaboration with two advisory groups. I am not clear who those two advisory groups are. I am not clear if they currently exist or if the mover of the motion is suggesting that there should be two advisory groups. I do not know what that really means. It would have been nice if we could have had some sort of clarification on that.

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I have some concerns that the government is directing the Canadian Institute for Health Information, not to do something but exactly what it should do. I think we need to keep arm's-length scientific bodies doing arm's-length scientific things based on evidence and good information. The CIHI should decide what information should go on there based on evidence and evidence alone, not just on hopes, dreams and wishes. Therefore, I have a little concern that this may actually be too directional for the CIHI.

However, as I said before, I would have liked to have seen some other things in this motion with regard to health care for CCSVI patients across the country.

I have another question, which was asked by many of the groups that I talked to. Will this motion interfere with the work that is already being done, such as the CIHI clinical trials? I do not see that it would but that was a question that I was asked. I wonder if at the next reading of this motion the member could actually explain that a little bit, if he feels that it would interfere with the CIHI trials. I do not think it will.

Those are good questions and concerns that need to be addressed because, if what we are talking about here is informing patients, this is something on which they want to be informed. We either listen to the questions they ask us and then try to answer them or we say that we do not like the question, that it is a stupid one. It was a real question that I was asked by many groups that I talked to.

I would like to see the trials go on expeditiously. I know we are waiting for CIHI to come up with its protocols and that takes time, but I also want to ensure that we get out of this motion that all four clinical trials will be done. The question then is: What will happen and when? If we decide that this is an evidence-based intervention that works for some people and not for others, we need to know who are the people they work for, what exactly are the incidents of those people who might get some relief from it, et cetera. We also need to know if the relief is long-term, short-term or temporary.

As we well know, with a lot of diseases that are typified by this sort of wave pattern where it is bad and then the patient gets better and then it is bad again and then they get better, sometimes if they get a treatment at the time when they are stable it may seem like the treatment caused them to be stable, which may or may not be true. Again, that is just another reason that we need to do clinical trials.

I hope the member will hear my questions that I am asking on behalf of some MS patients. I think information is good but I think that information needs to be valid, clear and evidence based. If there is anything I need to suggest, it is that.

I thank the member for bringing forward the motion.

• (1805)

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Madam Speaker, it is with pleasure that I rise today to speak to private member's Motion No. 274, put forward by our colleague, the hon. member for Vegreville—Wainwright.

As I speak, I cannot help but think of my friends, my neighbours and my patients back in Oshawa who are living with this devastating disease. I would like to dedicate my remarks to my friend, Clark Caskey, who recently passed away, and his wonderful wife, Linda.

The motion calls upon the Government of Canada to ensure patients with multiple sclerosis, their families and caregivers have access to the information they need in order to make informed decisions in the management of their condition.

For my part today, I would like to talk about what we know, provide some of the context surrounding these issues in Canada, and discuss two recent major initiatives that complement this motion. I would first like to tell members what we know about multiple sclerosis, or MS.

MS is often a disabling disease of the central nervous system which may affect vision, hearing, memory, balance, and mobility. Canada has among the highest rates of MS in the world. MS often strikes young adults, with women three times more likely to be diagnosed with MS than men. The effects of MS are not only felt by those living with the disease, it also impacts their family and friends and the community at large, both emotionally and financially, often for a lifetime.

In 2009, Dr. Paolo Zamboni, an Italian surgeon, suggested that vein blockage is a main cause of MS, a condition he labelled as chronic cerebrospinal venous insufficiency, or CCSVI. He suggested that opening up blocked veins in the necks of multiple sclerosis patients would relieve the patients' symptoms, a treatment commonly called the Zamboni or CCSVI procedure. Experts tell us that more research is needed on the safety and efficacy of the CCSVI procedure before it can be offered in Canada.

Motion No. 274 asks the government to support people with MS so they can make informed decisions about their condition. This includes information on the potential link between CCSVI and MS. The motion seeks to ensure that the recently announced Canadian MS monitoring system contains specific and useful information on the risks and benefits relative to undergoing surgical treatment for CCSVI. What is important here is that this information on risks and benefits be accessible to MS patients.

We know that people with MS need good information to make best choices about their health. Accurate information is critical in weighing the benefits and the risks of treatment options. Over the past year, we have developed two major new initiatives, in collaboration with key stakeholders, which align with the spirit of Motion No. 274. First, we announced the development of the Canadian multiple sclerosis monitoring system. Second, we recently announced the establishment of a phase I and phase II clinical trial to study the safety and efficacy of the CCSVI procedure. Today, I would like to speak to both initiatives in the context of the motion before us today.

Private Members' Business

On March 23, 2011, the Government of Canada announced the funding and development of a new national multiple sclerosis monitoring system devoted to monitoring the health of those diagnosed with multiple sclerosis. Through the new monitoring system, we aim to improve our understanding of the disease and its treatments. We will assemble a national information system so that persons with multiple sclerosis and their caregivers can learn from the national experience with multiple sclerosis. Information on treatments, side effects, quality of life, progression of the disease, health status and much more will come from the monitoring system. It will be a relevant, important, coherent and collaborative national resource. The system will help fill gaps of information so that patients and doctors have the information they need to better understand this disease in order to make informed health choices. The monitoring system is being developed by the Canadian Institute for Health Information, in close collaboration with provinces and territories, the Canadian Network of Multiple Sclerosis Clinics and the Multiple Sclerosis Society of Canada.

This system will collect information on a voluntary basis from all MS patients attending participating MS clinics, including those who have had the CCSVI procedure. Through all we do, the perspectives of Canadians living with MS is crucial to informing our activities, policies and our research. For this reason, the monitoring system is being built with the input and advice of multiple sclerosis patients and their doctors, which will help ensure its relevance for those living with this devastating disease.

• (1810)

Information from the MS monitoring system will be available to patients through regular reports on a variety of topics. This is particularly important for MS patients and their health care providers. For the first time from a national perspective, they will be able to use this information to consider potential treatment options.

Working closely with the Multiple Sclerosis Society of Canada in the development of the monitoring system is essential, as it is the only national voluntary organization in Canada that supports both multiple sclerosis research and services for people with multiple sclerosis and their families. The MS Society of Canada represents patient priorities and interests. Its collaboration will ensure that information from the MS monitoring system is relevant to the needs of patients, families and caregivers. The MS Society also plays a key role in outreach to patients to provide them with this information and seek their feedback.

All of these efforts will help to ensure that the MS monitoring system remains relevant by providing the information MS patients and their doctors need for making decisions about treatment options.

In the spirit of the motion, the second initiative is the recent announcement to establish a pan-Canadian phase I and phase II clinical trial to study the safety and efficacy of the CCSVI procedure.

The Canadian Institutes of Health Research, CIHR, is leading this federal initiative and will implement a rigorous and international peer reviewed competition to select the team of researchers that will conduct this important research.

Through phase I, we will be able to evaluate the safety of the CCSVI procedure. In phase II, we will assess the efficacy of the CCSVI procedure in the treatment of multiple sclerosis.

Through this clinical trial, new and timely information will be available and shared with patients and their doctors through health professional organizations, such as the College of Family Physicians of Canada, the Canadian Medical Association and the Royal College of Physicians and Surgeons.

Aligning with this motion, Canadians living with multiple sclerosis, medical researchers and the MS Society of Canada are well represented on the advisory boards of both initiatives. Our government recognizes that MS patients are at the centre of this issue and established both advisory boards with this in mind.

The Canadian multiple sclerosis monitoring system advisory board will ensure that MS patients' perspectives are reflected in the development of this very important system.

The advisory board for the development of the phase I and phase II clinical trial of the CCSVI procedure includes researchers who are treating people with multiple sclerosis and who can bring patients' concerns to the table.

As I have emphasized today, collaboration is key to working on such a complex disease as multiple sclerosis. No one organization is alone in this fight. That is why we are working closely with the provincial and territorial governments, medical associations and the MS Society of Canada. This collective effort will help to ensure that people living with MS and their caregivers get the support and advice that they need.

Many of us have family members and friends who have MS. We see the strength and determination that they possess, and we are inspired by their spirit. As a chiropractor working in Oshawa over the years, I have had the privilege to treat patients with this debilitating disease and I have seen first-hand how it affects their families.

Our government recognizes the challenges faced by the thousands of Canadians who have MS and the toll it takes on them, their families and friends. It is vital that multiple sclerosis patients, their families, doctors and caregivers have access to information to make informed decisions in the management of multiple sclerosis.

I have appreciated the opportunity to speak to this important issue. I thank the member for Vegreville—Wainwright for introducing this important motion. I thank all members in the House this evening for their worthwhile participation in the debate. We look forward to moving this very important motion forward.

Private Members' Business

• (1815)

[*Translation*]

Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP): Madam Speaker, multiple sclerosis is a very complex, unpredictable disease that often disables those who suffer from it. The chance of being diagnosed with multiple sclerosis in Canada is among the highest in the world. Women are three times as likely to get multiple sclerosis as men. This disease is most often diagnosed in young adults between 15 and 40.

Multiple sclerosis affects 2.5 million people around the world. Studies show that the further away from the equator, the greater the incidence of the disease and Canada is no exception. Between 55,000 and 75,000 people have this disease in Canada, and more than 1,000 new cases are diagnosed every year, or three new cases a day.

Multiple sclerosis is the most common neurological disease affecting young adults in Canada. This disease also affects children, some as young as three years old. The impact of the disease is felt by everyone around the person suffering from it. The effects of MS are unpredictable and vary greatly from one person to the next. Between 80% and 85% of people with MS are diagnosed with the relapsing remitting form of the disease. Over time, from 50% to 70% of people originally diagnosed with relapsing remitting MS will worsen into secondary progressive MS, and will gradually become more disabled.

This disease affects vision, hearing, memory, balance and mobility. In addition, this disease has physical, emotional and financial effects that are life-long, which considerably impairs the quality of life of MS patients. Unfortunately, there is no cure for this disease; only treatments to alleviate the symptoms. However, in his studies, Dr. Zamboni apparently established a link to chronic cerebrospinal venous insufficiency. CCSVI is an anomaly caused by the narrowing of the veins that drain oxygen-depleted blood from the brain and the spinal cord. The theory behind the link between CCSVI and multiple sclerosis is that poor drainage of the oxygen-depleted blood could cause a back-flow to the brain, which would lead to a lack of oxygen in the brain and deposits of iron in the tissue. That would trigger an immune response associated with multiple sclerosis.

There is not enough evidence to conclude that CCSVI is the cause of multiple sclerosis. It is only possible to indicate that in some people multiple sclerosis may occur in association with impaired venous drainage of the central nervous system. For now, the data published about venous anomalies that could play a role in the occurrence or spreading of multiple sclerosis are contradictory. It is a subject that requires a clinical study.

The goal of the clinical study will be to determine if MS patients show venous abnormalities that differ from age-matched controls. The goal will therefore be to define, based on conclusive evidence, mechanisms of how venous drainage from the brain might be of relevance to MS, an issue that has not yet been adequately explored. Clinical studies are usually conducted on human subjects. Given the complexity of a research protocol, we need to ensure that it is as rigorous as possible, so as not to skew the results, but above all, in order to protect the health of patients and participants. We

understand the importance of this issue for people who are suffering from MS.

However, we must be very careful in order to ensure the safety of everyone participating in the clinical trials. As a result, we need to establish the protocol in a responsible manner as soon as possible, but without compromising patient safety. The research protocol must ensure that the financial resources needed to conduct the study are available and must seek out new collaborations with various experts. This will require significant collaboration among researchers. These experts and researchers must come not only from the field of medical research, but also from organizations such as the Multiple Sclerosis Society of Canada.

Furthermore, we must not forget the important role of the provinces and territories. We must establish the number of patients to recruit, the frequency of consultations and imaging tests, the kinds of data to record, as well as detailed procedures for each phase of the study. This stage will ensure that all participants will be subjected to the same protocol, in an effort to strengthen the results of the research.

• (1820)

It is also important that a monitoring committee be established to oversee the study's progress and to react to any problems that could arise in terms of research or safety. The study should also recruit and select participants and obtain their consent to participate in the study. It is important to conduct a truly randomized trial to ensure that the results are well founded and to clearly establish what link exists between CCSVI and multiple sclerosis. It is important to share the results of the clinical study so as to not spread false hope among those with this terrible disease. It should be noted, as was specified in a number of studies, that each person reacts differently to Dr. Zamboni's treatment.

It is essential for doctors and other intervenors in the medical field, as well as for the patients, that information be shared about the impact and the link between CCSVI and multiple sclerosis. Many patients feel isolated because of the lack of understanding about this disease. These people feel overwhelmed by desolation, despair, lack of understanding, guilt and shame. For some, the suffering leads them to isolate themselves and they refuse to go out for fear of what people, in their ignorance, may say.

It is a vicious cycle that results in them more and more often finding refuge in their solitude. In many cases, patients feel misunderstood by doctors who apply their knowledge without always taking into consideration the strong emotions that people living with this disease face. Patients must live alone with their body, day in and day out, and that body no longer responds. They have to live with a physical and nervous fatigue that only increases with time. In many cases, once they build up some trust, patients feel less scorned by health professionals.

Thus, it is crucial that we have clear information on the link, impact and side effects in order to be able to make an informed decision concerning patient treatment. It is important that doctors and patients co-operate fully with one another. It will also be important to update the databases of the multiple sclerosis monitoring system regularly. This system will help monitor outcomes and identify the most effective therapies. It will also help health system planners identify future needs and plan resource distribution more effectively through the system administrator.

In order to help achieve medical breakthroughs in relation to MS, it is essential that the federal, provincial and territorial governments come together, particularly in order to make the necessary decisions regarding treatment and medical services. Knowing that health care and public health coverage differ from one province to the next, it is crucial to ensure participation among all levels of government. Co-operation is needed not only among governments, but also among the other organizations and professional health associations, and the people who have this degenerative disease, namely, the patients.

Multiple sclerosis is a ongoing battle for those suffering from this disease. They count on medical advances to help cure their suffering. For that reason, it is of the utmost importance to begin the clinical trials as soon as possible, but in a responsible manner. Serious and vigorous protocol will be needed to ensure the safety of those participating in the trial. The final results of the clinical trial must show a clear and precise link between CCSVI and MS, and the advantages and disadvantages of the treatment. As a result, an overall picture will help patients to make the best decision possible regarding their treatment.

These results will also have to be compiled in the monitoring system so that they can be consulted by people with MS and shared with other countries so that true medical advances can be made in the treatment of this disease. There are all kinds of partners, and they must be consulted. They include patients, doctors, researchers, health care stakeholders and the provinces. The provinces and territories provide the care and pay for treatments.

•(1825)

[English]

The Deputy Speaker: The hon. member for Mississauga East—Cooksville can begin his comments. He will only have about two minutes before the end of private members' business. He may begin his introductory comments.

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Madam Speaker, I will do what I can in two minutes.

I am thankful for the opportunity to speak on this very important issue that affects so many Canadians and their families, and I thank the member for Vegreville—Wainwright for introducing this important motion, Motion No. 274.

I am standing here as the elected member of Parliament for Mississauga East—Cooksville. One of the reasons I wanted to speak to this motion is because the member who previously represented my riding, Albina Guarnieri, suffers from multiple sclerosis. I spoke to her and this is what she said to me, “MS patients suffer from a lack of access to care, information and hope. Government can help connect researchers to speed results and connect patients to the care options they need”.

Adjournment Proceedings

I thank Albina for her brave words and service to this country, and I wish her well. I believe that many members on both sides of the House have known Albina for years and we all wish her well.

•(1830)

The Deputy Speaker: I must interrupt the hon. member and mention that when this motion returns for debate, he will have eight minutes left for his comments.

The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

POST-SECONDARY EDUCATION

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Madam Speaker, I would like to thank the parliamentary secretary for taking the time to be here tonight. We are here tonight to discuss the topic of the Canada student loans program and student debt.

On October 7 the Canadian student loans actuarial report was tabled in the House. The report showed that the Canadian government will breach the legal limit for student loans of \$15 billion by January 2013. This report stated that there were many reasons for this, with the main reason being that Canadians simply are not repaying their loans at the estimated rate. Considering the current economic climate and the recent recession, this is not surprising. We also know that quality job opportunities for our graduates are few and far between.

A recent report showed that a whopping one in five Canadian graduates are employed in positions that pay at the lower end of the income scale. This means that 20% of our university graduates are earning an income of less than the national median of \$37,000. This income is not very much and too many of our Canadian new graduates are living below the poverty line.

Given this and the fact that Canada has the highest proportion of poor university graduates of any OECD country, it is not surprising that people are having trouble paying back their student loans. The breach of our student loan limit is extremely worrisome.

I asked a question on this topic on October 17. Unfortunately, when I asked the question, the members opposite did not rise and talk about what they were doing to ensure that this limit was not breached. Instead, they stood and spoke about tax credits. I am not sure how tax credits are going to help in this situation. How are tax credits going to help the Canadian government from breaching its Canada student loans ceiling? How are tax credits going to help Canadians repay their student loans?

Adjournment Proceedings

My riding has one of the lowest average household incomes in the GTA, yet many of the families that live there are spending their life savings or incurring extreme amounts of debt to send their children to school. On average, Canadian students are graduating with a debt load of over \$25,000 and tuition fees are still rising at four times the rate of inflation. Getting a degree is not getting any cheaper and now these graduates do not have good jobs to look forward to, to help them pay back their student loans.

The facts are clear. Costs of post-secondary education are rising and there are low job prospects for students upon graduation. This current system is simply unsustainable. If the government is as serious as it says it is about securing Canada's economic future, it would make a real commitment to investing in education. If it were really concerned about Canada's economic recovery, it would realize that investing in education of all Canadians has a huge return on its investment. Yet, in the height of the recession, the government did nothing to ease the burden of student debt.

According to public accounts and supplementary estimates, during the fiscal years of 2008-09 and 2009-10, not a single penny was spent on wiping out Canada's student loans debt. This is unique to those years. I find it very interesting that during the years when people were having the most difficult time paying back their student debt, the government decided that it would not spend a single penny to wipe out some of that debt.

We need real action to tackle student debt. We need to make post-secondary education more accessible and more affordable to all Canadians. We need accountability in terms of post-secondary education spending.

I will ask my question again. When will the government take real action to address the looming Canada student loans crisis? When will it reduce the cost of post-secondary education, thereby making it more accessible and affordable for all Canadians?

• (1835)

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Madam Speaker, I thank the House for the opportunity to address the concerns of the member for Scarborough—Rouge River on Canada student loans.

Rest assured our government is closely monitoring the student loan portfolio. Students will receive the financial assistance to which they are entitled.

[*Translation*]

Our government is fully aware of the vital role of post-secondary graduates in our economic recovery and prosperity.

[*English*]

We are taking steps to address concerns that the student loan portfolio limit could be surpassed in future years.

The government has recently introduced in Parliament the keeping Canada's economy and jobs growing act that proposes to amend the Canada Student Financial Assistance Act. We want to transfer the authority to establish a limit on the amount of outstanding student loans from legislation to regulations. This will provide the

government with the flexibility to respond quickly to growth in the loan portfolio.

It should be underlined that the policies of post-secondary education institutions, including the establishment of tuition levels, fall under provincial and territorial jurisdiction. We support the provincial and territorial governments through block funding for post-secondary education under the Canada social transfer. This ensures that provinces and territories have the flexibility to invest funding according to their needs and priorities. This reflects a long history of Canadian governments working together on shared national priorities. It recognizes that in the areas of provincial jurisdiction, the provincial and territorial governments are best placed to deliver these services and to be accountable for their outcomes.

Already we are seeing shortages in qualified workers in our labour market. We have to give today's students the tools to succeed in the world of tomorrow. By tools I mean access to education, but also the financial supports they need to pursue higher education. Numerous supports are available to help Canadians financially for their post-secondary.

In the 2009-10 school year, the Canada student loans program provided nearly \$2.7 billion in loans and grants to more than 400,000 Canadian students. This included \$593 million in Canada student grants received by 295,000 Canadian students. Grants made post-secondary education more affordable, particularly for under-represented groups, including students from low and middle-class income families, part-time students, students with permanent disabilities and students with dependents.

[*Translation*]

More Canadians than ever before are applying for loans to pursue their post-secondary education. This proves that Canadians continue to believe that education is a worthwhile investment.

[*English*]

The Government of Canada is mindful of concerns about rising student debt and remains committed to helping students access affordable and complete their post-secondary education with a loan that they can reasonably afford to repay.

For borrowers who face repayment difficulties, the government introduced in budget 2008, under the Canada student loans program, the repayment assistance plan. Borrowers are now required to pay back what they can reasonably afford based on their family income and family size.

In 2009-10 approximately 160,000 student loan borrowers who had difficulty repaying their loans benefited from the repayment assistance plan. The plan, along with other methods undertaken by HRSDC to prevent default, has led to an historic low in loan default rates, which currently sits at just under 15%.

Post-secondary education has never been more important than it is today and our government recognizes this importance.

Adjournment Proceedings

Ms. Rathika Sitsabaiesan: Madam Speaker, with the cost of post-secondary education being what it is, we are seeing an increasing gap in accessibility and enrolment in post-secondary education programs between the haves and the have-nots in the country.

The Campaign 2000 Report Card released yesterday stated that only 58.5% of 18 to 24 year olds with a before tax family income of \$25,000 or less enrolled in post-secondary education compared to 81% of those with a family income of more than \$100,000. What is the government doing to address this glaring gap? We need to take action on this right now. We need real concrete action to stop us from ever getting close to that limit.

On this side of the House, we are fighting for accountable post-secondary education funding through the creation of a separate post-secondary education transfer payment. We are calling upon the government to make substantial investments into the Canada student grants program. We are calling for fair and equitable post-secondary education that is truly accessible to all Canadians.

When will the government wake up and realize that having an educated population is truly the way to ensure economic success?

• (1840)

Ms. Kellie Leitch: Madam Speaker, our government is concerned about ensuring students have access to post-secondary education, whether it be college or university. That is why we introduced initiatives such as the apprentice incentive grant and the completion grant.

Our government has also introduced the Canada student grants program that is helping over 190,000 students more than the previous Liberal plan. That is why we have made scholarships and bursaries tax free and made improvements to the registered education savings plan.

Sadly, the NDP has a shameful record of voting against every one of these efforts to help students.

Our government remains committed to helping students complete their post-secondary education and realize their dreams and potential.

LIBYA

Hon. John McKay (Scarborough—Guildwood, Lib.): Madam Speaker, this arises from a question on October 21. To be candid, it is a bit stale-dated because events have overtaken the question, which was whether the Minister of Foreign Affairs was concerned with the manner of the death of Colonel Gadhafi, particularly the extrajudicial killing and egregious breach of the rule of law.

The Minister of Foreign Affairs answered in his usual offhand fashion and said that he identified with the people of Libya and was not overly fussed about the manner of the death. Frankly, I did not think too much about it at the time. I have very low expectations of the Minister of Foreign Affairs. He never fails to disappoint me.

I left the chamber at the end of question period and, to my great surprise, was involved in a scrum with a number of reporters, all of whom were very concerned. The thrust of their questions related to their concern for the rule of law. They presumed that I also was

concerned and wanted to know what the answer was that I had received.

I told them that I did not have high expectations of the minister, so I could not say that I was overly surprised but was disappointed that the Minister of Foreign Affairs, in the situation such as he was in, chose not to emphasize the importance of the rule of law and that the manner of Colonel Gadhafi's death was critical to the success of the mission.

The Minister of Foreign Affairs then spent the balance of the weekend going on various talk shows saying that he too believed in the rule of law, which of course was comforting.

It is somewhat ironic that we are dealing with this on the day when General Bouchard is being honoured. Certainly, he did us all proud. He certainly put the precision in "precision bombing". Having met him, I find him to be an admirable man in every way. Ironically, the care with which he set out the bombing runs speaks to his understanding and knowledge of the rule of law.

One of the reasons that we got so little push back on the bombing issue had to do with the way in which General Bouchard appreciated the issues around the rule of law. The irony is the minister having less appreciation for the rule of law than General Bouchard.

We are now at the point where the hard work begins. We have absolutely superb representation in the embassy. I have nothing but admiration for our ambassador and her staff. One of the things that informed us, as we were critiquing the government's execution of the Libyan mission, was the Libyan diaspora. The Libyan diaspora has seen how the rule of law operates in this country and it is a wonderful asset to exploit as we move forward and try to help the Libyan people develop institutions where there may well be an opportunity for the rule of law to flourish.

In conclusion, I was somewhat disappointed but not surprised by the minister's answer. I think he, on reflection, might regret it.

• (1845)

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Madam Speaker, I am sure the member opposite, as well as everybody else in the House, will join with me in paying tribute to the Canadian Forces personnel. Under the leadership of General Charles Bouchard, they played a massive role in protecting Libyan civilians from the brutal Gadhafi regime.

Today in Parliament the Governor General, the Prime Minister, the Minister of National Defence and every member of Parliament were very proud to congratulate the excellent work done by the Canadian Forces in Libya.

The end of the Gadhafi era turns the page on over 40 years of tyranny and oppression in Libya and opens a new chapter in Libya's history. Libyans themselves have shown great courage and sacrifice in their fight for freedom.

Adjournment Proceedings

The member's question was on the rule of law and the concerns over not following it. Let me just say that Canada is willing to help the NTC. The Libyan authorities have developed a draft constitutional charter for the establishment of a functional democratic government that guarantees and respects human rights and the rule of law. It contains an ambitious road map for a permanent constitution and subsequent election of a new government. In this regard, our government welcomes the announcement of a new interim cabinet, one that is highly representative of the various regions of Libya.

We wish the new Libya every success in addressing the numerous challenges facing the country in the transition period, building national reconciliation and public security and ensuring the protection of human rights for all Libyans.

Among these challenges, there is the need for the interim government to promote national identity and reconciliation among the Libyan people. It is therefore important for Libya to take the right approach to a fair and transparent judicial process in dealing with the recently captured son of Gadhafi, Saif al-Islam, and his brother-in-law, Abdullah al-Senussi.

The Libyan authorities were quick to react after Gadhafi's death in creating a commission of inquiry to investigate the circumstances surrounding his death. Bringing lasting peace to the people of Libya requires that those responsible for serious crimes be held to account by facing a fair trial.

Canada will continue to support Libya in the post-Gadhafi era as it takes steps towards freedom, democracy, human rights and the rule of law for all Libyans.

Hon. John McKay: Madam Speaker, as I said in my initial remarks, I was greatly privileged to sit in the chamber this morning and join in the recognition honouring of General Bouchard. It was absolutely an appropriate honorific. However, I did have some concern that it was inappropriately used by the Prime Minister and

the Minister of Defence for Conservative propaganda purposes and arguments about procurement. However, that is a sidebar issue.

Indeed the Canadian Forces do have an appreciation of the rule of law. I am absolutely impressed by the senior people in the Canadian Forces and I know that General Bouchard has this appreciation for the rule of law. I know that our embassy and the ambassador have an appreciation for the rule of law. What concerns me is that the minister and possibly the government he represents have no such similar appreciation and therefore were not overly concerned about the manner of Colonel Gadhafi's death.

Going forward, I hope that the minister does in fact encourage the Libyan government to execute a fair trial with respect to the son of Colonel Gadhafi.

Mr. Deepak Obhrai: Madam Speaker, in my earlier response I did mention quite clearly that it is important for Libya to take the right approach through a fair and transparent judicial process in dealing with the recently captured son of Gadhafi, Saif al-Islam, and his brother-in-law, Abdullah al-Senussi.

Again, the Libyan authorities were quick to react after Gadhafi's death and have created a commission of inquiry. It is extremely important, and the member would agree, that those responsible for serious crimes be held to account by facing a fair trial.

In closing, Canada was very pleased to serve in Libya and to help the Libyan people. We now look forward to the transition in the post-Gadhafi era in Libya.

● (1850)

[*Translation*]

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:50 p.m.)

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