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OFFICIAL REPORT
(HANSARD)

Tuesday, February 28, 2012

—

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Tuesday, February 28, 2012

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

SUPPLEMENTARY ESTIMATES (C), 2012-13

A message from His Excellency the Governor General transmitting supplementary estimates (C) for the financial year ending March 31, 2013 was presented by the President of the Treasury Board and read by the Speaker to the House.

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MAIN ESTIMATES, 2012-13

A message from His Excellency the Governor General transmitting estimates for the financial year ending March 31, 2013 was presented by the President of the Treasury Board and read by the Speaker to the House.

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● (1005)

[English]

PETITIONS

NUCLEAR DISARMAMENT

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, I have four sets of petitions.

The first petition deals with foreign affairs. The petitioners from my area of Castlegar and Nelson and from Victoria in British Columbia state that the International Physicians for the Prevention of Nuclear War states that there is no medical response to nuclear war. The UN Secretary General, Mr. Ban Ki-moon, has proposed a summit on nuclear disarmament. In 2010, the Canadian House of Commons unanimously passed a motion that encouraged the Government of Canada to deploy a major worldwide Canadian diplomatic initiative in support of preventing nuclear proliferation and increasing the rate of nuclear disarmament.

Therefore, the petitioners call upon the Government of Canada to issue an invitation for all states to gather in Canada to begin discussions needed for a global legal ban on nuclear weapons.

HEALTH OF ANIMALS ACT

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, the other three petitions I have are in support of my Bill C-322. They come from Ontario, with over 140 names from Quebec, Alberta, Calgary, for example Airdrie, Winnipeg and Regina.

The petitioners state that horses are ordinarily kept and treated as sport and companion animals and are not raised primarily as food processing animals; that they are commonly administered drugs that are strictly prohibited from being used at any time in other food processing animals destined for the human food supply; and that Canadian horsemeat products that are currently being sold for human consumption in domestic and international markets are likely to contain prohibited substances.

The petitioners call upon the House of Commons to adopt into legislation 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 horsemeat products for human consumption.

SUICIDE PREVENTION

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I have the honour to table a number of petitions signed by over 200 residents from the Waterloo region, Toronto, Manitoba, northern Ontario and British Columbia.

The petitioners are calling on the government to meet the public health challenges posed by suicide by adopting legislation that would recognize suicide as a public health issue, provide guidelines for suicide prevention, promote collaboration and knowledge exchange regarding suicide and promote evidence-based solutions to prevent suicide and its aftermath.

HEALTH OF ANIMALS ACT

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Mr. Speaker, I have the pleasure to present petitions signed by members from southern Ontario supporting Bill C-322.

The petitioners state that horses are ordinarily kept and treated as sport and companion animals and are not raised primarily as food-producing animals here in Canada; that they are commonly administered drugs that are strictly prohibited from being used at any time in all other food-producing animals destined for the human food supply; and that Canadian horsemeat products that are currently being sold for human consumption in domestic and international markets are likely to contain these prohibited substances.

Business of Supply

The petitioners call upon the House of Commons to bring forward and adopt into legislation 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 horsemeat products for human consumption.

THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I rise this morning to present three petitions. The first is signed by residents of my constituency, particularly from Salt Spring Island, Galiano Island and Pender Island.

The petitioners call on this House to review and enact the targets that were set forth in the legislation passed by the previous Parliament that climate change action is required now, that reductions in greenhouse gases must be met to the level of 25% below 1990 levels by 2020 and 80% below 1990 levels by 2050.

•(1010)

NATIONAL PARKS

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the second petition I wish to present is from residents of Edmonton, Alberta, and the Jasper area.

The petitioners call on this House to protect the ecological integrity of national parks. Given that these petitions speak to rejecting the request for a private sector development in Jasper, which the minister has now approved, I think the petitioners would appreciate it if I were to ask this House to urge the Minister of the Environment to review and alter the decision that has been made. It is not in the interest of protecting our national parks.

THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the last petition is signed by residents from throughout southern Ontario.

The petitioners call on the government to cease and desist from acting as a public relations arm of the oil industry, to treat the Enbridge supertanker scheme as one that requires study and not lobbying, and to allow the process to take place before taking a position on the issue.

HIGH-SPEED INTERNET

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, it is a pleasure to rise in this House today and present a petition on behalf of my constituents of Admirals Beach, O'Donnells and St. Joseph's.

The petitioners would like to see high-speed Internet in their community. It is essential for rural areas of Canada and, in particular, in my area of St. Mary's Bay. They do not have access to high-speed Internet and they feel this is a necessity and a way of life that we now need to provide to them.

The petitioners are calling upon the government to take the necessary actions to have communities linked up to the high-speed Internet.

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

BUSINESS OF SUPPLY

OPPOSITION MOTION—CHARTER OF RIGHTS AND FREEDOMS

Hon. Bob Rae (Toronto Centre, Lib.) moved:

That the House recognize: (a) the fundamental right of all Canadians to the freedoms of speech, communication and privacy, and that there must be a clear affirmation on the need for these rights to be respected in all forms of communication; (b) that the collection by government of personal information and data from Canadians relating to their online activities without limits, rules, and judicial oversight constitutes a violation of the Canadian Charter of Rights and Freedoms' protections against unreasonable search and seizure; (c) that Canadians who have expressed deep concerns about Bill C-30 should not be described as being friends of child pornography or advocates of criminal activity; (d) that the Charter is the guarantor of the basic rights and freedoms of all Canadians; and (e) that the Charter is paramount to any provision of the Criminal Code of Canada; and accordingly the House calls on the Prime Minister to ensure that any legislation put forward by his government respects the provisions of the Charter and its commitment to the principles of due process, respect for privacy and the presumption of innocence.

He said: I appreciate the chance to discuss this important question in the House. I think we would all agree that the introduction of Bill C-30 has caused a powerful reaction around the country. It is important for members, in discussing this issue, to engage not only each other but also the public in a serious discussion of what the issues in this legislation really are and why it is important that we in the House indicate our understanding and support for the principles in the charter, for the role of the courts in asserting the role of the Charter of Rights and Freedoms and in our understanding that there may well be objections to the legislation as it is currently drafted. Those objections need to be treated with respect and civility and not with simply a curt dismissal that somehow they represent a lobby on behalf of criminal activity in the country.

I will begin by reading into the record the words of Chief Justice Beverley McLachlin in a recent case, the Gomboc decision. That case dealt with the question of the access by police to information with respect to the use of electricity in a particular place because of the suspicion that the house was being used as a grow op. The reason for reading this into the record is not that it says anything about that particular case but that it is a reminder to all of us as to the importance of the issues that we are discussing.

Chief Justice McLachlin stated:

Business of Supply

Every day, we allow access to information about the activities taking place inside our homes by a number of people, including those who deliver our mail, or repair things when they break, or supply us with fuel and electricity, or provide television, Internet, and telephone services. Our consent to these "intrusions", into our privacy, and into our homes, is both necessary and conditional: necessary, because we would otherwise deprive ourselves of services nowadays considered essential; and conditional, because we permit access to our private information for the sole, specific, and limited purpose of receiving those services.

A necessary and conditional consent of this sort does not trump our reasonable expectation of privacy in the information to which access is afforded for such a limited and well-understood purpose. When we subscribe for cable services, we do not surrender our expectation of privacy in respect of what we access on the Internet, what we watch on our television sets, what we listen to on our radios, or what we send and receive by e-mail on our computers.

Likewise, when we subscribe for public services, we do not authorize the police to conscript the utilities concerned to enter our homes, physically or electronically, for the purpose of pursuing their criminal investigations without prior judicial authorization. We authorize neither undercover officers nor utility employees acting as their proxies to do so.

The issues that are raised in the legislation are significant. I want to state for the record, because we all need to be clear on this issue, that the purpose of the legislation is to extend the investigatory power of the police over methods of communication in the Criminal Code of Canada. It is not only about child pornography. The short title of the act is, candidly, a misnomer. It is not really what the act is all about. Yes, it covers child pornography but it also covers any kind of criminal activity. Indeed, it covers activity that is covered by the Anti-terrorism Act and the Competition Act, as examples. This really has to do with extending the power of investigation and intrusion into very extensive matters covering all methods and means of communication.

• (1015)

Let us be clear. Under the current provisions of the Criminal Code, which has the support of all members of the House, we grant to our police officers and our security officials under the CSIS Act the power to watch what people are doing. If they then feel that there is criminal activity under way, we grant them the power to ask a judge whether it is possible to, in the case of the current Criminal Code, intercept phone calls and other forms of communication. No one on this side of the House is suggesting for a moment that it is inappropriate, in circumstances where there are clear and probable grounds to believe that a criminal act is either being performed or is about to be performed, for the police to ask for the powers to look at what is happening. That is not inappropriate.

We are celebrating the 30th anniversary of the charter this spring. It has set out some of the protections for privacy and some of the concerns that the House of Commons and the Senate had with respect to entrenching certain critical individual rights. It is important for us to recognize that the charter simply expresses and codifies what, in effect, has been the law of Canada and indeed the common law throughout countries that follow the common law, and the Criminal Code, which applies to all jurisdictions in Canada and has been our jurisprudence for hundreds of years, which contains limits on the powers of the state to intrude into the privacy of people's homes. If we are to break through that line and cross over that frontier, we have to have the approval of the courts before we can do so.

The issue which is raised most directly by Bill C-30 is really the issue contained in clauses 16 and 17. These provisions pertain to, in clause 16, written requests, and, in clause 17, oral requests.

Clause 16 states:

On written request by a person designated...every telecommunications service provider must provide the person with identifying information in the service provider's possession or control respecting the name, address, telephone number and electronic mail address of any subscriber to any of the service provider's telecommunications services and the Internet protocol address and local service provider identifier that are associated with the subscriber's service and equipment.

Section 17 allows not just any authorized person but any police officer, if he or she has reason to believe on reasonable grounds that the urgency requires the information right away, to get that information simply by making a phone call and saying, "We need this information right away".

There is room surely for a legitimate debate about whether or not obtaining that information is in fact a breach of privacy.

• (1020)

[*Translation*]

We have the Canadian Charter of Rights and Freedoms, but before the charter, there was a principle underlying our legal system, what I would call a basic right, that the state cannot intervene in the private affairs of individuals without the authorization of a judge. That is clear. That is the problem we have with this bill. We see the need for a civil debate in which all participants clearly acknowledge people's right to privacy. In addition, with sections 7 and 8 of the charter, it must be clear that the law specifically protects individual rights and privacy.

[*English*]

The debate today can go in many different directions. I think it is very important for the House to treat the views of those people who are concerned about this legislation with a degree of understanding and respect.

We on this side would never say that we do not believe there are grounds, times and ways in which the police and other investigating officers have a right to access information which is held by a service provider. In the same way, a telephone company would have to allow for interception of a telephone call. As well, if criminal activity is taking place on the Internet, or by means of a cell communication, or by some other digital means, of course, it is reasonable for the police to have access to that information in order to know what is going on.

The key issue is whether the House is prepared to say to Canadians that it can happen, but it cannot happen without prior judicial authorization. It is really a very specific issue. However, when we look at all the other provisions of the bill, it is complicated. It is a long piece of legislation.

We welcome the fact that, in response to this literally unprecedented wave of objection to the bill, the government has decided to put it into committee before calling it for second reading. I think that is a good idea. I would argue that would be a good idea for a lot of other legislation as well. We would be glad to see that done on other occasions. I say to the government that we think it is important to do this.

Business of Supply

On our side, we are strongly committed to having this discussion, at least to recognize that there is a legitimate basis for concern on the privacy argument. If we were to simply reject that right to privacy, we would be flying in the face not only of the charter, but of the charter as it has been interpreted by the Supreme Court of Canada in literally dozens of decisions it has taken since the House voted on the charter in 1981.

I hesitate to even mention this point, but I happen to be sitting not very far from where I was standing when I voted in favour of the charter and the patriation of the Constitution. I am not going to quote my own words from that time, but I invite the member opposite to read the speech. I recommend it to him in terms of his level of enlightenment.

I have heard members sitting in this House criticize the charter. When those people say that the charter is something which works on behalf of criminal activity but not on behalf of others, that is simply not true. When we are arguing on behalf of privacy we are not arguing on behalf of criminal activity. We are arguing about the boundaries of the distinction between what is private and what the state has reasonable grounds to have access to. What are the tests that the state has to meet in order to cross that line?

The courts have said there are tests that people have to meet. The courts do insist that the police follow these sets of rules and regulations. Yes, in circumstances they can be difficult and onerous. Yes, if the steps are not followed properly then there are decisions that are made, in effect, to say that there has to be a new trial because the rules were broken with respect to what was admissible as evidence. There is a name for that in our society. It is called the rule of law.

• (1025)

We did not give the courts some sort of new role that they did not have before in the charter. The courts always had the role and the responsibility of saying that when legislators go too far, or when legislators are unwise in how they proceed, then there needs to be a step back. There have been lots of times in Canadian history, long before the charter, when the courts said we could do this, but not do that.

Perhaps there are some members opposite who remember the infamous Alberta press bill, where the legislature under the intellectually precedent government of the one opposite, the Social Credit Party of Alberta, said the press had to give the government side of every story they were running. The press had to provide for the alternative official position in order to allow for balanced reporting. The Supreme Court of Canada said there was no way they could demand that, as it was an infringement of the freedom of the press and an infringement of freedom of speech.

In Quebec, long before the charter, Premier Duplessis personally said that Mr. Roncarelli, because of his association with the Jehovah's Witnesses, could have a restaurant but the restaurant could not have a liquor licence. The Supreme Court, in a very famous judgment, said he could not do that. He could not use a completely irrelevant argument in order to stop somebody from pursuing his legal rights.

What the charter was intended to do, and I believe on balance what it has done, is essentially entrench and formalize the rights we have always known were there. The charter is an effective guarantor. Frankly, Parliament has to be a guarantor as well.

It is important for us in the House to understand what is at stake in these discussions. It has to do with our common commitment to the rule of law, our common commitment as a Parliament to the law of Canada, which includes the Charter of Rights and Freedoms, and our common commitment to civility in how we treat the people who are on the other side.

There is no reason why the government should be voting against this motion. There is no reason for anyone in the House to vote against it. It states in a very balanced way the principles of the charter, the issues that are at stake here, and why it is so important for us as Canadians to deal with this issue in an intelligent way.

The police have to be able to do their job. We need to be able to deal with acts of violence, acts of terrorism, child predators and crimes inflicted on children. However, we need to do it in a way that fully conforms with the rule of law in our country.

• (1030)

[*Translation*]

Of course we will be following this debate with great interest. But as I have said, today's motion is clear: yes to private rights, yes to the Charter of Rights and Freedoms, and yes to the important concept that we can all agree to a necessary balance, the necessary role of the courts, respect for individuals and a civil debate on this issue.

[*English*]

There has been a lot of emotion around this debate. It is important for us to understand where some of that emotion comes from. We need to be able to deal with these issues with mutual respect and to study the bill carefully. I can assure the government we in the Liberal Party, in our role in the opposition, are going to be doing that in a responsible way. We will continue to work for a criminal code and a working police force, and the protection of Canadians that also guarantees the rights that all of us have to privacy and the rule of law.

Mr. Mike Wallace (Burlington, CPC): Madam Speaker, I have a practical question and I will try to remove the rhetoric from it. It is an important point—

Hon. Scott Brison: There won't be much left.

Mr. Mike Wallace: Madam Speaker, maybe members should wait for my question before they start laughing.

I have read the motion. The member talked about section 17. My reading of section 17 is that in an emergency the police have the ability to get information to track somebody. I am not trying to exaggerate, but as an example, based on my reading of section 17, if a known child predator had abducted someone, the police would be able to get that basic information and attempt to find that individual and resolve that issue in an emergency. That is my understanding and if I am wrong, then you can enlighten me.

What is the Liberal Party suggesting in terms of changes to section 17 to ensure that law enforcement officers are able to act quickly to resolve those types of issues?

Business of Supply

The Deputy Speaker: I would remind members that they should address their comments through the Chair.

Hon. Bob Rae: Madam Speaker, first, I know some of the emotional circumstances the member for Burlington must be going through in his own constituency. Our hearts are with him and his fellow residents of Burlington as they deal with the tragedy of the recent train crash.

The member is right when he suggests that in an emergency situation that is exactly what police would do. Currently under the Criminal Code the police do not have that power. One can get a judge in an hour. There are ways in which one can quickly go to a judge.

I am looking forward to listening to people. I am looking forward to listening to representatives of the police forces across the country and asking them how they would compare this with what they currently have to do under the Criminal Code. These are perfectly reasonable questions.

The reason there is a lot of concern is that generally speaking, we have not authorized the handing over of this kind of information without prior judicial authorization. That is the issue. At what point do we cross that line? That is what we have to discuss. We have to be able to discuss it without being accused of being such terrible people. It would be nice to be able to have this conversation in a way that would allow us to do that.

• (1035)

Mr. Jasbir Sandhu (Surrey North, NDP): Madam Speaker, like a lot of Canadians, I am also appalled at the introduction of the Bill C-30 by the Conservatives. It would treat law-abiding citizens like criminals, and that is wrong.

I am fairly new to the House but I have done a bit of research. I found out that this lawful access bill was introduced by the Liberals not only in 2005, but again in 2007. What has changed in this legislation that the Liberals are now opposing it? Why are they flip-flopping on this? What are the reasons?

Hon. Bob Rae: Madam Speaker, I am not sure there has been a flip-flop.

It is interesting that legislation has been around since 2005. A question one might ask is, if this bill has been such an urgent requirement, why has it taken seven years to come to the floor of the House? There will be lots of explanations for that. If the member wants to get into a partisan debate, he can.

I do not think it should be any surprise to anyone that governments facing a complete transformation of the technology that is now being used by Canadians, and hence by some criminals, would seek to update legislation with respect to seeking the ability to carry out surveillance activities using technologies that were not available in 2000, 1995 or 1990.

I can assure the hon. member that in any government where the NDP has been involved, the police have been very concerned about their ability to do their job when criminals are working ahead in terms of technology and governments are way behind in terms of access to technology. This is not a new issue for Canadian police forces.

All I can tell the hon. member is that my views on this matter have not changed. My view is it is not unreasonable for governments and police forces to be looking at the ways and means in which they have to be able to deal with criminal activity using the latest technology, and sometimes using it in very destructive ways.

On the other side, my view is equally clear. We have to do it in a way that is consistent with Canadian legal traditions and with our protection of privacy.

It seems to me that in every piece of legislation like this, we are always trying to find the right balance. My concern is that this legislation as it is currently drafted does not reflect that necessary balance.

Mr. David McGuinty (Ottawa South, Lib.): Madam Speaker, I would like to congratulate my colleague from Toronto Centre for such a balanced perspective on what could be described as a moving target for Canadians. Technology is evolving very quickly. Knowledge is doubling every 18 months. I would like to raise two points and ask him to take a second to elucidate for Canadians.

First, how important is it for Canada to get this right, because of the extent to which developing countries, emerging economies, countries around the world are looking to Canada as a touchstone for balance in terms of privacy, the protection of our right to privacy, and access to this information?

Second, we often hear from the Conservative government how, perhaps, distrustful it is of the existing members of the judiciary. The Conservatives have often talked about judges making the law. The Minister of Public Safety has criticized for years members of the judiciary as being too liberal.

Could my colleague expand on that to help us understand, and should we be addressing this at committee as well?

• (1040)

Hon. Bob Rae: Madam Speaker, first of all, of course it is important that we take this seriously. If we look at legal decisions being taken around the world, the decisions of the Supreme Court of Canada are cited in almost every jurisdiction in the world as models of finding a balance and expressing principles that are deeply entrenched in our traditions. It has to do with the charter, but as I said in my speech it does not only have to do with the charter.

I am looking at my colleague from Mount Royal, because when I go back he will give me a grade on what I had to say with respect to what happened. He will tell me where I was right and where I was wrong, as will my colleague from Vaughan, but it will be a different grade from him and that is okay. He and I have had a relationship debating these issues going back many years in the province of Ontario.

I do think it is very important that we get this balance right.

The second thing I would say is I would hope the government by now would realize that attacking the judiciary is not something anybody should do. We have a very fine judiciary across the country. I do not agree with every judicial appointment that has been made, and I suspect the Minister of Public Safety does not agree with all the appointments that were made prior to his coming into office.

Business of Supply

The fact remains that the courts usually have the balance pretty right. They have to make unpopular decisions sometimes. They have to make difficult decisions. We have a very strong appeals court system in our country. We have a very strong Supreme Court of Canada. It is very important for us to recognize the importance of the independence of the judiciary as being a fundamental principle of the Canadian Constitution.

Courts will often have what they think is the final word. Parliament will have an opportunity to respond sometimes. However, it is very important for us to realize that what helps to define our democracy is the independence of our judiciary and the quality of the people who are currently serving on our courts.

Hon. Vic Toews (Minister of Public Safety, CPC): Madam Speaker, it is my pleasure to address the motion before us today. During the past weeks there has been much attention on Bill C-30, the protecting children from Internet predators act.

Contrary to the implications of the interim Liberal leader's motion, our Conservative government strongly believes in the principles of due process, respect for privacy and the presumption of innocence. Bill C-30 adheres to those principles. Through Bill C-30 we seek to update Canada's laws as they do not adequately protect Canadians from online exploitation. We want to update our laws while striking the right balance between combatting crime and protecting privacy. That is why we will send this legislation directly to a parliamentary committee for a full examination.

Over the days and weeks, since we introduced this legislation nearly two weeks ago, I have listened with great interest to the comments of several hon. members and have also been quite intrigued by the remarks of several individuals and groups which have appeared in the news media, both those opposed and those in support of Bill C-30.

All of us know full well that healthy debate is one of the cornerstones of our parliamentary democracy. Indeed, it is the cornerstone of our democracy, but all of us also know that to be healthy, a debate must be informed by facts rather than speculation and unwarranted fearmongering. It must be informed by actual facts rather than personal attacks and half-truths.

As the interim Liberal leader clearly knows, our government strongly believes in the principles of due process, respect for privacy and the presumption of innocence. The fact that this motion seems to imply otherwise is not surprising.

Just yesterday, the interim Liberal leader apologized for one of his senior researchers who was responsible for a smear campaign against me. As I said yesterday, I take no issue with an open attack on the floor of this House in which the source of the attack may be seen by all. I do take strong issue with the idea that taxpayer dollars would be used to secretly attack a member of this House.

Despite yesterday's revelation and apology, the Liberal Party and the interim Liberal leader owe Canadians some answers. Did the senior researcher for the Liberal Party, Adam Carroll, use taxpayer resources and if so, what was the cost? Is the Liberal Party of Canada going to reimburse this amount to the House? What involvement did the member for Papineau have in this campaign? When did he first know a Liberal staffer was involved? Upon making this discovery,

what did he do to prevent the smear campaign from advancing? Indeed, what did he personally do to advance and promote it?

Despite this smear campaign, I will continue to do my duty and carry out my responsibilities in respect of this legislation on behalf of our government. I am therefore very pleased to have this chance to speak to the real facts about Bill C-30 and to set the record straight on a number of fronts.

Canadians deserve to hear a reasonable dialogue on issues which affect their lives and ensure their overall safety, a dialogue based on reason rather than hysteria, a dialogue based on facts rather than the outlandish conspiracies put forward by the member for Timmins—James Bay. I therefore want to focus my remarks today on what Bill C-30 will do and then speak about what it will not do, in other words, what is in the legislation and what is not, what is fact and what is fiction.

I have spent the better part of my career advocating for the safety and security of Canadians. As a prosecutor, as a child protection lawyer, as a federal and provincial attorney general, and in my current job as Canada's Minister of Public Safety, I have made it my goal to put the rights of victims ahead of the interests of criminals.

Over the years it has become more and more clear to me and to countless thousands of other Canadians that our laws were falling far behind the technology used by criminals. The frustration that police have experienced through the years is palpable.

● (1045)

After I entered politics, I heard the same story from law enforcement officials so many times that I began to wonder if the problem would or could ever be fixed. Even so, soon after my appointment as federal justice minister in 2006, I was introduced to the concept of lawful access, which dealt with the challenge of fighting crime and investigating threats in an era of new communications technology. I was struck by the reality that our approach to the Internet has been shaped for a previous generation, one grounded in equipment like the telex machine.

This is a concern that we have heard from law enforcement and security agencies right across this country, as well as our international allies. I might add at this point that our international allies have, in fact, adopted this legislation. In that respect, Canada is not going ahead of any other of our fellow western democracies. In 2009, Chief Constable Jim Chu of the Vancouver Police Department said that our laws were "originally written in the era of rotary phones". Bill C-30 would repair this.

Bill C-30 is not the first attempt to update our laws. The problem is well known. As acknowledged by the interim Liberal leader, even the Liberals knew it. The Liberal Party introduced similar bills on three separate occasions and its present position on Bill C-30 clearly proves that the Liberals are a value-free, principle-free, idea-free party that will accept and adopt whatever position they think is possible on the issue of the day. Liberals have been supporting legislation such as this for 10 years, with weaker protections for privacy. Our government introduced similar bills twice, once in 2009 and once in 2010.

Business of Supply

To the disappointment of many, and despite the tireless efforts of people like Paul Gillespie, formerly of the Toronto Police Service and now the head of the Kids Internet Safety Alliance, and Roz Prober of Beyond Borders, none of these attempts resulted in the passage of these necessary amendments to the law, as these bills all died on the order paper. I am sure that many hon. members have heard Mr. Gillespie speak passionately about the emotional toll that child exploitation investigations take on front-line officers. Each day these officers are confronted by the bleak reality that thousands of children are sexually abused in graphic, unimaginable ways. The reality is that police simply do not have the tools to effectively fight these crimes. This is true not only in cases related to child pornography but also identity theft, online organized crime, and many Internet scams and frauds.

More than a decade ago, police spoke up and told the government of the day that they lacked the tools to keep up with changing technology. Here is just one example that illustrates the ongoing frustration and problems with the current system. It comes from Kingston Police Detective Constable Stephanie Morgan. Detective Morgan received information via the Internet that a person might attempt suicide. When she approached a telecommunications service provider for help in locating that person, she was prevented from proceeding further. She said:

In that case, the Internet service provider refused to give us that information because of the person's privacy. To this day, I don't know who the person was who sent the message, I don't know if they were in distress or if they later committed suicide.... I think that would not have happened if this legislation was in place.

Let me give a second example. Hon. members may have heard of the case where, as part of a massive worldwide investigation of child pornography, Germany alerted Canadian law enforcement officials that 200 IP addresses using Canadian Internet service providers were associated with online child exploitation. The RCMP requested information from these Canadian Internet service providers to help them identify potential suspects. Unfortunately, the RCMP was unable to identify the account holders associated with 47 specific IP addresses due to a lack of co-operation from some service providers. That meant that 47 leads reached a dead end and that today countless children remain at risk.

● (1050)

A third example is an international criminal investigation that involved 78 Canadian IP addresses linked to the purchase of child pornography. In this case, requests for customer names and addresses were submitted to the relevant Internet service providers. However, this basic subscriber information was again not provided by all the service providers. As a result, 18 suspects have not been identified and today remain free to jeopardize the safety and security of young Canadians.

These are not isolated cases. Last year alone, 62 requests for basic subscriber information made by the RCMP's National Child Exploitation Coordination Centre in Ottawa were refused. It is simply unacceptable.

That is why, on February 14, I reintroduced legislation that closely resembles the efforts of the previous Liberal government, but with important improvements that better protect the privacy of Canadians. I might point out that this legislation has the support of all provincial

and territorial attorneys general and public safety ministers. The Liberal flip-flop on this piece of legislation is simply unbelievable.

Bill C-30 allows police to request six kinds of basic subscriber information to assist with the kinds of investigations that I just spoke about. However, just as critically, it makes police 100% accountable through audits and obligations to report to federal and provincial privacy commissioners.

Let us look at the first part, that relating to basic subscriber information.

Basic subscriber information is essential for criminal and national security investigations, as well as for responding to non-criminal community needs such as assisting families to find runaway youths. We have improved on previous versions of this legislation by reducing the number of basic subscriber information points that police could request of service providers, from 11 in the Liberal legislation down to 6. This information is clearly stated: name, address, phone number, email address, Internet protocol address, local service provider identifier and nothing more. This is the modern day equivalent of a phone book and phone book information.

Bill C-30 would put in place a system of checks and balances that simply does not exist today, including the fact that officials would have to be designated to make subscriber information requests. Only a limited number of officials would be allowed to be designated to request basic subscriber information, either five individuals or 5% of an agency's workforce, whichever is greater. It would be set out in the law that all requests for basic subscriber information would have to be made in the performance of a duty or a function of the agency in which the designated official is employed.

For internal auditing purposes, officials would be required to record the purpose of each request for basic subscriber information. The police, CSIS and the Competition Bureau would conduct regular internal audits to ensure that their practices and procedures for requesting basic subscriber information complied with the legislation. All findings of these audits, including any concerns and actions taken or proposed, would be provided either to the Minister of Public Safety or the Minister of Industry, as well as the review body responsible for that organization, such as the Privacy Commissioner.

● (1055)

Basic subscriber information does not include information pertaining to the websites a person has visited, or the content of emails or phone calls either made or received. Police will continue to obtain judicial authorization, or a warrant, before requesting this type of information from service providers, as they do today. There is no change to the law in this regard. Bill C-30 would create no new powers to access the content of emails, web browsing history or phone calls beyond the powers that already exist in Canadian law today.

Business of Supply

Law enforcement and national security officials will continue to rely on lawful authority before they are allowed to intercept communications. This has been the case for the last 40 years and will continue to be the case under Bill C-30. I emphasize this point because so far there has been a great deal of misinformation spread about this component of the legislation.

As I mentioned earlier, law enforcement officials today can already intercept private communications in very exceptional circumstances without first obtaining court authorization. It simply recognizes that there are situations and some cases where action needs to be taken quickly, in such cases as kidnappings or bomb threats, where an immediate interception could help save lives. Furthermore, this legislation proposes to add robust safeguards to the laws that will increase accountability and transparency.

Some have accused me of not reading a bill that I have been involved in shaping for over half a decade. Ironically, when I read most media coverage of Bill C-30 I am struck by just how poorly the bill is understood by many writers.

That is why our government intends to send this legislation directly to committee for full examination. I hope that all Canadians, and especially members of Parliament and the media, will read, discuss and reflect on the bill. The fact is that stakeholders, victims advocacy groups, police associations, all attorneys generals and public safety ministers in this country have asked for and support these changes, as do many ordinary Canadians.

As I have said before, the proposals we are putting forward are not new or even revolutionary. The focus of Bill C-30 is not to create new interception powers. It will not compromise the privacy of Canadians or put an undue burden on businesses. What it would do would be to bring our country's legislation out of the Cold War era and into the 21st century, along with other western democracies around the world.

This legislation would provide law enforcement and CSIS with the updated tools they need, while providing maximum flexibility for industry and creating rigorous safeguards to protect privacy. It strikes an appropriate balance between the needs of law enforcement and CSIS, the competitiveness of industry, and the privacy of Canadians.

We told Canadians during the last election that we would continue to crack down on crime. We have delivered on that. We told them that we would address the needs of the victims of terrorism by allowing them to sue the perpetrators of terrorist acts and their supporters. We have delivered on that. We have done a lot. We are doing a lot.

I look forward to continuing the debate on Bill C-30 both at committee and in the House.

• (1100)

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Madam Speaker, I listened intently to the minister's speech and I have a couple of questions.

Does the minister feel that if the RCMP were given more financial resources it could be more effective in tracking down child predators?

Furthermore, there is a difference between the bill the minister introduced now and the one he introduced in the previous Parliament. The bill would give the power to obtain a more limited set of pieces of subscriber information. I am wondering what changed in the minister's mind to reduce that number.

One of the pieces of data that will not be covered by subsection 16 (1) is the IMSI number. I am just wondering if the minister feels that the IMSI number is similar to a number in a phone book. If that is the case, why did he not include the IMSI number under subsection 16 (1)?

Hon. Vic Toews: Madam Speaker, what we did in the bill was take the principles and, indeed almost word for word, the legislation produced by the former Liberal government. The deputy prime minister at the time, Anne McLellan, said:

We consulted extensively to ensure this legislation strikes the right balance between the needs of police to maintain their investigative capabilities and the business considerations of the industry, while respecting Canadians' privacy, rights and freedoms.

When I looked at the bill, I examined what issues could further strengthen the privacy rights of Canadians without compromising the ability of the police to effectively investigate. That is why we essentially landed up on the six criteria. If the member feels this list, from the 11 to the 6 on which we have settled, is somehow too restrictive, that is something I am willing to consider and debate. However, police officers have told me that the six are sufficient for their purposes. I think that fits with the overall scope of balancing the rights of investigation and the privacy of ordinary Canadians.

[*Translation*]

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Madam Speaker, the NDP wants police officers to have the tools they need to tackle new threats. We believe that it is possible to hunt down criminals without treating law-abiding Canadians like criminals.

Will the government remove all provisions relating to obtaining personal information without a warrant from Bill C-30?

• (1105)

[*English*]

Hon. Vic Toews: Madam Speaker, as I have indicated, the bill does nothing to expand the powers of police to obtain personal information without warrant. The proposed law simply recognizes the differences in technology and therefore attempts to update the law in terms of ensuring that technology is captured by the legislation. However, in respect to personal privacy of individuals, for example the content of emails, the web browsing history, the content of telephone calls, that remains off limits in the same way it does today without this law.

Mr. Jasbir Sandhu (Surrey North, NDP): Madam Speaker, the Minister of Public Safety pointed out that the bill was moving laws into the 21st century. I think that Canadians would disagree with him. In fact, it is moving backward to not only cold war but the Communist state, the totalitarian states that we earlier had.

Business of Supply

The minister correctly pointed out that the government had reduced the list of identifiers from 11 to 6. However, in a sneaky way, it has included a part in the bill that includes a regulatory power permitting Governor-in-Council to add even more kinds of information that could be accessed without a warrant. Section 64 of the act covers that. Are there additional identifiers that will be added later on?

Hon. Vic Toews: Madam Speaker, the government has no intention of adding additional identifiers. I note the Liberal member indicated that he might want to see one or two more identifiers added without warrant. Certainly, that is something—

Mr. Francis Scarpaleggia: Madam Speaker, I rise on a point of order. I asked a legitimate question about the logic behind the government's approach to the bill. I did not in any way, shape, or form suggest there should be data added to the list of six.

It is very wrong for the minister to try to spin it that way. I really think he misrepresented—

The Deputy Speaker: I thank the member for his comments, but it really is part of the debate. I think the minister had completed his answer.

Questions and comments, the hon. member for Winnipeg North.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Madam Speaker, the vast majority of the public, and individuals who are watching, are very curious as to the degree that law enforcement officers, or any others who might be designated through the minister, might have to access their history on websites and the content of emails. The minister makes reference that this does not change what is in place today.

Could the minister assure those who are listening to the debate that the government does not, in any fashion whatsoever, allow for any sort of invasion of privacy without some form of a judicial court warrant to enable police to do so?

Hon. Vic Toews: Madam Speaker, let me quote from the statement of the former Liberal deputy prime minister, Anne McLellan, a statement with which I agree completely. She said:

The proposed legislation will reduce the ability of criminals, organized crime members and child pornographers to use sophisticated technologies to carry out their activities undetected.

Court authorizations will continue to be obtained for interception as they are today. This legislation will not change this requirement in any way.

•(1110)

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Madam Speaker, I am very pleased to rise today and ask the Minister of Public Safety a question.

As a mother and a police officer who spent several years in the child abuse unit, I have spoken with a number of police officers and parents about the need to act quickly when things like kidnappings occur.

I would like to give the Minister of Public Safety an opportunity to tell us if there are other police agencies or police people who are supportive of this bill and how it might in fact help us to perhaps

locate a kidnapped child in a timely fashion, which is not possible under what we currently have as legislation?

Hon. Vic Toews: Madam Speaker, if I could just reiterate, there is no attorney general or public safety minister in the country who does not support this legislation. Indeed, the legislation was based on many of their recommendations.

Chiefs of police have indicated that this is absolutely necessary. As one police officer described it, without the legislation trying to attack the problem of child pornography is much like using a cup under Niagara Falls. It simply cannot be done without the assistance of this type of legislation.

Mr. Jasbir Sandhu (Surrey North, NDP): Madam Speaker, I rise to speak to the motion put forward by the member for Toronto Centre. The motion asks the House to recognize the fundamental rights of all Canadians to the freedoms of speech, communication and privacy and that there must be a clear affirmation on the need for these rights to be respected in all forms of communication and that the House recognize that the collection by government of personal information and data from Canadians relating to their online activities, without limits, rules, judicial oversight, constitutes a violation of the Canadian Charter of Rights and Freedoms' protection against unreasonable search and seizure. Of course I will support the motion.

The motion asks to affirm the basic rights and freedoms of all Canadians as identified in the Charter of Rights and Freedoms. However, it saddens me that the member for Toronto Centre was compelled to put forward a motion that asks us, the members of the House, to affirm what as legislators we should be protecting everyday, what should be the guiding principle of work everyday in the House. The member was compelled to introduce the motion because of the reckless and ill-conceived Bill C-30, a bill which contains a serious violation of the rights and freedoms of law-abiding Canadians.

When members stood in the House and asked the Minister of Public Safety to reconsider this reckless legislation, the minister said, "He can either stand with us or with the child pornographers". We are often warned that rights and freedoms are not permanent, that we only keep them if we stand up and fight for them. However, when members of the House stand up and fight to protect these rights when they are being threatened by their government, we are accused of being sympathetic to child pornographers.

I think many Canadians realized because of that moment, if they did not already, that the government was a different kind of government than we had seen before, a government that was not only willing to attack the basic rights and freedoms of Canadians, but would also bully and threaten, in the worst way, when it was questioned about this attack.

I support the motion, but I lament that the government has created the conditions, the situations where this kind of motion is necessary in the first place.

Business of Supply

Canadians should pay very close attention to this, not only to the bill but to what appears to be a complete disregard for the basic principles of democracy, rights, freedoms and respect for free and fair electoral process. The Conservatives pled guilty to election fraud just a few months ago. Now we hear the Conservative campaign may have been involved in widespread voter suppression, yet more election fraud.

I will be splitting my time with the member for Terrebonne—Blainville.

Last Friday, I had a chance to attend a citizenship ceremony in my community of Surrey, British Columbia. It was a very special day for those attending their citizenship.

I, too, remember a special day for me about 20 years ago when I became a Canadian citizen. There were about 85 people, elderly, young, in all walks of life, and they came from about 20 different countries. Many of them told me that they came here for a better life. A number of them came from war-torn countries. Others came from lawless countries and some may have come from countries where there might be police brutality. Many had escaped these terrible situations to adopt Canada as their new country. I could see the pride in the eyes of the would-be new immigrants.

As a part of preparation for citizenship, the new Canadians learn about our Charter of Rights. It would be fair to say that most of them expect the government and the governing party of Canada to respect the Charter of Rights.

•(1115)

I had a chance to address the new citizens at the end of the ceremony and encouraged them to get involved in politics and the political process in Canada, if they were not already involved. I encouraged them to exercise their right to vote. I can only imagine what those new citizens feel when they see headlines about this new country they have worked so hard to become a citizen of saying that those rights and freedoms are under attack by the sitting government and that the governing party is already guilty of election fraud, perhaps even widespread voter suppression and, more seriously, election fraud.

In May, I was elected to represent the people of Surrey North in the House. I and all members of the House have been given a wonderful opportunity and a phenomenal responsibility. New Democrats are standing up to protect the basic rights and freedoms of Canadians and the serious erosion of privacy and expansion of unchecked surveillance powers contained in Bill C-30.

I challenge the members on the other side of the House to do what they know is right and reject Bill C-30. They should think about the responsibility they have and what our rights and freedoms mean and do what they know is right.

This motion also calls on the House to recognize the charter as paramount to any provisions of the Criminal Code of Canada and for the Prime Minister to ensure that any legislation put forward by the government respects the provisions of the charter and its commitments to principles of due process, privacy and the presumption of innocence. Without the principles of due process, adequate judicial oversight, respect for privacy and the presumption of innocence, our judicial system and, ultimately, our democracy stops working.

I ask members on the other side to seriously consider not only supporting this motion but understanding the gravity of the threat to our rights and freedoms contained in Bill C-30. I also ask them to consider the responsibilities they have as legislators and as members of a governing party that has shown a very serious lack of respect for not only our rights and freedoms but also our democracy. We should not have to stand in the House and speak to this motion but here we are today because of the actions of the government. Canadians deserve better.

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Madam Speaker, I would like to ask my hon. colleague a question in reference to a question asked previously by the member for Saint Boniface when she raised the issue of a potential kidnapping.

My understanding is that in issues of potential kidnapping or loss of life, the government already possesses the power under section 184.4 of the Criminal Code to intercept private communications without court authorization. I am wondering if the hon. member agrees with this interpretation of section 184.4 of the Criminal Code and, if that is the case, if he could comment on why the minister did not inform the member for Saint Boniface of that fact.

•(1120)

Mr. Jasbir Sandhu: Madam Speaker, he is absolutely correct. There are provisions in the Criminal Code that allow for the police, in emergency situations, to investigate or have arresting powers. However, this bill would infringe on the very rights and freedoms that we enjoy, the rights and freedoms of our forefathers and that Canadians have fought for. That is what is disturbing and why Canadians are upset.

Ms. Candice Hooppner (Parliamentary Secretary to the Minister of Public Safety, CPC): Madam Speaker, I want to ask my colleague a question about the very disturbing rhetoric and misinformation that has been provided by the opposition in the media.

How can the opposition ever defend the misinformation, lack of understanding or purposeful fear-mongering regarding this bill, specifically that the police will be able to look at law-abiding Canadians' emails and web activity, which is 100% false? I am wondering how the opposition can, in good conscience, stand in this place, mislead Canadians and bring this debate to such a very disturbing and distracting level that we have seen in the last couple of weeks.

Mr. Jasbir Sandhu: Madam Speaker, the only one misleading Canadians is the government. The only one that is scaring Canadians is the government.

The Minister of Public Safety stood in this House and accused all members when he said that either we were with him or with the child pornographers. That is what is scaring Canadians and it is not acceptable. Canadians will stand up for their rights and freedoms and we will fight with Canadians to defeat the bill.

Business of Supply

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Madam Speaker, on the last question from the government side about fear-mongering, the opposition parties are only pikers compared to what the Conservatives did with the gun registry. They told all gun owners that the Liberals would come and take their guns. We are only pikers at this stuff.

In sitting through the gun registry testimonies, I listened to the Canadian Association of Chiefs of Police, the police boards of Canada and witness after witness who said that they wanted to maintain the gun registry but all that testimony was dismissed by the government. The law enforcement people said that it was a useful tool but that was dismissed by the government.

I would ask my colleague if he thinks there is any indication, on the testimony coming through the committee on this particular piece of legislation, that the government will be more receptive to listening to changes by Canadians who have concerns about the bill.

Mr. Jasbir Sandhu: Madam Speaker, I can only speak to the experience that we have had with the government, not only in regard to time closures on bills but also on the amendments proposed by the NDP and my colleagues on the gun registry and other bills. Clearly, the government is not interested in looking at solutions that will work for Canadians. It is more interested in scaring Canadians and going on with its hidden agenda.

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Madam Speaker, I am very pleased to rise in the House today to support the Liberals' opposition motion.

We have been talking about protection of the rights and freedoms in the charter for a long time, particularly in terms of the protection of individual rights.

There seems to be a lot of noise in the House.

• (1125)

The Deputy Speaker: Order please. I would ask members to hold their conversations outside the chamber so that the member can speak.

Ms. Charmaine Borg: Madam Speaker, in light of Bill C-30, it is absolutely crucial that we reopen the debate on the importance of privacy protection. The opposition parties understand the need to modernize our legislation; however, Bill C-30 goes too far and directly infringes upon section 8 of the Canadian Charter of Rights and Freedoms, which protects us against unreasonable search or seizure. When a minister proposes bills like this, we need to have a debate and I am happy we are talking about this issue here today.

Many civil society stakeholders, privacy commissioners, my colleagues and I wrote letters to the Minister of Public Safety to share our concerns and those of our fellow citizens regarding clause 16 of the previous version of this bill, Bill C-52. The minister had the opportunity to correct his bill. We told him about the problems we saw with it and about our concerns. Did he make any changes? Yes, he made some. We heard the minister say so earlier in his speech; clause 16 reduces the number of identifiers from 11 to 6. That is true, but as my colleague from Surrey North pointed out, the minister also added provisions to the bill in a rather backdoor fashion. Paragraphs 64(1)(q) and 64(1)(r) give the government the

power to prescribe and add identifiers to the list. Has the bill really been corrected? No. Only superficial changes have been made. I have a serious problem with this.

When we shared our concerns about this bill, we also spoke about judicial oversight. There was not enough. We had a problem with giving access to Internet users' private information without judicial oversight. Has the government alleviated this concern? I would say no. Yes, the government has put a system in place, but it is an internal audit system. For Canadians who are concerned about the protection of their privacy, this is just a semblance of judicial oversight. It is not enough, and Canadians are not satisfied with these measures.

If the minister had taken the time to read our letters and listen to the concerns of Canadians and privacy commissioners, he could have fixed these mistakes. Instead, he is covering them up by sending the bill to committee. He also accused us of supporting child pornography. We see a minister who had the opportunity to fix his bill and to protect our right to privacy but did not do so.

The Canadian Charter of Rights and Freedoms exists for a reason. It must be respected. The protection of privacy exists for a reason. It is set out in section 8 of the charter. It is the House's responsibility to make decisions. And when it does, it must take into account what is written in the charter. It is our Canadian Charter of Rights and Freedoms. It must be respected, particularly when we are making decisions and laws in this chamber.

When I see bills like Bill C-30 introduced in the House, I wonder whether this government really respects the charter. In fact, this is not the first time that the Conservatives have introduced a bill that goes against the legislation that protects our rights and freedoms. Rather than listening to the opposition and to Canadians who are concerned about their privacy, the Conservatives accused us of supporting child pornography. They accused mothers, fathers, grandparents, privacy commissioners and their former colleague, Stockwell Day, of supporting child pornography.

In a democracy like ours—I know that these days it is feeling less like a democracy than usual—it is unbelievable that a government can accuse its own voters of supporting child pornography because they are against a bill. I thought we were living in a democracy and we had the right to speak out against things and protest.

• (1130)

We are living in a high-tech world. Everyone has a BlackBerry, an iPhone, an iPad, laptops. We carry our cellphones with us. Through this bill, the government is giving itself a tool that can determine our geographic location at all times. The government is telling us that the same information is available in the phone book, but the last time I checked, the phone book did not provide my geographic location at all times. It had my address, my phone number and my name, but not my Internet protocol address or my Internet service provider identification number.

Business of Supply

It is a real problem: our minister is telling Canadians that this is the same information that we find in a telephone book, which is absolutely not true. This is information that will allow the government to take away the anonymity of the Internet user. These days, the Internet is used as a discussion forum, a forum where people can discuss their concerns.

I want to thank the House for this discussion. I hope that all hon. members of the House will stand up and support this Liberal opposition motion to protect the privacy of their constituents, those who elected them.

[English]

Ms. Candice Hoepfner (Parliamentary Secretary to the Minister of Public Safety, CPC): Madam Speaker, I want to ask my colleague the same question that I asked a previous speaker from the opposition. More specifically, I would ask the opposition member where exactly in the bill does it say that the police will be able to check the emails or web habits of individual law-abiding Canadians, or look at what they have been surfing on the Internet? I want the member to give me a very specific location in the bill where that is stated, but she will not be able to because that is completely false.

How can the member in good conscience make these statements which are completely untrue and outrageous, and which have taken the debate on the bill to such a negative and destructive level that we have ever seen in the history of this Parliament?

[Translation]

Ms. Charmaine Borg: Madam Speaker, first of all, I would like to say that what I find to be negative are the comments made by some that those who oppose the bill are supporting child pornography. In my opinion, that is negative.

I would like to add that, personally—I believe this also applies to our party—no one has said that there could be access to emails. I never said that.

[English]

Ms. Candice Hoepfner: That's exactly what Charlie Angus said.

[Translation]

Ms. Charmaine Borg: Did you listen to my speech?

[English]

Mr. Scott Simms: It's getting pretty nasty in here.

The Deputy Speaker: Order, please. I would ask all members to direct their comments through the Chair and allow the member who has the floor to complete her answer.

[Translation]

Ms. Charmaine Borg: Madam Speaker, had my colleague listened to my speech, she would know that I never said that the government would have access to the content because, in fact, that is false and it is not in the bill.

Clause 16—I invite my colleague to read the bill—lists six types of identifiers. As for clause 64, it allows the government to add others. In my opinion this will allow the government to create a profile, identify the geographic location and eliminate the anonymity of the Internet user.

[English]

Mr. Jasbir Sandhu (Surrey North, NDP): Madam Speaker, when the Minister of Public Safety spoke earlier today he said that the government would not be adding additional identifiers. That puzzles me. Why is there a regulation in the bill to allow for additional identifiers? Maybe the member could clarify this for me. May more identifiers be added later on?

[Translation]

Ms. Charmaine Borg: Madam Speaker, I thank my colleague for the question. As indicated in paragraphs 64(1)(q) and 64(1)(r), the government is giving itself the power to add identifiers. Does the government intend to add others? We do not know, but why else would this provision have been drafted?

I would also like to point out that, as I mentioned in my speech, there are concerns about the number of identifiers. This is more information than what is found in a telephone book, and it is personal information that will be accessed without a warrant. They have reduced the number of identifiers from 11 to 6, but by adding this provision in a clause, they are giving themselves the power to add identifiers, and that raises questions.

● (1135)

[English]

Mr. Jasbir Sandhu: Madam Speaker, the Liberals introduced this legislation back in 2005 and also in 2007. They seem to be flip-flopping on this right now. Could the member comment on that?

[Translation]

Ms. Charmaine Borg: Madam Speaker, I find the Liberals' position interesting these days because they used to be in favour of this bill; they were the ones who came up with it originally. While I am pleased to see that they have changed their stance and will vote against the bill, I am nevertheless quite surprised at their change of heart.

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Madam Speaker, I find today's debate interesting. We are learning many things. I would like to begin by talking a bit about the nature of technology.

[English]

Bill C-30 is fundamentally about technology, very complex and rapidly evolving technology that we use daily, but which we do not always fully understand.

However, Canadians are beginning to understand that digital communications technology and its associated everyday practical applications, like email, the Internet and hands-free communications through portable devices such as smart phones is eroding individual privacy. There have been two distinct reactions to this fact.

Business of Supply

On the one hand there are those who say this is disconcerting, that we need to act to prevent further erosion of privacy in this brave new world of electronic communications. On the other hand there are those who say to get used to it, that there is nothing we can do. They say that we have to learn to live with this new way of being and communicating, that in the end no one really cares about the details of our private lives. They say that we are all in the same boat, that we should let go of our concerns, adjust and adapt.

The latter view will strike someone who has been refused a job because of his or her careless and sophomoric Facebook entry years ago as patently naive to think that we should just learn to live with the new breaches of privacy.

I will digress to talk about the inherent nature of technology. This understanding is based on my reading many years ago of a book by a famous Canadian political philosopher, George Grant, entitled, *Technology and Justice*.

What I took from that book is that technology is not neutral. Many will say that this is obvious, that this is commonplace, that technology can be used for the good or it can be enlisted for less noble ends. For example, nuclear technology can be used for medical diagnosis and energy production to supply hospitals, homes and businesses with power, or it can be used for mutually destructive war. I think we all get this. I think that is obvious to all of us.

Grant's argument goes a bit deeper. Technology is not neutral in the sense that it is not simply developed to satisfy a curiosity or to be left on the shelf. We are not talking about pure research, which is often about scientists playing with ideas and discovering the unexpected simply to satisfy their curiosity. A theoretical physicist might say that is what occupies his or her day. It is simply the exploration of ideas and the playing of ideas for the sake of it, and then something drops out of it unexpectedly.

We feel compelled to use technology once we have it. In fact, that is why we develop it in the first place, to fashion our reality, to fashion our environment, to suit our practical needs and interests.

Obviously in developing technology most of us feel that our goal is a noble one, even when we drift into using technology for questionable or downright destructive ends in retrospect.

Technology is meant to be used. It is intended to be used to manipulate or control our reality for our own self-interest as human beings, for our benefit as human beings, whether we are talking about medical treatment to make people healthy or to transform the Alberta oil sands into profit, thus benefiting our balance of trade.

Let us look at computer technology. Computers allow for compiling databases. This was one of their first uses. Computerized databases are useful. Once we have the capability to do so, as some lament, we want to catalogue everything. We want to collect information, sometimes just for the sake of it, until we figure out what to do with that data. We do not need to go far to see how databases are used, and sometimes quite aggressively, to attain a specific goal.

Political parties use databases to contact voters, build support and raise money. These databases have the capacity to be used in an underhanded way, as we are seeing emerge in the current

Conservative robocall scandal, but that is not the main point of my discussion.

As in the case with society as a whole, technology has changed policing. Policing used to simply be about catching law-breakers or first deterring crime by the fact of a police presence, like a cop on the beat. Now, in the words of David Lyon, the world-leading surveillance studies scholar:

As with database marketing, the policing systems are symptomatic of broader trends. In this case the trend is towards attempting prediction and pre-emption of behaviors, and of a shift to what is called "actuarial justice" in which communication of knowledge about probabilities plays a greatly increased role in assessments of risk.

● (1140)

What the above quote means is that modern policing is more and more about data collection, necessarily through surveillance and building profiles through data collection and then tracking individuals who could theoretically pose a problem for public security.

That is all well and good. We want to prevent crime. We want the police to be proactive and vigilant in preventing crime. However, the new technologically sophisticated crime prevention tools also come with side effects. Some of these we may not want to live with or otherwise want to constrain through rigorous, effective and wise laws, or by standing up to hold the government to account when it introduces legislation that is rooted in this human fascination with the power and possibilities of technology in allowing us to control our surroundings.

Proponents of greater state surveillance say that we have nothing to be worried about if we are not doing anything wrong. However, that attitude, apart from sounding like it comes from big brother's two-way television monitor, ignores the fact that individuals can suffer the consequences of surveillance even if they have done nothing wrong. We only need to think of Maher Arar and others who have been unjustly detained at the border or at airports and who were completely innocent. Surveillance technology has placed them in the wrong category, under the wrong tab, in the big brother database, even though they had nothing to hide.

This is where modern surveillance technology can lead us if we are not careful to constrain and control it through good laws that protect our charter right to privacy and our right to live in a healthy free-thinking democracy. These new Internet surveillance technologies can catch the innocent in its ever-expanding web.

Christopher Parsons, at the University of Victoria, has described how this can happen. We need to consider the following scenario, and I will quote because I do not think anyone could have put it better. He says:

Business of Supply

In college/university/your private life you...communicate with individuals who have, or presently do, agitate peacefully against certain state [behaviours]. You may or may not be aware that those individuals behaviour...[or perhaps you know nothing about it]. [In any case,] you...engage in discussions with those people online, either on websites that those opposed to certain state behaviours, or in the comments section of newspaper articles, or other electronic formats. Should the police be interested in tracking the individuals invested in an issue (e.g. legalization of marijuana [or] protest against federal decisions concerning Sri Lankan immigrants... [with whom you have been talking] [your]...subscriber records for all who have participated in the online discussion. Now, let's...assume that you were not supportive of opposition to an official government position and...aren't necessarily of direct interest to authorities. Regardless, your subscriber data and that of everyone else engaged in these discussions might be requested by the police. No warrant is required to provide this information. ... They would get the same information for every participant of the discussion. With this information they could turn to whomever provided the email account, as well as contact the ISP who provisioned the IP address at the specific time that you posted your message. With information from the email provider they may be able to definitely identify the ISP that you use and, from there, your name, address, and so forth. ... [You] will never know that [you were] added into such a database because the service provider could not legally disclose that the information had been released and, as a result, [your] life prospects may change for legally associating and speaking with those who were similarly engaged in legal speech and association.

Some people will say that they would never have these kinds of discussions online, only over the phone. Bill C-30's provisions, allowing the state to obtain six pieces of subscriber information without a warrant, still leaves a law-abiding citizen vulnerable. If people have a cellphone and are downtown shopping and they happen to walk by a protest, such as a G20 protest, stop with a friend to observe this because it is something they do not see everyday; or they visit an occupy camp; or were a passive spectator in the 2011 Vancouver hockey riots, their cellphone's identity may be captured by police. This can happen because police can use a technology known in the U.S. as a Stringray IMSI catcher, which is a piece of equipment that emulates a cellphone tower and captures IMSI numbers within several kilometres of the capture.

● (1145)

IMSI means international mobile subscriber identity number. This number can be taken to a mobile phone provider and used under clause 16(1) of Bill C-30 to obtain one's name, address and Internet protocol number. In other words, the cellphone subscriber can find his or her information sent to police and entered into a police database.

As a result of clause 23 of Bill C-30, the telecommunications service provider would be prohibited from disclosing to a subscriber that his or her basic subscriber information has been submitted upon request to a law enforcement agency. As Christopher Parsons concluded:

The capacity to acquire IMSI numbers en masse, combined with legal powers to compel subscriber information, creates the perfect framework for mass fishing expeditions based on where citizens are physically present.

Some might say that the police would never track people in this way nor would they go to the next step of gathering information on people's friends and acquaintances. However, the evidence confirms otherwise. In fact, at the Vancouver Olympics, people who were conducting legal actions and protests of the games became the targets of a surveillance apparatus that followed their entries on web forums even though disclosed memos obtained in the lead up to the Olympics found that no specific credible threat existed.

Furthermore, he states:

Surveillance and intelligence gathering did not solely focus on citizens involved... but also their contacts, friends, students, former partners, and academic and professional acquaintances.

Efforts were made to recruit neighbours, friends and acquaintances to spy on suspected activists.

This concern about Bill C-30 opening the door further to the state being able to track protestors who are legally voicing their views in a democracy was the motivation and the essence of my question for the Minister of Public Safety on February 14 when the minister, through his answer, triggered a national firestorm by his disproportionate answer to that question.

Proponents of expanding the surveillance powers through the adoption of Bill C-30 claim that these powers would be used to investigate the most serious crimes only. However, this is not what the experience in other countries shows. In other jurisdictions, similar powers have been used to investigate less serious offences.

According to Nestor Arellano, there is no shortage of research which indicates that the implementation of an online surveillance regime in the European Union and the United States has been fraught with flaws, abuse and costs ultimately shouldered by Internet service providers tasked by government to essentially snoop on their customers.

More than 10 years ago, the United Kingdom passed the regulation of investigatory powers act to extend law enforcement agencies access to communication systems to help police battle crime and terrorist related activity. Under a voluntary code of practice, ISPs retain data such as content of email servers, email server logs, IP addresses, SMS messages and others from six to twelve months. Reports from the interception commissioner, which provides a yearly assessment of interception of communication traffic, indicate that a growing number of interception errors are occurring. In 2007, there were 24 interception errors and breaches found, which the commissioner deemed to be too high, according to Mr. Parsons.

In 2009, there were 36 interception errors and breaches attributed to the general communications headquarters of the secret service, Her Majesty's Revenue Agency and Customs Agency, the Serious Organised Crime Agency, the Scottish government, the metropolitan police counterterrorism command and the National Technical Assistance Centre. During that year, there were a total of 525,130 requests for communications data that resulted in 661 reported errors.

Business of Supply

A report released by the U.K. civil liberties group Big Brother Watch paints a troubling picture of how law enforcement agents handle data that passes through their hands. The organization found that, between 2007 and 2010, 243 police officers and staff received criminal convictions for breaking the country's data protection act; 98 police officers and staff were terminated for breaching the data protection act; and 904 police officers and staff were subjected to internal disciplinary procedures for breaching the data protection act. In one notable case, no less than 208 officers and staff received legal caution for viewing computer records related to a high profile crime. In another, a staff member was dismissed for discussing police information on Facebook. Numerous others were found to have access to criminal records and personal data for no obvious policing purposes.

• (1150)

In the United States, the problem is more significant, according to Parsons who says that the country “suffers from endemic inappropriate surveillance”. He said that the National Security Agency reportedly runs a warrantless wiretapping system with the assistance of major telecom providers, such as AT&T. A large amount of the surveillance conducted by state and federal agencies goes unreported.

This leads me to my conclusion. Privacy is fundamental in a healthy democracy, which is why our Canadian Charter of Rights and Freedoms contains section 8. Section 8 of the charter provides everyone in Canada with protection against unreasonable search and seizure. This right provides Canadians with our primary source of constitutionally enforced privacy rights against unreasonable intrusion from the state. Typically, this protects personal information that can be obtained through searching someone in a pat-down or entering someone's property on surveillance.

Why is privacy fundamental? If law-abiding citizens feel they are being spied on, they begin to withdraw from the normal activities of life, like expressing themselves freely and legitimately, including nowadays through digital communication. When they withdraw, the seed of fear grows and whenever there is fear there is potential for manipulation by those in charge. Those in charge, who, understandably, like their powerful position, will drift, perhaps unconsciously, toward using that power to accumulate even more power. They will always do so under the pretense that the additional power is being used for the good. Those same people in charge, at least the less discerning and perhaps more sincere ones, will believe in their hearts that the system of increased state power they are building is for the larger good.

We hear from proponents of Bill C-30 that we must emulate other countries. However, we are not Europe and we are not the United States. We have the most modern rights charter of any of those countries. We are highly evolved and often ahead of the pack when it comes to respect for individual liberties. As Parsons has said, there is no need for cross-jurisdictional envy in these matters.

Ms. Candice Hoepfner (Parliamentary Secretary to the Minister of Public Safety, CPC): Madam Speaker, I know all of us in this place agree that we want to fight online predators while at the same time respect Canadians' privacy.

What still is not clear to me is that the Liberals introduced this type of legislation not just once but three times with much less privacy protection. There were 11 indicators that police and law enforcement would have access to, whereas we have brought it down to 6. We could discuss why the different indicators, whether it is 11 or 6, but the principle here is that it appears that the Liberals, instead of being principled and standing firm on what they believe is best for the country and for law enforcement, have now been swayed by this avalanche of misinformation. Unfortunately, it looks like this is political expediency as opposed to doing the right thing for Canadians and for police.

I would ask very respectfully how the Liberals could have introduced this three times and supported it and now do this complete flip-flop. It is very disturbing and I think Canadians, who have been watching this, not just over the last couple of months but over the last many years, would be very disturbed by this.

• (1155)

Mr. Francis Scarpaleggia: Madam Speaker, a version of this bill was introduced in 2005, seven years ago. In the world of technology, things move very quickly. In 2005, many people did not use the Internet. Facebook and Twitter did not exist. The world evolved and we need to take account of the implications of that evolution. That is the context in which we have to see the point that the hon. member raised.

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Madam Speaker, in 2002, when the Liberal government at that time launched its consultations on lawful access, it received feedback from the Privacy and Information Commissioners. Some of the feedback said:

The proposed measures go far beyond what is necessary to maintain existing capabilities and authorities in the face of modern communications technology.

With that feedback, I wonder why the Liberal government continued down the path of creating legislation measures and why now today the Liberals criticize the current legislation, Bill C-30, which is in front of us. In their legislation, it contained warrantless access provisions and intercept ready standards for TSPs. I wonder if my hon. colleague can comment on why the sudden change in tune and approach here.

Mr. Francis Scarpaleggia: Madam Speaker, I appreciate the sincere questions by the member.

I wish I could shed light on all the discussions around that bill, but unfortunately I was not in cabinet and am not aware of some of those discussions. However, I will say that the bill never reached the second reading stage.

Had the bill reached debate stage at second reading it is quite possible that the same concerns would have been expressed, though I have a feeling that maybe they would not have, because this was seven years ago. It was pre Facebook, pre Twitter, and we were maybe not as aware of the erosion of privacy in the communications age as we are today. Perhaps if the bill had been debated at second reading, the government might have benefited from the wisdom of members such as the hon. member, me and others.

Business of Supply

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, in the context of his very helpful comments about Bill C-30, I ask the hon. member for Lac-Saint-Louis about the following.

I put it to him that in the last number of years we have seen a sequence of decisions that have undermined the charter, the rule of law and respect for these institutions, beginning with the elimination of the Law Reform Commission, including the elimination of the court challenges program, as well as the government's ignoring of the decision of the courts relating to the charter rights of Omar Khadr.

In that context, I wonder if we are seeing, as this opposition motion seems to suggest, a lack of understanding of the critical importance of the charter in our daily lives.

Mr. Francis Scarpaleggia: Madam Speaker, that is an interesting comment and it may be very true.

Canadians look to the government for guidance on issues and to reaffirm values such as those in the charter. Yet we see the government not being enthusiastic about supporting the charter or the rule of law. For example, we saw the Minister of Public Safety, I think for the third time in six weeks, being told by the court that he was wrong in refusing a prisoner transfer. In fact, he had no legal basis for making his decision.

Therefore, when we have a minister of the crown constantly forcing the courts to override him, that leaves a question in the minds of many Canadians as to whether our Charter of Rights and Freedoms is indeed sacrosanct.

• (1200)

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, the Conservatives would have us believe that they have reduced the number of identifiers from 11 to 6, and that those 11 were previously introduced by the Liberals. However, the Conservatives do not tell Canadians that they have left the back door open. They can add additional identifiers through regulation and without any scrutiny by this House. I would ask my Liberal colleague to comment on that.

Could additional identifiers be added, maybe even more than the 11 the Liberals previously had?

Mr. Francis Scarpaleggia: Mr. Speaker, indeed, the government has shown that it is ready to change its mind as political circumstances evolve. For example, former Minister Stockwell Day said that he would not allow any identifiers to be accessed without a warrant. The new minister, once the government had its majority tucked under its arm, quickly changed that position.

I agree with the hon. member: I do not think we can trust much that comes from the government. It can change its positions depending on how political circumstances change.

Ms. Candice Hooppner: Mr. Speaker, to follow up, I asked my hon. colleague a question about the double standard that the Liberals appear to have. His answer was that the bill was only introduced in 2005. I want to inform him that it was reintroduced by his party in 2007 and 2009. In fact, I will quote the MP for Beauséjour, who said in March of 2009:

I have a sense that in terms of the tools that police forces need to really deal with the growing problem of organized crime, the laws haven't kept up in terms of ability

to get search warrants. I know that since 2005 there have been proposals around modernizing investigative techniques, specifically with respect to intercepting cell phones, e-mails, BlackBerrys.

This was said by a Liberal. He continued:

The old tools, the old laws and regulations, and common law around search warrants, lawful access, etc., haven't kept up with the technology that organized crime is using.

There needs to be a principled answer by the Liberals. We need to know why they are flip-flopping and changing their minds. It is pure political expediency instead of being honest with Canadians.

Mr. Francis Scarpaleggia: Mr. Speaker, if I recall, and I was there, the Liberals did not form government in 2006, so we could not have brought in a Liberal bill after November 2005.

With regard to her other comments, I will let other members answer for themselves.

We essentially are trying to make this a better bill. I would turn the table on the parliamentary secretary by saying that when the bill was introduced February 13 or 14, the government said it had struck the proper balance between privacy rights and public safety. It flipped its position and will now submit the bill to committee after first reading, which obviously means there is not a balance.

Ms. Candice Hooppner (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, I will be splitting my time with the member for Okanagan—Coquihalla.

I am pleased to be able to rise today and join this debate on the motion by the interim Liberal leader. I am also pleased to have the opportunity to try to correct the avalanche of rhetoric, misinformation and lack of understanding that has been levelled at Bill C-30, which the member for Toronto Centre has based this motion around.

Our government has proposed legislation to ensure that Canada's laws adequately protect Canadians online. We expect Parliament to conduct a thorough review of our proposed legislation to ensure that we strike the right balance between protecting Canadians from crime while respecting Canadians' privacy rights.

I want to reiterate that point. I believe all of us in this House have the same goals in mind: we want to protect Canadians and to make sure that criminals are not able to access the Internet and use it to harm the most vulnerable in our society, especially our children. At the same time, we want to protect Canadians' privacy. I think this is a great opportunity for us to show leadership and together to make the changes, if they are necessary, to keep the tools the police need while striking a balance with privacy.

I go back to my point that the Liberals have supported this type of legislation for 10 years, albeit with weaker privacy protections in fact. Liberal MPs have tabled legislation on three separate occasions, in 2005, 2007 and 2009. Obviously, the members opposite realize that they can table legislation, that is, private members' bills, even if their party is not in government. Indeed, in 2007 and 2009 private members' bills on this were introduced by Liberal members of Parliament and were fully supported by the Liberals.

Business of Supply

Once again, this is a very disturbing example of a double standard. The NDP members have been very consistent in their opposition and I give them credit for that, though I wish they would be a little more accurate in their debating. However, the Liberals have been completely inconsistent. It really is disappointing. It appears that the Liberals do not have ideas of their own and are constantly making decisions based on whatever way the wind is blowing and whatever they see as politically expedient. It is disturbing for democracy and for Canadians, wherever they may stand on this issue.

I will begin by clearing the record. This bill is not about police snooping or spying on Canadians. It is not about accessing their chat logs or web visits, nor is it about reading emails or looking at their Facebook pages. This is about equipping law enforcement officers with the tools they need to do their job to protect our children and our families from harm.

Let us be clear. The opposition have made some outrageous allegations, such as that the police will be trolling law-abiding Canadians, looking for information, reading emails and looking at their web activity. This is outrageous. It is completely inaccurate and, sadly, it has taken the debate on this bill to a very disturbing and destructive level. It has been personally destructive for certain members in this House. It has been destructive for democracy. I am hoping that today we can turn a new page and speak about the bill truthfully and debate it with respect, and maybe agree to disagree. We can take it to committee and make modifications. However, I am hoping that we can turn a new page and have a respectful and honest debate where people are not personally attacked. Sometimes families are hurt very badly by what goes on here.

I also just want to mention that I have been able to speak with a number of police officers, police chiefs and police forces dealing with online criminal activity. When I speak to police officers, they tell me they need resources and that they are still reeling from the Liberal cuts of the 1990s, including the decision to shut down RCMP Depot.

I want to outline why police are speaking with one voice, including front-line officers, officers who are on the ground, and police associations. They are speaking with one voice on Bill C-30 and looking to all of us in this chamber to stop trying to score cheap political points by fearmongering and using terms such as “prisoner bracelets” in talking about this bill. Police want us to bring the level of rhetoric down and not fearmonger but rather talk about this in an honest way again. Canadians have asked police to do a very difficult job, especially in tracking and trying to combat child pornography, for example. They need the tools from us to do their jobs.

● (1205)

Law enforcement officials from across the country have come together with the request that we provide them with 21st century tools and technologies to fight 21st century criminals, and not leave them handcuffed while criminals have their way.

Tom Stamatakis, president of the Canadian Police Association, said it well when he said that right now we are asking police to rely on “typewriters and rotary phones while criminals have smart phones and tablets.”

The Canadian Association of Chiefs of Police endorsed lawful access legislation when it was first introduced by former Liberal minister of public safety Anne McLellan over a decade ago. Canadians recognize the incredible growth in technology which has occurred in recent years. The Liberals' argument that somehow, because technology has gotten even smarter, faster and more advanced in the last few years, we do not need smarter and more advanced laws is completely ridiculous. It is because of that that we need to have laws in place and tools for police.

Law enforcement officials are being asked to protect the people and the communities of this country with legislation dating to the 1970s and the days of the rotary phone. Police require lawful access to communications and information in time-sensitive investigations into online child sexual abuse but also in cases of organized crime, drug trafficking and terrorism.

It is also important in certain non-criminal areas, like attempted suicide and missing persons cases. In such cases, basic subscriber information is the starting point in an investigation and perhaps the key to saving a life. There are those who suggest that a court order be sought in every single instance, that every request for basic subscriber information have a court order.

I would ask that all of us consider this snapshot of the state of online child sexual exploitation in Canada. According to the RCMP's National Child Exploitation Coordination Centre or NCECC, in the last 30 days alone there were 7,890 Canadian IP addresses from Internet forums involved in sharing or distributing child pornography online. That is just in the last 30 days, and those are just the ones that were accessed by the NCECC.

Consider if telecom service providers refused to provide basic subscriber information. This would translate into 7,890 requests for production orders. A straightforward production order is estimated to take up to three days of work, which translates into 23,670 days of work for those 7,000-plus production orders. We are talking about addresses that are directly involved with producing and distributing child pornography in Canada.

On the other hand, when service providers comply promptly, the same information can be obtained in a matter of hours. More time spent chasing down court orders for basic customer information is less time assessing files and, more importantly, less time rescuing our kids.

Imagine the burden on our justice system and resources if police had to get a warrant every time they needed this basic information, which is the equivalent of information in a modern phone book or a licence plate. If someone drives past a police checkpoint and the police run a licence plate number, they will get more detailed information than the information that would be detailed through this bill.

Business of Supply

Between 2009 and 2011, there has been a steady increase of approximately 1,000 reports per year of child pornography referred to the NCECC from Cybertip, domestic and international law enforcement agencies and the public. Bear in mind, one report can have 1,000 Canadian IP addresses attached to it. The fact is that as technology advances, these types of crimes become easier and faster for criminals.

It is also very important to note that while we have been debating this, yesterday the interim Liberal leader, the mover of this motion, confirmed that one of his senior staff members, Adam Carroll, had engaged in negative and very personal attacks on the Minister of Public Safety. I am very glad to see that this individual resigned, though only, it appears, after he was caught by you, Mr. Speaker.

However, it does leave some serious unanswered questions. Did Adam Carroll and the Liberal Research Bureau use taxpayers' dollars and resources in order to conduct this sleazy secret campaign? If so, how much? We hope that—

• (1210)

Hon. Judy Sgro: Mr. Speaker, I thought it was out of order, naming an individual person in the House of Commons whether it is in a speech or in a question. Is that not out of order?

The Acting Speaker (Mr. Bruce Stanton): It is permissible to raise the names of third parties. Members are always cautioned to use such references in a way so as not to impute any diminution of character. Other than using caution, there is no particular Standing Order against the usage. But we will take the caution and recognize again the hon. parliamentary secretary.

• (1215)

Ms. Candice Hoepfner: Mr. Speaker, I really hope that the interim leader of the Liberal Party will answer some of these questions for Canadians to get to the bottom of it. I also think it is important that we know how the member for Papineau was involved in this campaign. We know that he was active in perpetuating it. Liberals need to come clean. There has been a double standard.

At the end of the day, we all want to protect the most vulnerable in our country. We want to respect the privacy of Canadians. We look forward to looking at the bill thoughtfully and respectfully, and dealing with it in the best interests of Canadians.

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, I will avoid partisan arguments, of which there may be too many in this House. My question for the parliamentary secretary is basically very simple. Currently, legal procedures such as the use of telewarrants make it possible to obtain warrants extremely quickly.

Why is this bill relevant if law enforcement can legally obtain information without violating individual rights and freedoms? Why go over a judge's head? That is an important question.

[*English*]

Ms. Candice Hoepfner: Mr. Speaker, the challenge that police officers face when it comes to online criminal activity is they need some basic information about where the criminal activity might be coming from to even obtain a warrant. For example, if there is an IP address, officers obviously do not know the name of the individual

or the address that is attached to that IP address. They cannot try to get a warrant.

That is why the bill is very specific. It refers to a limited amount of information. Again, this is information that would be accessible in a phone book or through a CPIC check. Then if a judge agrees that more information is needed, that the IP address needs to be monitored and tracked, that the police should have more powers, the judge would be able to give that warrant. It is so the police can have the initial information in order to obtain a warrant in a timely manner.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the member is so out of tune with reality I will have to reserve my full comments for when I am provided the opportunity to address the bill itself.

At the end of the day, the member has to recognize that her own legislation is so fundamentally flawed that the government has recognized that it needs to go to committee even before second reading. I give the government credit for doing that. However, it took the public to collectively slap the hands of the minister because the minister did not do his job in the first place in bringing forward legislation that would have gained the public's support. That is why it is going to second reading.

Does the member believe that the government will listen to what Canadians are saying on this legislation before it comes back for second reading? Is the government actually going to listen to what Canadians have to say about this very important issue?

Ms. Candice Hoepfner: Mr. Speaker, I find this unbelievable and ridiculous. If members do not have a point to make, they holler and scream and think that will make their point clear. It does not. Canadians see that. Frankly, it is disgusting behaviour.

Let us look at what the Liberals said. On March 30, 2009, Ujjal Dosanjh said:

This particular organization of investigative techniques, MITA, as it's called, was brought forward in 2005 by then Minister Anne McLellan. It died on the order paper. You don't have to do any more drafting. It's done. It's sitting there within the justice department. Why have you not moved on it? Why do you not think this is important for the police? They want to be able to apprehend or disrupt gang activity and they are at a disadvantage because of the state of the law in this area. It goes back over 30 years.

While the Liberals are screaming and hollering, they have introduced this motion today purely based on political expediency, with no principle, no reason behind it except that they put their fingers in the air to see which way the wind is blowing. That is the Liberal—

• (1220)

The Acting Speaker (Mr. Bruce Stanton): We have time for a short question and a short response.

The hon. member for Saanich—Gulf Islands.

Business of Supply

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I would like to ask the hon. parliamentary secretary to clear up a mystery for me. I attended the briefing held by the Minister of Public Safety on the morning of the bill's first reading. There were no copies available for us in that lock-up, which was unheard of in my experience. I did get a copy of the bill called the lawful access act when I went to the opposition lobby.

I would like to ask the hon. parliamentary secretary why the bill was changed to the offensive title of protecting children from Internet predators act. When was the decision taken? Why was the decision taken at the last minute, with the result that there were no copies of the bill available in the opposition lobby at first reading?

Ms. Candice Hoepfner: Mr. Speaker, that relates to the process as opposed to the actual details of the bill. Some might not find the title offensive. I am sorry if my colleague does find it offensive.

It is important for us to talk about the specifics of the bill. If there are ways that we can improve it, to continue to protect Canadians' privacy while at the same time giving police the tools that they need, then let us do that. I am glad the member has the bill today and she had the bill in a timely manner.

I respectfully say I do not think at this point in time that dealing with this silly motion by the Liberals is a really important issue.

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Mr. Speaker, it is an honour to speak to the motion, which calls upon the government to respect principles of due process, privacy and the presumption of innocence. Our government firmly believes in these principles.

I would like to recognize the member for Toronto Centre for his apology in the House yesterday and for bringing this motion forward today. We know that the Liberal Party attempted to introduce lawful access legislation in the past and that it is a concern of great importance for all Canadians. Let us recognize what the debate is really about. We are not here to debate a bill that allows law enforcement to spy on innocent, law-abiding Canadians without judicial oversight because that is not what Bill C-30 proposes. The core issue is far more important. The core issue is how we as members of Parliament protect the interests of Canadians in a world that is moving forward and toward the Internet. Let us stop to think for a moment about the importance of the issue.

Recently it was revealed that Nortel Networks had been hacked and seriously compromised. Intellectual property, bidding documents, business and marketing strategies, research and development and research papers were all alleged to have been compromised. While we often reflect on the fact that Canada is a country rich in natural resources, we sometimes overlook that we are also a country rich in intellectual property. Where is much of Canada's intellectual property found and stored? Online.

Recently we learned that the website of the Association of Chiefs of Police had been hacked and accessed. The fact is that hackers have demonstrated they have no problem accessing our personal information, even personal information belonging to law enforcement. There are seniors in my riding who have lost their life savings to online fraud. Working families have been victimized by online identity theft. Worse, innocent children have been targeted by

deviants. In some areas of this country we have witnessed teenage suicide as a result of cyberbullying. Today these unfortunate incidents are the exception, but what about tomorrow? These crimes are becoming more common, not less.

Let us also recognize that more and more Canadians depend on the Internet for their banking and investments and it does not end there. E-commerce is creating jobs across our country. Existing businesses have found new customers, but it does not end there. Many regions are moving toward electronic health records online. This not only creates huge efficiencies in our health care community, but it can also greatly enhance patient care, more so in the emergency room environment.

Even we as members of the House increasingly rely on the Internet and electronic means to help us do our jobs. This is not a partisan issue. This is a reality.

Canada as a country is increasingly moving online, but as we move online, our ability to secure, police and protect our citizens is falling further and further behind. In fact, we must recognize that as it stands today, our law enforcement community currently has more tools to investigate a basic hit-and-run accident than it does to investigate serious online crime. Let me expand on that thought for a moment.

If a vehicle is observed to be in a hit-and-run accident and the suspect vehicle licence plate is recorded, it is understood that with that information, law enforcement, without a warrant, can obtain basic information about that vehicle, such as who the owner is and where the owner resides, and basic contact information. This type of information is used to further investigate an incident. We understand that law enforcement has the ability to obtain basic personal information without judicial authorization, but we also understand that this basic contact information available to law enforcement that can help locate a hit-and-run driver does not, I repeat does not, enable law enforcement to access personal communications without a warrant.

Should the same basic tools that are available to law enforcement in the real world not be available to fight crime in the online cyberworld? These are ultimately the questions we need to be asking in this debate, because the types of tools that have been available to Canadian police in mainstream society for many decades, fully subject to the Criminal Code of Canada and judicial oversight, do not currently exist online. That is ultimately what this debate is about.

● (1225)

We as parliamentarians have an obligation to protect Canadians and our national interests. The life savings of our citizens, the innocence of our youth, the intellectual property of our research and development sector, our e-commerce and soon even our health records depend on our ability to safeguard that information.

I have read Bill C-30 and I believe it would update our laws to help safeguard the interests of Canadians. It also would provide a balance that would recognize the privacy rights of personal communications while providing basic contact information which law enforcement could use to investigate crime.

Business of Supply

Over the recent break, I had a chance to speak with many citizens, including a group of retired police officers, about this bill. Being able to gain basic information is critically important. It helps to solve crime. Bill C-30 would ensure that basic contact information would be available to our law enforcement. In some cases that information would be freely volunteered and in other cases it would not. I recognize there needs to be more consistency in this area. It is also important to be able to secure evidence before it can be deleted or destroyed, and that is addressed by Bill C-30. Those processes also involve judicial oversight. Most importantly, the bill would ensure that providers of online Internet services would ultimately acquire the technology to deal with Internet crime once it arises, which again would be subject to judicial overview.

Is there a cost to achieve this? That is a perfectly reasonable question. Absolutely there is, but there are also costs to remaining with the status quo and doing nothing. Think of our national research and development and our vast intellectual property. For decades our country has invested in innovation and technology.

In my riding of Okanagan—Coquihalla, we have the Pacific Agri-Food Research Centre which has been working in partnership and has developed new food packaging technology which is very important for the agricultural sector. This will greatly increase the shelf life of produce and extend shipping times and open up new markets. This has huge economic potential for many regions, not just my own. We must be able to protect our intellectual property and capital.

I submit those costs required for our Internet providers to be able to take action against online criminals far outweigh the investment required. We must ensure that we have online technology in our great country that can take action to protect Canadians. Some critics suggest we should be concerned about granting new powers to the police. However, when we read Bill C-30 it is clear that the changes being contemplated in the bill would not actually create new powers for the police at all. Rather, they would ensure that existing policing tools, which have existed in some cases for decades, would also apply to the online community. The question we should be asking is why some interests think the Internet should be a safe haven immune from any type of oversight whatsoever.

In closing, I will leave this thought with the House. Our future is increasingly online. Perhaps that is one point in the debate on which all of us can agree. If we are truly to protect the interests of Canadians and keep our country strong, then I submit we must overcome our partisan differences and respect that protecting the private information of Canadians online is in the national interest of our great country. The criminals, hackers, the anonymous of the cybercrime world have already proven they can access that information without incident. Is it not time that we ensured that law enforcement had these same basic abilities as well? I submit that it is. I would like to thank my colleagues in the House for being part of this important debate.

• (1230)

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, earlier the parliamentary secretary mentioned that the use of fear-mongering terms was not helpful in this debate, but I cannot help but make reference to the public safety minister's comments that people can either stand with the government or with the child

pornographers. I really do not find that helpful or constructive in this debate.

The member talked about safeguarding the interests of Canadians. Obviously, all of us in the House have an interest in safeguarding the interests of Canadians, but there is also the issue of legislation going too far. Former public safety minister Stockwell Day stated in 2007:

We have not and we will not be proposing legislation to grant police the power to get information from Internet companies without a warrant. That's never been a proposal. It may make some investigations more difficult, but our expectation is rights to our privacy are such that we do not plan, nor will we have in place, something that would allow the police to get that information.

The minister was saying that a warrant is needed to search for personal data. I am wondering why the government is now proposing such a change in direction.

Mr. Dan Albas: Mr. Speaker, during the break back in my riding many citizens raised a whole bunch of questions, primarily why the government supports being able to spy on Canadians. I just want to reassure people, particularly in my riding, that the bill proposes the exact opposite. Bill C-30 ensures the government can protect Canadian interests and online privacy by enabling law enforcement to have the tools to track down and prosecute those who would spy on Canadians.

Hackers, as we know, are hacking into people's personal information. As I mentioned in my speech, as we continue moving forward with electronic health records, we need to make sure that information remains secure. Bill C-30 would do that.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, my question is in regard to law enforcement officers. Whether it is today or after the bill eventually passes in whatever amended form that it passes, could the member give a clear indication that a law enforcement officer would not have the ability to find out a website that has been visited or to read someone's email without having a warrant from a judge?

Mr. Dan Albas: Mr. Speaker, what we see now is that because there is no policy covering this particular area of the Internet, an ISP could tell the RCMP or another police agency to go pound sand. In another case there might be an ISP that says it will work with the police. Another ISP might say it would give the information but would inform its customer.

Right now the policy is not set in a way that the RCMP can get basic information. That basic information would allow the police to get a warrant to look at materials that may help in a criminal investigation. We are codifying it. We are looking to protect Canadian interests.

• (1235)

Ms. Candice Hooppner (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, I would like to follow up on the question asked by the Liberal member. Just to be very clear, perhaps my hon. colleague could reiterate that police would not be able to access an individual's emails or web browsing history without a warrant.

Business of Supply

Could my hon. colleague please answer that?

Mr. Dan Albas: Mr. Speaker, let us be clear. Canadian law enforcement does not have the same abilities online as it has had in the real world for decades. If the opposition believes that Canadians should continue to be victimized by criminals and foreign interests, our government respectfully disagrees with that. We will stand up and protect Canadians' online privacy against online criminals.

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, I will be sharing my time with the member for Bonavista—Gander—Grand Falls—Windsor.

I rise to speak to the Liberal opposition day motion introduced by our leader, calling on the House to recognize the fundamental right of all Canadians to freedom of speech, communication and privacy. The motion is in response to the Conservative government's invasive Bill C-30.

If Canada is to remain a truly democratic society, it must strike the correct balance between security and civil liberties and individual rights and freedoms. As written, Bill C-30 does not ensure a balance among those principles.

At the outset, the Conservatives demonstrated their disregard for Canadian civil liberties and individual rights. Rather than sit down and discuss with Canadians and have an honest debate about the strengths and weaknesses of Bill C-30, the government attempted to irresponsibly frame the debate in rhetoric.

The Minister of Public Safety even went so far as to berate one of my colleagues, who was merely bringing the concerns of countless Canadians into the debate, by telling him that he, "can either stand with us or with the child pornographers".

Attempts to demonize opponents of Bill C-30, many of whom are in my riding as well, and characterize them as friends of child pornographers is not only reckless, but completely unwarranted. The Minister of Public Safety still has not apologized for offending those Canadians who have difficulty with some of the aspects of Bill C-30.

Understandably, Canadians from coast to coast to coast do not trust the government with their personal information. After all, the Conservatives do not exactly have a glowing track record when it comes to managing the personal information of individual Canadians.

Through creeping individual's Facebook accounts and using personal profile information to restrict Canadians from attending public election rallies, sifting through personal medical records of veterans who asked too many questions or inappropriately using voter identification databases to make robocalls that are all about election fraud, the government has worked hard to earn the mistrust of Canadians.

In its current form, Bill C-30 forces Internet service providers to track, save and hand over Canadians' personal subscriber information, including their email and IP addresses, upon request without a warrant. This means that the Prime Minister's people would now have the legal right to monitor the emails of Canadians and track their movements online without any kind of judicial discretion.

The Conservatives destroyed the critical long form census because they claimed it was too intrusive into the personal lives of

Canadians. Yet they now propose legislation that encroaches deep into the lives of Canadians and treats all Internet users as criminals. There are innocent Canadians out there.

The public outcry from Canadians and the Liberal Party, following the introduction of Bill C-30, forced the government to admit its legislation was far from perfect and it took the unusual step of shepherding its own legislation to committee before being debated so it could be fixed. The government has said that it will consider amendments from the opposition, and we welcome that.

Unfortunately, that is the same government that has abused its majority at committees to conduct business behind closed doors, making committee business the most secretive it has ever been and requests to do otherwise continue to fall on deaf ears. If the government forces the committee behind closed doors, it can oppose the reasonable and fair amendments that Liberals will be proposing without any public oversight, and this is a serious concern.

Sending Bill C-30 straight to committee for amendments is an important first step in admitting that Bill C-30 is highly flawed, but actions speak louder than words. The true measure of the Conservative government's commitment will be tested and witnessed during the committee proceedings. If the Conservatives truly believe that Canadians have the right to determine how their personal information is handled, then the Conservatives should be forthcoming and accept Liberal amendments at committee.

● (1240)

Canadians, including my constituents in Random—Burin—St. George's, are listening with interest and taking note of the debate over Bill C-30. One of my constituents aptly described the bill when he said, "This bill is a total invasion of privacy".

Another constituent wrote to tell me that he was concerned about the legislation. He said, "This would be a breach of the basic human rights of all Canadians. It almost goes without saying that giving this kind of power to any institution is ripe for potential abuse". He goes on further to state, "Not only that, we citizens, will have to pay for it out of our taxpayers wallets. There is also the dangerous potential of criminals having another gateway for hacking into people's accounts".

Another constituent wrote to me to say that he was equally concerned about the legislation, writing "The online spying ("Lawful Access") bills are poorly thought out, and irresponsibly allow a range of authorities to access my personal data without a warrant".

A different constituent from my riding went further saying, "Unchecked mass surveillance is a breach of my fundamental right to privacy".

Business of Supply

These are just a few examples of the correspondence that I have received. It is what Canadians are saying, and I am sure all members in the House are hearing the same thing from coast to coast to coast. I have yet to receive a letter in support of Bill C-30.

Privacy is a fundamental freedom enshrined in our charter and Canadians have every right to be worried about heightened surveillance of their online activities. Warrantless use of personal information is an inappropriate violation of our Charter of Rights and Freedoms.

Liberals are seriously concerned that the lack of judicial oversight in the bill relating to subscriber data and that forcing ISP and telecomm providers to have the capacity to trace all communications in their system could create a very slippery slope.

For example, Canada's Privacy Commissioner, Jennifer Stoddart, agrees. Her office, the Office of the Privacy Commissioner of Canada, is charged with overseeing compliance with both the Privacy Act and the Personal Information Protection and Electronic Documents Act. Exercising her mission to protect and promote the privacy rights of individuals, last October she wrote the Minister of Public Safety detailing her concerns with the government's lawful access proposal. She said:

I am...concerned about the adoption of lower thresholds for obtaining personal information from commercial enterprises. The new powers envisaged are not limited to specific, serious offences or urgent or exceptional situations. In the case of access to subscriber data, there is not even a requirement for the commission of a crime to justify access to personal information – real names, home address, unlisted numbers, email addresses, IP addresses and much more – without a warrant.

Apart from what we are hearing from Canadians throughout the country, this is coming from the Privacy Commissioner.

The government must ensure the protection of the online privacy rights of law-abiding Canadians. Again, there are innocent Canadians out there. The warrantless tracking of Canadians' online activity would unfairly treat all Canadian online users as criminals.

Through Bill C-30, the omnibus crime Bill C-10, Bill C-4 and others, the government has raised serious questions about whether they respects the Charter of Rights and Freedoms. Liberals will be focused at committee, finding logical solutions that strike the correct balance between public safety and privacy.

• (1245)

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Mr. Speaker, the member mentioned that the Prime Minister's men would have access to emails. The member should know full well that police, RCMP and CSIS are at arm's-length and are professional. It certainly sullies their name. I would like the member to consider apologizing in the House for making an accusation on such independent agencies.

Ms. Judy Foote: Mr. Speaker, while I appreciate the hon. member's comments, let me point to my colleague who was investigated by the Department of National Defence when he dared to question the Minister of National Defence's use of a helicopter. The member should not talk to me about what they will or will not do. That is a case in point, where they looked to an individual to find out exactly what he had done.

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, earlier, we discussed hit-and-run drivers. The police have access to plenty of information to find the vehicle involved, but that does not give them the right to search the interior of the vehicle. That is a good analogy. If a site is identified as potentially suspicious, that does not give law enforcement permission to go fishing and collect personal information from the site.

Does the problem of cybercrime not have more to do with a shortage of police officers assigned to these cases? Is it not simply about a shortage of police officers and resources to combat this new kind of crime? What does my colleague think?

[*English*]

Ms. Judy Foote: Mr. Speaker, I thank my hon. colleague for the point he makes.

We are seeing a failure to recognize that there are Canadians who are innocent. What we are experiencing with the government is that it is treating everyone as criminals.

Absolutely, we want to ensure that police officers have the tools they need to do their jobs in the 21st century. There is no question about that. However, in giving them the tools, let us also ensure that they have the person power they need to deliver.

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, I had an opportunity in my former career as a lawyer to act for service providers. From time to time, the police would show up and ask for information. Every time they would call me and ask if they should give the information or ask the police to get a warrant. I told them to get a warrant. Not once did those police officers ever complain that in some way that service provider was frustrating the course of justice. They always came back with that warrant.

My question to my colleague, who gave incredible remarks about the issue of privacy, is this. Clause 34 goes beyond the police and would allow the minister to appoint agents and those agents could go in and second the use of the staff at the service provider's office and demand access to any information whatsoever and take people with them when they were doing it.

What does my friend have to say about that pervasive section?

Ms. Judy Foote: Mr. Speaker, that is a case in point that shows Canadians are concerned and they are speaking out about this. They know exactly what will happen if the minister has the ability to do that.

Business of Supply

They have seen it with the Minister of Citizenship, Immigration and Multiculturalism. They have seen ministers taking untold abilities to do things that ministers should not have the ability to do. They are getting unfettered access, and this is something Canadians are really concerned about because they are seeing more and more of it from the Conservative government.

• (1250)

Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC): Mr. Speaker, how can my colleague explain that when the Liberals were the government, they had a number of different initiatives that actually went on to propose what has been proposed in this type of legislation, with even weaker protection for privacy rights, and now that they are the opposition, they are outraged?

How can the member justify these two contrasting positions, the one the Liberals had when they were in power versus the one they have now in opposition, and the two completely different points of view on what is basically very similar legislation?

Ms. Judy Foote: Mr. Speaker, it may be the interpretation of my colleague opposite that they are very similar bills, but they are different bills.

The one thing I can assure him is the Liberals will listen to Canadians, they will take advice at committee and at the end of the day, the bill will be one that is in consideration of all rights of Canadians.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windor, Lib.): Mr. Speaker, I am not sure the debate is actually finished over here. As a child, I used to think that sitting in the corner of a room had no excitement whatsoever. Since coming here to the House of Commons, the corner of this House is quite exciting, quite frankly. The debates are quite vigorous, if not to say less entertaining.

I am grateful to be allowed a few moments to speak to this particular motion. I do want to extend my congratulations to all who have spoken here today on this particular measure that has been thrust upon us in the past little while and, certainly, created a lot of attention across this country. The electronic data that has moved around this country and the world, for that matter, regarding this bill has been quite substantial and come at a time when we should probably have this debate before considering the bill at committee, in this case before second reading.

A lot of people have asked me about the ramifications of that. I say that I applaud the government for sending the bill to committee before second reading because, fundamentally, by doing so it is now allowing substantial amendments to be made before second reading. The problem otherwise, if it goes to second reading first, is that if we have a debate in the House and vote on it, we then have to accept the principles of the bill. The majority of the House would do that. Subsequent to that, any amendments coming forward could be ruled out of order by the Speaker if these go against the fundamental principles and the scope of the bill in question, that being Bill C-30.

Therefore, I am glad that the current motion is being debated today, because without that motion we would not have had the opportunity to debate the bill in the House before it went to committee. The government says it wants to expedite this, to put it

through committee and to have a fruitful conversation about this. Certainly, I would like to have this debate in the House before we send the bill to committee, because if we send the bill to committee before second reading, it means that we then have the ability as the House of Commons to enact legislation with major amendments that cannot be quashed by the Speaker or anyone else in the House. The procedure dictates that we can make substantial changes. Why not have a debate in the House that precedes anything going to committee?

The House recognizes the fundamental right of all Canadians to the freedoms of speech, communication and privacy, and that there must be a clear affirmation of the need for these rights to be respected in all forms of communications.

We all know, as my hon. colleague for Lac-Saint-Louis pointed out earlier, that the technology involved here is evolving now on a monthly basis. We talked about every 10 or 15 years when I first got here in 2004. In those days it was changing every four or five years. Now it seems to be changing every year, certainly in the aspect of social media. We saw Facebook thrust upon the world in a very short period of time, and now of course Twitter as well in this situation.

When I first got here, politics was judged by eight-second soundbites. Now politics and political discourse are judged by 140 characters or less, so we can see how we have gone from the realm of broadcasting to the realm of social media. Now breaking news is a part of the Twitterverse. It is not necessarily a part of the 24/7, 500-channel universe any more. We have now pushed ourselves into that.

However, let us bear in mind that the social media is doing something in addition to what was done in the old days of the 500-channel universe. Not only do we receive information at a moment's notice when it happens, or instantaneously, we are also now providing that information instantaneously, at a moment's notice, in the heat of the moment, whatever it may be. Nonetheless, we are not using traditional ways, with the exception of telephone, I guess, of sending information to people with whom we are in contact. We are now using electronic media to such a great extent that a lot of information is being put through private companies such as ISPs, and thus a vast amount of our lives, secret or not, is now transported through electronic data. Therefore, the ability to look into this is a lot more invasive than it used to be, if indeed the intention is to get all of the information that is out there about a particular person.

• (1255)

Sometimes people disseminate information that does not pertain to their intent. Per the example used earlier by my colleague from Lac-Saint-Louis, someone with a cellphone can transport pictures at a protest and the authorities have the ability to look into the transmission of these photos at particular protests, even when the person concerned is an innocent bystander and not an active participant, and not doing anything nefarious, but simply present and transmitting what is happening.

Business of Supply

I return to the motion that we moved in the House: “That the House recognize...that Canadians who have expressed deep concerns about Bill C-30 should not be described as being friends of child pornography or advocates of criminal activity; that the Charter is the guarantor of the basic rights and freedoms of all Canadians; and that the Charter is paramount to any provision of the Criminal Code of Canada; and accordingly the House calls on the Prime Minister to ensure that any legislation put forward by his government respects the provisions of the Charter and its commitment to the principles of due process, respect for privacy and the presumption of innocence”.

The point about the presumption of innocence is a good one, because it seems to have been lost in all of this. When the Minister of Public Safety caused a huge fuss in the media about our being either on the side of them or others, that is what I fear about discourse and debate in the House. We now state things in absolute terms. In other words, we are saying to people that it is a black and white situation when in fact it is not. We are dealing with a very complex piece of legislation that has to receive a fair amount of discussion, debate and input from those across the country to allow us to have strong opinions, but at least our strong opinions are well-informed.

The throwing around of labels at the very beginning of debate is what bothers me. I use that as an example, but let us not kid ourselves and instead recognize that all 308 members of Parliament have fallen into that trap on occasion. We need to be honest with ourselves. Sometimes we have to pull back from that. Sometimes a simple apology is overdue and perhaps sometimes we should have that mature debate to allow ourselves to delve into the issues. I hear members talk about mature debate all the time, but for some reason it never happens. They may have a point: it is time for us to practise what we preach. Having this debate in the House on these particular measures is worthy of note. A debate in the House before we send it to committee and second reading is essentially what we are aiming for.

I congratulate the member for Toronto Centre for doing such and I congratulate anyone who speaks to this issue because it is of great importance.

Several experts have highlighted some of the key components of the legislation that are troublesome. On the one hand, we do want the police to have the tools to exercise their jobs. I know many police in my riding would agree with that and would like to have these tools. Then we have section 8 of the charter, which we are referring to when we say that people have a right to privacy in this country. Some of the people who have written about that include Michael Geist, who says:

While some of that information may seem relatively harmless, the ability to link it with other data will often open the door to a detailed profile about an identifiable person. Given its potential sensitivity, the decision to require disclosure without any oversight should raise concerns within the Canadian privacy community.

Jennifer Stoddart, as my hon. colleague from Random—Burin—St. George's pointed out as well, also had the same reservations about it.

The intent of the bill is one that has to be looked at as well. When the government puts out a public safety message and allows a transition period of 18 months and reduces the requirements for smaller service providers for the first three years, that is all great and

fine, but not only do we have the ability to do this technologically but we also need the ability to debate it and make sure that we are doing the right thing before we realize that we have to go back and make changes.

● (1300)

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP): Mr. Speaker, I find this quite interesting. Here is a party that actually tabled similar legislation back in 2005 and again in 2007. In 2002, it also launched consultations on lawful access.

In looking at this, one of my questions for my colleague is about the census. When we look at the information that would be deciphered as a result of this bill, I wonder if he could comment on whether he finds it outrageous that we have a government that gets rid of the census and then tables legislation that allows access to the private information of Canadians.

My further question is whether Liberals, because they tabled legislation on this before, will be supporting Bill C-30.

Mr. Scott Simms: Mr. Speaker, that is a valid point about the long form census, which I never thought of including in my speech. Certainly the member raises a valid point in the sense that the long form census provides information to policy-makers and allows open debate and allows them to make workable public policy in this country. However, that counteracts what we are seeing in this particular situation, where the government wants to get information from ISPs to allow it to monitor and really dig deep into what an individual person's life is all about. As I said earlier, certainly our lives are out there now, more than they have ever been, with the advent of online banking in particular and online surveys and measurements. Therefore, I see her point in that particular case.

Perhaps I could answer the second part of the member's question later on, when there is time.

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, I appreciated the tone of my colleague's remarks.

However, I want to get some more understanding of the Liberal motion today. Does this member believe that the efforts by Liberal MPs in 2005, 2007 and 2009 were on bills consistent with the Charter of Rights and Freedoms, per the debate today? Does he agree with the Privacy Commissioner, who has expressed some concerns about Bill C-30 but also that the legislation tabled by this government is an improvement with respect to privacy rights over the legislation tabled in 2005?

● (1305)

Mr. Scott Simms: Mr. Speaker, we can only change things by that much and consider it improvement. Let us be honest.

When the hon. member talks about the bill's compliance with the charter, I would say that we never debated at the time how this would run up against the charter and whether challenges would ensue. I agree with his point and the fact that now we are going through this process that allows us to do that. Again, I congratulate him for bringing this to committee before second reading. My understanding is that if anything were awry when it came to the application of the charter, it certainly would have been discovered in that particular place.

Business of Supply

This is why I like this motion, because it allows us to debate the bill before we send it off to committee. Remember this is not going to happen overnight. If members think the copyright legislation was considered for a long time in committee, I suspect this will take even longer, given the fact that we will not have to vote on it before it goes to committee.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I find it interesting that the NDP and the Conservatives seem to be speaking from the same notes, in talking about 2002, 2005 and 2007. They forgot 1981. It was the Liberals who brought in the Charter of Rights, which is in fact what this opposition motion is about, the Charter of Rights and ensuring that Canadians have privacy.

Could the member comment on 1981 Liberal initiative, the Charter of Rights guaranteeing that we have privacy legislation?

Mr. Scott Simms: Mr. Speaker, I am being asked to give a dissertation on constitutional negotiations in this country. How much time do we have?

It happened starting in the late 1970s, but as this motion points out we must adhere to what is happening in regard to the Charter of Rights and Freedoms. Whether there would be challenges that would ensue because of this legislation is something that has to be explored. I certainly believe that in committee we could have this debate, but let us be careful in throwing around certain labels as to where people are on this definitively, like their comparing us with child pornographers. Please, let us stay away from that part of the debate.

[Translation]

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I will be sharing my time with the hon. member for Delta—Richmond East.

I am pleased to rise today to address the motion. Bill C-30 provides law enforcement and national security agencies with the necessary tools to conduct their investigations in a world where telephone calls and ordinary email are being replaced by constantly changing communications technology. Even though its main objective is to ensure that the criminal justice system keeps pace with these changes and new criminal techniques, the government is paying attention to the concerns expressed about privacy and certain investigative techniques.

For that reason, we made considerable efforts to consult Canadians and stakeholders. These consultations went on for years and included discussions with the federal and provincial privacy commissioners. This allowed us to craft the bill before us today. I can assure you that each of the investigative powers set out in the bill was carefully developed with privacy considerations in mind.

We are talking here about new measures that precisely guarantee the privacy of personal information. However, it seems that some people fear that the bill will change the fundamental way in which Canadians' privacy is protected and that it will give the police wide-ranging new powers that will give them free access to our private lives.

These concerns are unfounded. In certain cases, people may have misunderstood the complex proposals designed to take into account increasingly modern means of telecommunications. I would like to

assure all the members of the House and all Canadians that the purpose of Bill C-30 has never been to intercept Canadians' private communications and telecommunications. Bill C-30 was never designed to monitor Canadians' Web activity or to prevent them from sending emails anonymously. The purpose of Bill C-30 has always been to ensure that law enforcement agencies are able to stay on top of new communication technologies.

In response to these concerns, I would like to present some facts. Since the 1970s, Canadian police have been able to intercept private communications when given a court's authorization to do so, under the Criminal Code. In such cases, the judge has to be convinced that justice would be best served if the communication were intercepted and that the police tried other investigative methods but were unsuccessful. It is only in rare and urgent circumstances, such as a kidnapping or bomb threat, where time is of the essence, that law enforcement agencies are able to intercept private communications without a judge's authorization.

The bill does not change this approach at all. In fact, the bill proposes additional protective measures that go above and beyond the provisions of the Criminal Code related to the authorization of interception in exceptional circumstances, which are set out in section 184.4.

I would like to clear up another misconception, namely that law enforcement agencies and the Canadian Security Intelligence Service will be able to obtain basic subscriber information. Law enforcement and national security officers are already authorized to request subscriber information from service providers. However, that information is shared by the service providers on a strictly voluntary basis and there are very few monitoring and review mechanisms at this time. This approach is problematic because some service providers hand over the information on request, while others take a long time doing so or simply refuse to co-operate.

As a result, we have a discretionary and inconsistent system across the country, which threatens the safety of Canadians. The bill proposes a fair and uniform process that will facilitate access to basic subscriber information when needed. It also provides for a solid reporting and verification system, which is currently lacking.

• (1310)

Access to basic subscriber information, such as names and postal and electronic addresses, is especially important when computer technology is involved, because criminals use the Internet to conduct their activities anonymously.

A 2011 investigation into a case of child exploitation on the Internet in my province, New Brunswick, was delayed by more than six months because the authorities had difficulty obtaining basic subscriber information from a service provider. When they finally obtained the desired information, the authorities learned that an adolescent from the region had been the victim of abuse by the suspect. This type of situation is unacceptable.

Business of Supply

With Bill C-30, not only will we prevent this type of situation, but we will be implementing various mechanisms to ensure the accountability of those who access the basic subscriber information. Again, this is a measure that does not yet exist.

The bill will require the authorities to keep a log of all requests for access to basic subscriber information, to conduct verifications and to produce regular reports.

What is more, the bill reinforces the role of watchdogs like the Office of the Privacy Commissioner of Canada in ensuring an audit of the agencies under their jurisdiction.

The bill also compels the authorities to issue a written notice when using wiretapping in their investigations in exceptional circumstances and to produce a report in that regard.

These obligations already exist for other activities, including wiretaps authorized by the Criminal Code, and it is only logical to also implement them in this case.

As for electronic surveillance, in addition to ministerial approval, checks and balances are already in place to ensure accountability for the law enforcement agencies that exercise these exceptional powers. For instance, the individuals designated under sections 185, 186 and 188 of the Criminal Code must obtain authorization from a judge in order to intercept private communications, and this goes for each case under investigation. Evidence must be submitted under oath during any criminal proceedings that result from investigations. The Minister of Public Safety must present an annual report on any interceptions relating to an offence for which proceedings may be commenced by or on behalf of the Attorney General of Canada. This report, based on the information provided by police forces, must be presented to Parliament pursuant to the legislation.

Any time important rights are at stake, such as a person's reasonable expectations of privacy, it is in everyone's interest to know when and how investigative powers like the one in question are used.

Collecting data and statistics regarding the exercise of these investigative powers will help us to inform the public and determine usage practices so we can amend them as needed.

We do not have to choose between safety and respect for our rights. We need to find a balanced, happy medium. Our government believes that this bill achieves this balance. However, we also believe that Parliament has a duty to examine this bill in order to ensure that this balance was in fact achieved. We hope it will be examined in a non-partisan environment without any misinformation from the opposition parties.

• (1315)

[English]

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, the Conservatives would have us believe that nothing is really changing with the bill. However, proposed section 16 would give the authorities the power to compel telephone companies to provide information without a warrant. I have read that a number of times and that is what it says, "without a warrant".

There are six pieces of information that can be obtained, among them a person's name, address, email address and Internet protocol

address. The Conservatives are saying that they have reduced the list from 11 to 6 identifiers. The previous bill contained 11 identifiers. What the Conservatives will not say is that there is a back door, which means that they would be able to add additional identifiers without any scrutiny by Parliament. There are regulations in the bill.

This morning the Minister of Public Safety said that the government would not be adding additional identifiers. Are the Conservatives prepared to take that proposed section out of the bill?

Mr. Robert Goguen: Mr. Speaker, obviously the bill will be going to committee at which time many recommendations from all parties will be examined tentatively to make sure that a balance is struck between the right of the state to protect its citizens and the right to public information. It is premature at this time to say what the final form of the bill will be, but the equilibrium required to balance those interests is the one which will be struck in its final form.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I want to thank my colleague for his speech, and the public safety minister and the department for the good work they are doing to bring balance back to the issue of the safety and security especially of our children. We read about child exploitation rings, and it is important that our law enforcement officers have the tools they need to intercept if, unfortunately, these situations occur and to bring these people to justice.

My question relates to a question that was raised by an NDP colleague earlier this morning. This legislation was tabled by the Liberal government in 2005, and was reintroduced in private members' bills subsequently. The deputy prime minister and minister of public safety at that time, Anne McLellan, stated:

We consulted extensively to ensure this legislation strikes the right balance between the needs of police to maintain their investigative capabilities and the business considerations of the industry, while respecting Canadians' privacy, rights and freedoms.

Why does the member think the Liberal Party today is trying to make this look as though we are somehow going beyond what was originally intended, which is to provide a balance between privacy and ensuring the safety and security especially of our children?

• (1320)

Mr. Robert Goguen: Mr. Speaker, regretfully, probing into the Liberal mindset is somewhat difficult. The Liberals are full of free principles and ideas and will adopt whatever position they think is possible on the issue of the day. It is really difficult to put oneself in the mind of the Liberal Party at that time or now. However, it is obviously a moving target with the Liberals and they will adopt whatever position seems to be in their favour on any day for the sake of argument and media telecast.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, let us talk about moving targets and go back to the gun registry. The Conservatives are saying that the police are calling for this. I know that the police called for the maintenance of the gun registry and the Conservatives totally disregarded that information. What makes this case different?

Business of Supply

Mr. Robert Goguen: Mr. Speaker, there is a similarity in the sense that there are law-abiding citizens who use the Internet just as there are law-abiding sport shooters and duck hunters who use the Internet. They have that in common. All we are trying to do is to protect people from being victimized. Both acts go in that direction. The similarity is in protecting people and standing up for victims. It is not taking the flavour of the day to gain points with the media.

Ms. Kerry-Lynne D. Findlay (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I rise today to respond to the motion. As my previous colleagues have stated, the hon. Minister of Justice is required to inform the House of Commons of any legislation introduced that is not compliant with the Canadian Charter of Rights and Freedoms. I would like to emphasize this point. The Minister of Justice believes that Bill C-30 does not violate any of our charter rights.

Does that mean Bill C-30 will have absolutely no effect on the privacy rights of Canadians? Of course not. Any legislation that gives police new investigative powers will necessarily impact upon the privacy of Canadians. What is important, however, is whether the impact on privacy is justified to ensure the public safety of our country.

Our government firmly believes that we have proposed legislation to ensure Canada's laws adequately protect Canadians online, without breaching their constitutional rights. All of the new powers were carefully tailored to ensure that the proper level of scrutiny, whether it is transparency or oversight, was built into the specific powers sought.

I would like to remind hon. members on the other side of the House that similar legislation has not only been tabled by previous Liberal governments, in 2005, 2007 and 2009, as stated by others in this place as well, but the Liberals have supported these same changes with weaker oversight and weaker protections for privacy.

Bill C-30 is about providing police officers with the tools they need to fight crime today. It is about modernizing investigative techniques so they can catch those who would exploit technology for criminal purposes.

Thirty years ago computer crime was mostly a local crime that could be policed and prosecuted more or less in the same manner as traditional crimes. The Internet has changed that. The Internet is ubiquitous and so is computer-related crime. It knows no borders and we cannot investigate and prosecute it without the assistance of our international partners.

In fact, among the many things that Bill C-30 would do, it would allow Canada to ratify the Council of Europe convention on cybercrime. In order for Canada to ratify international treaties, it must first bring its law into conformity with the requirements of the instrument. In the case of this convention, for example, it requires a member state to have the ability to preserve computer data. Bill C-30 would respond to the requirement by creating the preservation order in Canadian law.

This convention, otherwise known as the Budapest convention, is the pre-eminent international treaty dealing with cybercrime. Canada was among the countries that negotiated this treaty and was

instrumental to the inclusion of the child pornography provisions contained within it.

By putting Canada in the position to ratify the Budapest convention, Bill C-30 would do two things. First, it would answer our need for increased international co-operation in this area. Second, it would enhance the safety of Canadians by providing our police officers with the tools they needed.

The convention, which requires states to adhere to relevant international human rights standards and to create certain baseline substantive offences and procedural powers, also provides states with a mechanism for international co-operation. This increased ability to co-operate with our friends in the area of cybercrime, and especially child pornography, will increase our success rate in capturing criminals who use international borders to stymie investigations.

Finally, 32 countries have already ratified this convention, including two of our most important partners, the United States and the United Kingdom. Further, Australia, another important Canadian ally, has been asked to accede to the convention. The importance of this convention is underscored by their participation.

Canada's ratification of this convention will extend the reach of Canadian law enforcement around the globe as more and more non-European countries seek accession. This ability will ensure that more cybercriminals are brought to justice and will make Canada a safer place, especially for our children.

I would like to reiterate what I have previously said. This legislation is not new to Parliament. I find it very ironic that the Liberal leader would table a motion in the House that criticizes legislation that his party previously supported and tabled when the Liberals were in government. As I have already stated, the previous Liberal legislation had weaker protections for the privacy of Canadians.

The Liberal Party is the last one that should lecture Parliament on how to better protect Canadians, while also ensuring the respect of their privacy. This is another clear example of the fact that the Liberals are completely void of values, principles and ideas. They simply adopt whichever position they think is popular on the issue of the day. This is not what Parliament is elected to do.

● (1325)

Our government expects Parliament to have a thorough debate and conduct a thorough review of our proposed legislation to ensure we strike the right balance between protecting Canadians from crime while respecting Canadians' privacy rights.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP): Mr. Speaker, I rise to speak to this important motion, and to Bill C-30 as well, because this is basically a reiteration of the previous Liberal bill. We know Bill C-30 is actually flawed. We know the privacy commissioners and experts are all already worried that the personal information of Canadians could be obtained without a warrant, violating the rights and freedoms of law-abiding citizens.

Business of Supply

We talk about law-abiding citizens on this side of the House and on that side of the House the Conservatives talk about law-abiding citizens when it comes to guns. I am trying to get some sense from the government. If the Conservatives felt that the gun registry was so intrusive for law-abiding citizens, why are they tabling legislation such as Bill C-30, which is even more intrusive? It just does not make sense.

On the other side of the House, the Conservatives say that if members are not on their side, then they are on the side of pornographers or they are not on the side of law-abiding citizens. What are they trying to do? Does this not contravene the Charter of Rights?

Ms. Kerry-Lynne D. Findlay: Mr. Speaker, what we are trying to do is what we committed to do, which is stand up for law-abiding Canadians. We are the only party in the House that consistently and continually stands up for law-abiding Canadians. We are not those who speak of harming those who have already been convicted of criminality, as we often hear on the other side.

The bill does meet the Charter of Rights. The minister stands behind that. It is our duty to do that when proposing legislation and we have met that challenge. We have actually beefed up, or made stronger, any privacy concerns in the legislation from what was tabled by the Liberals.

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, with regard to clause 17 of Bill C-30, which refers to the extenuating circumstances that police require to just get information, could she expound upon that? I think there is some confusion that police can get information without doing anything. There has to be extenuating circumstances. Could she explain that for the opposition?

• (1330)

Ms. Kerry-Lynne D. Findlay: Mr. Speaker, I thank the member for his hard work on justice files and his long-term service, both now in the House and before he came to this place.

Extenuating circumstances means exceptional circumstances, where there is perhaps, for an example, a very serious terrorist threat or something like that. It is important to understand and emphasize that we are actually joining other developed countries around the world, those which we do business with regularly, in terms of the provisions of the bill.

Many countries already have in place the ability for law enforcement, in limited circumstances, just as this, to get information from Internet service providers. They include many north European countries, as well as the U.S., U.K., Australia, New Zealand, the Netherlands, Germany, and a long list. We need to work cooperatively with our international partners in this regard.

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, as our colleague clearly indicated, the question is whether the needs of police require privacy to be breached, given that police already have extraordinary means of obtaining this information without going to a judge.

What the member is presenting as a justification is not acceptable.

[*English*]

Ms. Kerry-Lynne D. Findlay: Mr. Speaker, I understand the concerns of Canadians when it comes to privacy rights. They want to know that we are striking the right balance. That is why this government has referred the matter to committee so we can have a full and open airing of these issues and so the appropriate witnesses can be brought forward to ensure that we strike a balance with which all Canadians can be comfortable. There are serious international issues at play here that we need to address from a law enforcement perspective. We also want to protect the privacy of all Canadians.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I will be splitting my time with the member for Vancouver Centre.

It is with pleasure that I stand today to address what is an important motion. I hope and suspect that Conservatives, along with New Democrats, will join us in recognizing just how important it is with regard to our charter and privacy-related issues.

The bill that we are obviously citing at great length is Bill C-30, and we do that for a good reason. Even the government would acknowledge that it blew it. The government received overwhelming kickback from the public in regard to how it messed up in terms of what it proposed in Bill C-30.

The Prime Minister is not known to back down even when he is wrong. He has had an awakening of sorts in regard to just how outraged Canadians are with respect to this issue. We do give him some credit for acknowledging that outrage and how he is now prepared to send Bill C-30 to committee.

One of my colleagues reminded me that under the Conservative government committee meetings end up being held in camera. The Conservatives hold them in camera because they do not want the public to know what is being debated inside a committee. When the government says that it wants a meeting in camera, that is just a nice way of saying the public does not get to participate, that it does not get to listen to what is being said behind those closed doors. No government has ever had more in camera sessions in such a short time span as the new majority Conservative government.

We know how stubborn the Conservatives are when it comes to making changes. We can tell them that they have made mistakes, but would they recognize those mistakes? It takes a great deal of convincing.

All we have to do is look at Bill C-10. The Liberal Party brought forward amendments at committee stage, but the government voted against those amendments. It did not want anything to do with them. What happened? Conservative senators brought in the amendments because the government, in its stubborn way, did not recognize how important those amendments were. I am sure the government is a bit embarrassed now.

Business of Supply

We are glad that the government has seen the wisdom of bringing Bill C-30 to committee before it is debated in the House. That is why there is strong merit to looking at today's opposition day motion as a statement. I look forward to a Conservative member standing and assuring us that there will not be any in camera sessions when Bill C-30 goes to committee, that the meeting will be open to all those individuals who want to follow the debate. We anxiously await hearing that sort of commitment.

The Conservatives talk about the rights of victims as if they have a vested interest in protecting the rights of victims. Just because they repeat it many times does not necessarily mean they have any more interest in the rights of victims than members of the opposition. Not only are we interested in the rights of victims, we are also interested in protecting people from becoming victims in the first place. That is why we believe in addressing some of the issues that fight crime. We do so to prevent victims in the first place. The Conservatives do not own the moral high ground when it comes to protecting the rights of victims.

The Conservatives say that they want to protect law-abiding citizens. I would suggest that one of the ways they could do that is by supporting the Liberal Party motion before us today.

• (1335)

I will read what the motion says so that members can reflect on it between now and the time to vote.

That the House recognize: (a) the fundamental right of all Canadians to the freedoms of speech, communication and privacy, and that there must be a clear affirmation on the need for these rights to be respected in all forms of communication; (b) that the collection by government of personal information and data from Canadians relating to their online activities without limits, rules, and judicial oversight constitutes a violation of the Canadian Charter of Rights and Freedoms' protections against unreasonable search and seizure.

If the Conservatives are sincere when they say that they want to protect law-abiding citizens, I would suggest that voting for this motion would go a long way in protecting their rights.

The Internet has grown as a tool in many different ways. I think that we underestimate the role it plays in the lives of Canadians. I have heard statistics that Canadians have access to and use the Internet like no other country in the world. We have seen the benefits of the Internet. We can look at the social groups of Facebook and others to see how well utilized they are. We can appreciate how many people today bank online and purchase online. The Internet is used every day by a vast majority of Canadians. It has become a part of our lives.

It is interesting that NDP members and Conservatives have joint speaking notes. They bring up those speaking notes because they are a little sensitive to the Liberal Party being practical and wanting to protect the rights of individuals. Therefore, they pull out their speaking notes, whether New Democrat or Conservative, to say that the Liberals proposed in 2002, 2005 and 2007. I think I might have even heard another year.

Gee whiz, yes, the Liberal Party does have a proactive approach to bringing legislation forward. The difference is that we are also open to ideas, amendments and changes, which is something the current government has never demonstrated. Hopefully the NDP will never be provided the opportunity to govern. I will not preclude what

Canadians might ultimately decide, but I have seen NDP administrations in my own province and I can talk about disappointments in this area.

They talk the line of wanting to protect the interests of Canadians. Well, the Liberal Party has overriding concerns and we would say to members of other political entities, Green, New Democrat or Conservative, to go back before 2002. They should go back to 1981 and the Charter of Rights and Freedoms that guarantees privacy.

The vast majority of Canadians want just cause and having to go to a judge, which could take a half hour or whatever amount of time it takes. We do not underestimate the capabilities of law enforcement or our courts. There are wonderful people who work within our law enforcement industry and court infrastructure who can expedite the process. They can make it happen quickly if the need is there. Let us not override how important it is to protect the rights of individuals to their privacy.

• (1340)

Mr. Paul Calandra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, I want to read the summary of a bill. It states:

This enactment requires telecommunications service providers to put in place and maintain certain capabilities that facilitate the lawful interception of information transmitted by telecommunications and to provide basic information about their subscribers to the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Commissioner of Competition and any police service constituted under the laws of a province.

That was the summary in Bill C-74, which was introduced by the Liberal Party. I also have a copy of Bill C-416, also introduced by the Liberal Party.

Does the hon. member not understand that the problem people have with the Liberal Party is that it continues to flip and flop? It has no interest in public safety. Its only interest is scoring cheap political points on the backs of Canadians' safety. I wonder if he could comment on the differences between the two bills when they were introduced and whether the party at that time sent the bill directly to committee so that all parties in the House could have input. Is he instead doing the same Liberal thing, flipping and flopping to try to score some stupid political points on the backs of Canadians' safety?

Mr. Kevin Lamoureux: Mr. Speaker, the difference between the Liberal Party and the Conservative Party is that the Liberal Party will not only listen but, in fact, adopt good ideas. That is the difference between the Conservatives and the Liberals. The Conservatives come up with ideas even if they are wrong. I can give ample examples of where the government has been wrong. The F-35s come to mind. Do members think they can get them to change their minds? It is almost mission impossible. That is the difference.

Yes, Liberals demonstrated and demonstrated quite well. Over the years, Liberals have been very clear that they are concerned about this area, but in no way would Liberals pass legislation that would invade the privacy of Canadians.

Business of Supply

• (1345)

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, there are similarities between the Conservatives and the Liberals. One similarity is that the Liberals did this in 2005 and the Conservatives are doing it now. They are treating law-abiding citizens like criminals with Bill C-30. Those are the facts.

I have a question for my colleague. We know that warrants not being required was part of the Liberal bill to access information. Would the Liberals be introducing amendments to the bill so we can eliminate warrantless identifiers?

Mr. Kevin Lamoureux: Yes, Mr. Speaker, the Liberal Party will be introducing amendments. I am sure the member will be anxious to see them. Before the member gets all high and mighty in terms of the Liberals and Conservatives and the Liberals' positioning on this particular bill, if he had listened to the minister he would have noticed that even NDP administrations have supported the legislation. I know that the NDP, which has never governed in Ottawa, likes to take the approach that it could never make any mistakes. I can assure the member that the NDP does make mistakes, plenty of them.

I only hope that the NDP will see the merit in the Liberal opposition's amendments and support them because we all need to be concerned about the privacy issue related to Canadians. That is what the Liberal Party is going to be fighting for. We are going to stand up and fight for the privacy of Canadians. There needs to be due process and we are going to fight for that due process with or without the support of New Democrats.

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, what is fundamental about this opposition day motion that the Liberals are bringing in has to do with democracy. A democratic society has due process, rule of law and all of the fundamentals that come with a democratic society, and an independent judiciary. We do not want to live in a country in which the state has all the power and individuals have absolutely no rights. That is why we reference the Charter of Rights and Freedoms here. It is the main bill under which every single piece of legislation must flow. The charter tries to find a balance, which is what we are talking about here, between the rights of individuals to privacy and their own sense of personal integrity, and the security of the state.

How do we find that balance? How do we, in the name of security of the state, find a way to ensure that we at the same time do not trample on the rights of individuals? That is where process comes in. That is where the rule of law comes in. In any democratic society, there are some very fundamental processes we must look at, such as an independent judiciary, due process and rule of law, as well as freedom of expression and freedom of the media, whether it be the Internet or any other kind of media.

There was a time when a very famous Liberal prime minister spoke about the state not getting into the bedrooms of the nation. We can extend that to say that there has to be a limit to the state getting into the hard drives of the nation. If there is a reason to suspect that individuals are guilty of criminal activity, treason or any other kind of terrorism or act against the state, there is due process. I want to give an example of why this bill goes so far and in fact would violate the Charter of Rights and Freedoms.

Recently there was a widely publicized, huge sting operation with respect to a child pornography ring in Canada. The police were highly successful, as 22 people were charged, 75 charges were laid, 25 search warrants were obtained, and 16 communities across Ontario were fingered. However, it was done under due process of law. There was reason to suspect and warrants were given. The police officers found a way to do that under the current Criminal Code, and under due process of law. We know, therefore, the process of law is working well. When individuals are suspected, the necessary tools are there and working.

I have just come back from Vienna where I was at a meeting of the Organization for Security and Co-operation in Europe. We were talking about repressive regimes that have flouted due process of law to pick people up on trumped-up charges without any presumption at all or proof of guilt, put them into prisons and torture them. Canada was very firmly opposed to this. A big part of what we are looking at in terms of the OSCE is to create democratic societies.

Canada cannot on the one hand speak against something in the real world, saying that we are opposed to it and support democracy and the rule of law and then on the other hand at home take this insidious way to undercut the rule of law and suggest that there are bogeymen under every bed. We cannot afford to do that in this country. If we are going to have credibility in the world because we stand up for freedom of speech and the rights of individuals, stand against terrorism, support security of the state and do so under due process of law and independent judiciary, then we need to do it here at home. We cannot have two standards. Canada cannot do one thing at home and say another thing abroad. That is what we are talking about.

The Charter of Rights and Freedoms should be a template. It should be a benchmark against which we hold up everything we hope to do in terms of rule of law in this country to see whether it stands up to the charter or violates it. That is what a judiciary looks at when looking at any kind of legislation. The Parliament of a land does not supersede the rule of law. The Parliament of the land is driven by the rule of law. It must succumb to the rule of law itself.

• (1350)

Therefore, we cannot have what we see happening here. When people oppose this kind of violation of the rule of law, we cannot decide that those people are wrong, that they belong with a group of criminals, that they are crooks, pornographers or whatever they call them. There is a standard by which a state must judge its own citizens. We live in a free and democratic society where civil society and opposition parties can oppose what they feel is an infringement of the rule of law, an infringement of democracy. However, when they do oppose, it is not right that they are then subjected to all kinds of suspicious language and people who say that they belong to some kind of subversive group or a criminal activity is going on within those groups.

That is what happens in oppressive regimes, such as in Belarus, Russia and the Ukraine. At certain points in time, their leaders are thrown into jail because they happen to belong to the opposition and disagree with the government. We cannot do that in this country. We have stood as a bastion throughout the world as a country that believes in democratic principles and the rule of law.

There is no need for this kind of bill. We have a process and it works. If the police, a member of CSIS or a minister is suspicious of an activity going on, he or she can go to a judge who will, as an independent person in a democratic society, say that it sounds good and that he or she will issue a warrant to seize. However, to do this at the whim of the police, of the minister or of CSIS, tells us that we believe there are certain institutions that are above the law. There is no institution that is above the rule of law in this country. We also cannot go around as a state spying on our citizens for no reason at all. If we have a good reason, it will stand up to a warrant.

We cannot try this new thing in which a minister would make a decision and then would ask an ISP to have technology to tap into someone's Internet. We do not do that with phone tapping. There must be a warrant for phone tapping and due process must be observed. I keep repeating the words "due processes" because I am talking about democracy and the rule of law. I am trying to get the government to not run away with the idea that because it has a majority it is bigger than anything else, that it has suddenly become a dictatorship and that it does not need to answer to anyone for anything.

This is one of the things that concerns many of us. We hear that the government, having realized that it went too far, is saying that it will send the bill to committee and listen to the amendments. I must say that, since we have come back under a majority government, the committees have been hijacked by the government. Under the rules of Parliament, the committees must make their own decisions about what they will study and what they will do. They are the authors of their own destiny and their own agenda. This is not happening anymore. If anyone dares to speak out or to bring forward a motion at committee that the government does not wish to have, the meeting immediately goes in camera and nobody knows what is going on. This is government thinking that committees and the institution of Parliament in a democratic society is an extension of government. It is not. It is a democratic entity unto itself and this kind of stuff needs to stop.

The government came into power saying that it would look at smaller government, that it would stay out of the lives of people and that it would not encroach. Here we have a government that is tearing up the gun registry and the names of people. It is cancelling the gun registry because it does not want to get into the private lives of its citizens and yet with Bill C-30 it would be snooping into the private lives of its citizens without due process. This is what we are talking about. If this legislation is actually conforming with the rule of law, it would not violate the charter, which is what it is currently doing.

I would ask the government to stick to the principles of democracy, listen to the amendments, be guided by them and, if they are good, adopt them. It should not try to suggest to the world that it is listening to the committee and having amendments but then voting against them and using its majority to stop any kind of change whatsoever. I appeal to the government to go back to the principles of democracy, start behaving, start listening to what it hears from the opposition and to start respecting Parliament and the rule of law.

• (1355)

Mr. Paul Calandra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, we had two Liberal

bills, Bill C-416 and Bill C-74. Clause 6 and clause 24 of the Liberal bills went further than this government's bill does. Lo and behold, between those two bills, there were no changes whatsoever.

The previous member said that the Liberals like to listen and make changes and yet in the 38th and 39th Parliaments there were no changes whatsoever. In the two bills that they introduced, they went further than the bill we have introduced.

Do the Liberals not see that the reason they continue to go further and further away in this chamber is that they flip and flop and, unlike the NDP perhaps and unlike this party for sure, they do not have the best interests of Canadians at hand? They only have the best interests of the Liberal Party and how they can score some cheap political points on the backs of all Canadians who want to be safe and secure.

Hon. Hedy Fry: Mr. Speaker, talking about cheap political points, I think the government woke up one morning after the bill was tabled and realized that Canadians did not have time for this bill and that Canadians were astounded by this bill.

Again, if the bill can pass what we call the sniff test, which is the Charter of Rights and Freedoms, and it does not violate the charter, then that is okay. However, this bill violates the Charter of Rights and Freedoms. That is absolutely clear.

The member can talk about whatever bills he wants but if they violate the charter they will not stand.

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Vancouver Centre will have three minutes remaining for questions and comments when the House next returns to debate on this motion.

STATEMENTS BY MEMBERS

[English]

SAFE NIGHT OFF WINNIPEG STREETS

Mrs. Shelly Glover (Saint Boniface, CPC): Mr. Speaker, last week, I participated in a very special Winnipeg event that helps sex trade workers to be safe from violence, harm, hunger, homelessness and exploitation for one night. This event is called Safe Night Off Winnipeg Streets or SNOW. It is an overnight gathering I have participated in for years as a concerned mother, friend and woman.

It allows participants to take a break from the street to enjoy one night in a warm, secure environment surrounded by friends. Free haircuts, makeovers, food and health care are provided. There are also people to talk to about information or resources that can help.

Statements by Members

Today I want to personally thank the organizers and volunteers who work together to show exploited women, transgendered and two-spirited individuals that we care. I applaud people like Dianna Bussey of the Salvation Army, Karen Roth of Sage House and Kristi Havens from Mount Carmel Clinic who have put countless hours into this outreach. Their efforts in collecting donations to provide each participant one night of pampering are commendable and I encourage Winnipeegers to support this worthy cause.

A special thanks goes out to the participants who shared their personal pain with me that night. I will not forget them and I will pray for their safety and well-being.

* * *

● (1400)

CROSS-COUNTRY SKIING

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I am pleased to rise in the House today to recognize the recent athletic achievements of Sudbury native Devon Kershaw who continues to do Canada proud by shining brightly on the world stage.

After proudly representing Canada at both the 2006 and 2010 Olympics, Devon has continued to demonstrate athletic excellence in his chosen sport of cross-country skiing by winning gold in two World Cup events as well as placing fourth in the demanding multi-stage Tour de Ski and twice finishing third, all this in just the past seven weeks.

Devon now sits third in the overall cross-country point standings, a truly remarkable and historic achievement for a Canadian Nordic skier.

As we begin to build toward the 2014 Olympics in Russia, Canadians from coast to coast to coast salute Devon's remarkable achievements and stand behind him 100% in his continued pursuit of excellence as he keeps doing Sudbury and Canada proud.

* * *

ORIGINAL HUMBOLDT

Mr. Brad Trost (Saskatoon—Humboldt, CPC): Mr. Speaker, our Canadian history is important and that is why I wish to bring to the attention of the House the great work done to bring alive the history of Original Humboldt.

Original Humboldt was part of the 1876 Dominion Telegraph Line. The Humboldt telegraph station was built in 1878 by George Weldon, whose wife, Catherine, would become the first female telegraph operator in the west.

During the 1885 Resistance, Original Humboldt became a military site used as a storage and supply depot under Lieutenant Colonel George T. Denison. The Humboldt telegraph station became a critical link as the station remained untouched during the Resistance, allowing continued contact with Ottawa.

On April 30, 2009, Original Humboldt land was presented as a gift to the city of Humboldt. Since that time, Original Humboldt has been developed by volunteers working through the Humboldt and District Museum who did the restoration without government subsidy.

Many more people will know that over a century ago, Humboldt represented a new frontier using a new technology: the telegraph.

I congratulate the Original Humboldt committee for its great work.

* * *

POLISH CANADIAN COMMUNITY

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, Cape Breton has an active and vibrant Polish community. The centre of its community is St. Mary's Polish Church in Whitney Pier.

Over 100 years ago, Polish immigrants came to Sydney to work in a new steel plant. They not only worked hard in the plant and raised families, they built a wonderful church and community.

This weekend, I was honoured to attend the church service at St. Mary's. It was a wonderful event highlighting traditional Polish dress and language. After the event, the congregation blessed our buses and we went on a pilgrimage to St. Ninian's Cathedral in Antigonish, Nova Scotia. A church service was held at the cathedral to highlight the Polish community and showcase the importance of St. Mary's Church to the Antigonish diocese.

Today I rise in the House to recognize the great contribution that St. Mary's and the Polish community have given to Cape Breton and all the rest of Canada. May they continue to do so for many years to come.

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CITIZENSHIP CEREMONY

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, last week, I had the incredible privilege of being with hundreds of students from the Aldergrove Community Secondary School as we witnessed people becoming new Canadians. The Aldergrove secondary students gained insight and appreciation for what it means to be a Canadian as 51 people from 24 countries were honoured at their official citizenship ceremony.

Canada is a country where people from every cultural background have bonded together to create one of the most diverse, harmonious, successful societies on Earth, and that includes Aldergrove.

In fact, Aldergrove is the community currently featured on the reality TV show *Million Dollar Neighbourhood*, which has increased community spirit, helped more than 100 families and benefited Aldergrove as a whole. People there realize how wonderful Aldergrove is and how blessed they are to live there.

Where is Aldergrove? In beautiful Langley, the hub of the Fraser Valley.

BULLYING

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, every seven seconds in Canada a child is bullied. In fact, far too many people in our workplaces, communities and schools are victims of bullying behaviour.

Tomorrow many in my riding of Newton—North Delta will mark Pink Shirt Day. It is a campaign that began in 2007 when two brave students decided to take action after witnessing a younger student being bullied for wearing a pink shirt to school.

This year, the City of Surrey, Surrey RCMP and CUPE Local 402 launched a new youth film contest that focuses on ending bullying. I commend them, as well as the Surrey Board of Trade, which is focusing on bullying in the workplace.

To all the young and not so young people in my riding who are victims of bullying, I say that together we will make it better. On Pink Shirt Day I am reminded of the famous quote from Tommy Douglas, “Courage my friends, 'tis not too late to build a better world”.

* * *

● (1405)

SURREY

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, Surrey, B.C. has been named the best place to invest in western Canada. A dynamic community full of opportunity, Surrey is positioned for prosperity and job growth with one of the lowest tax rates in the country and a city council determined to cut red tape.

Our government is also doing its part for Surrey with our own low-tax plan and record investment in people and infrastructure. There has been funding for the new City Centre Library, Fraser River flood protection, road and highway improvements, sewage treatment, public transit, cycling paths, hiking trails, and a new athletic park. All told, it adds up to tens of millions of dollars, more federal funding than under any previous government.

Working together with our provincial and municipal partners, we are ensuring that Surrey is one of the best cities in Canada in which to live, work and do business.

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RARE DISORDERS

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, it is an honour to stand in the House to welcome patients and families living with rare disorders who are visiting Parliament today with the Canadian Organization for Rare Disorders. One in 12 Canadians suffers from one of 7,000 rare disorders, many of which are life threatening or severely debilitating. More than half affect infants and children, which can inflict a devastating toll on entire families and communities.

Twenty years ago there were few treatments for rare disorders, and today we celebrate the fact that there are nearly 400 therapies. Earlier this year our Conservative government announced a \$67.5 million investment in personalized medicine, which will benefit many rare disorders patients and will support the development of additional therapies.

Statements by Members

I would invite all my colleagues to join me in welcoming these patients and their families as they celebrate International Rare Disease Day tomorrow. Their spirit of hope is an example to us all.

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[Translation]

WINTER FESTIVALS

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Mr. Speaker, I am honoured to address the House today on behalf of the people of Argenteuil—Papineau—Mirabel.

Today I would like to highlight the winter festivals that showcase my region's spirit and energy.

Saint-Placide's Festi-Vent sur glace has been going strong for 14 years now. This one-of-a-kind festival puts on a very exciting show and gives the local economy a major boost every year. Unfortunately, Festi-Vent's federal funding was in jeopardy this year, but we put pressure on the government to admit its mistake in this case and restore funding.

Other not-to-be-missed events include carnivals in Ripon and Chénéville, Thurso's snowfest, the Plaisirs d'hiver festival in Fassett and Lachute, and Oka's Cinéglace, all of which showcase the cultural vitality of communities in my region.

I am proud to support our heritage and I hope that the people of Argenteuil—Papineau—Mirabel will continue to breathe warmth and life into this cold season.

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[English]

NORTH KOREAN REFUGEES

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, we are concerned about the latest reports of North Korean refugees in China facing the risk of being forcibly sent back to North Korea.

North Korea is a state where basic freedoms, including religious freedoms, are not respected. Disturbing reports include public executions, torture, arbitrary detentions, collective punishment, forced abortions in prison camps, and reports of increasingly harsh treatment against those who fled North Korea and have subsequently been repatriated.

Canada has raised this issue at the United Nations on multiple occasions. We call upon all parties, including China, to respect the principle of non-refoulement of refugees from North Korea.

I join the United Nations High Commissioner for Refugees in encouraging all parties concerned to find a viable humanitarian solution for these individuals.

Statements by Members

● (1410)

[Translation]

NEW DEMOCRATIC PARTY OF CANADA

Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP): Mr. Speaker, during the last election, Quebecers turned their backs on a Conservative Party mired in scandal and they turned their backs on the Liberal Party, the sponsorship party—two parties that care more about the old ways of doing politics than they do about concrete action. Quebecers voted for the NDP because they trust our party to get things done. Unfortunately, nothing has changed within the old parties: the Conservatives' election fraud and the Liberals' illicit Twitter attacks prove this. Fortunately, the NDP is here to get things done.

Again yesterday, thanks to the leadership of the hon. member for Hull—Aylmer, the NDP took concrete action to achieve Shannen's dream. Thanks to the NDP, we are one step closer to a Canada in which every child in every community has the right to the high quality education they truly deserve. Enough with the scandals. Quebecers and Canadians can count on us. Let us work together. That is how the NDP is getting things done. That is what the NDP is doing as the opposition—

The Speaker: The hon. member for Lotbinière—Chutes-de-la-Chaudière.

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LIBERAL PARTY OF CANADA

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Mr. Speaker, as the saying goes, they were hoist by their own petard. The recent attacks against the Minister of Public Safety are the latest addition to a long list of the third party's dirty tricks.

In 2011, individuals were caught stealing election signs and were filmed nonchalantly removing opponents' brochures from mailboxes.

During the 1997 campaign, at the height of the sponsorship scandal, some people admitted to accepting cash and graciously handing it out to orphan ridings, without reporting it, of course. The list of tricks is long, and it is easy for the pot to call the kettle black.

The people I mentioned were all Liberals. Did the interim leader of the Liberal Party condone the actions of one of its employees before extending a formal apology?

* * *

[English]

MIGRANT WORKERS

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, earlier this month in the Ontario community of Hampstead near Stratford, tragedy unfolded when a van loaded with migrant workers collided with a truck. Eleven people were killed. In that moment, the lives of entire families were shattered.

Canada relies on the work provided by migrant workers, whether it is the harvesting of crops or any of the dozens of other important jobs filled by hard-working people from places such as Jamaica, Mexico, Spain and elsewhere. Despite the important service these

workers provide, they continue to toil without any protection that many others in Canada enjoy.

Earlier today, Wilfrid Laurier Professor Jenna Hennebry published a study calling for better integration services for these workers. As a former minister of citizenship and immigration, I know the demands faced by the department, but I know that we all can do better.

Hopefully the minister will review the tragic events of February 6. By improving the situation of Canada's migrant workers, he would ensure that these 11 people did not die in vain.

* * *

ETHICS

Mr. Bernard Trottier (Etobicoke—Lakeshore, CPC): Mr. Speaker, yesterday Canadians discovered that the Liberal Party was behind the reprehensible personal attacks against the Minister of Public Safety. This is just the latest in a long history of Liberal dirty tricks.

For example, last year during the election the Liberals were caught stealing opponents' signs. During the same campaign, a Joe Volpe campaign worker was caught removing Green Party literature. Adam Carroll, the staffer blamed yesterday for the attacks against the minister, was a former Volpe staffer. In 2004, the Liberal member for Scarborough—Guildwood condemned his own party after it admitted to a push poll insinuating that the Conservatives were taken over by religious organizations. The list of Liberal dirty tricks goes on and on.

The interim Liberal Party leader needs to answer the following questions: Did Adam Carroll use taxpayer resources for his reprehensible campaign? Is the Liberal Party going to reimburse this House and Canadian taxpayers? Finally, were the personal, vicious attacks against the Minister of Public Safety endorsed and encouraged by members of the Liberal caucus?

* * *

SHANNEN'S DREAM

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, we have Conservative election fraud, Liberal dirty tricks, and snooping and spying. No wonder Canadians think that Ottawa is broken. The old-style parties are playing the games of scandal, division and dirty tricks. Meanwhile, New Democrats are delivering for Canadians.

For example, last night in the House of Commons our leader, the member for Hull—Aylmer, brought through Shannen's dream motion where every child in this country is going to be guaranteed an equal right to education.

That is what leadership is about. That is why Canadians voted for us in such numbers. We are doing this as the united New Democratic opposition against that corrupt old party over there.

In 2015, we will send those members off to the permanent dog house when we form a New Democratic government.

Oral Questions

●(1415)

ETHICS

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, yesterday the interim leader of the Liberal Party revealed that his own backroom operatives were behind a campaign of vicious, anonymous smears against a member of Parliament and cabinet minister. This is just the latest in a long history of shady Liberal practices that harm our democracy. These nasty, dirty Internet tricks were deeply personal and fall short of the standard of behaviour that Canadians have come to expect.

While that alone may offend the sensibilities of many Canadians, equally troubling is the fact that these dirty tricks were carried out using resources provided to the Liberal Party by the House of Commons and paid for by Canadian taxpayers.

Today I notified the Standing Committee on Access to Information, Privacy and Ethics that I intend to move a motion calling former Liberal research bureau staffer Adam Carroll to committee next week. We need to get to the bottom of this inappropriate use of resources and the attempts by the Liberals to conceal this anonymous smear campaign against a public official. It is shameful.

ORAL QUESTIONS*[Translation]***41ST GENERAL ELECTION**

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, yesterday, this House unanimously adopted an NDP motion asking members to give the authorities any information they had about the fraudulent calls made during the last election. The NDP has lodged several complaints with Elections Canada. We have even provided some telephone numbers used by the Conservatives, for example, 406-426-3832. We have done our part.

Can the Prime Minister give us some of the information that his government provided to the authorities?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the NDP made calls to the office of a member of this House for the purpose of shutting down the telephone lines to her office in the riding of Saint-Maurice—Champlain. The NDP has no credibility when it makes these kinds of allegations.

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, we are talking here about election fraud. We are not talking about changes or about calls to reach constituents.

The Prime Minister admitted that the Conservatives made calls. He confirmed that these calls were related to changes in polling station locations. What the Prime Minister failed to mention is that, in most of the ridings concerned, the locations of the polling stations had not changed.

The Prime Minister must take responsibility. Will he submit all contracts, orders and agreements with RackNine, RMG and Campaign Research?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, a party that makes anonymous calls does not have any credibility when it makes these kinds of allegations.

[English]

Once again, the NDP is the party that made a series of phone calls to the riding of a member of the House, the riding of Saint-Maurice—Champlain, for the purpose of shutting down the telephone lines in that riding.

The NDP has no credibility when it makes these kinds of allegations for which it will not provide evidence.

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, it is not the NDP that has been accused of cheating; it is the Conservatives. Where is the accountability?

We have a Conservative contract with RMG showing that it received the script from the Conservatives. RMG used the Conservatives' database.

The Prime Minister must release all information about the phone calls made on behalf of the Conservatives by these companies. Will he do it, or is it time to bring back Judge Gomery?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, it is the NDP that is making these allegations. If the NDP actually has any information, we challenge it to give that information to the authorities. We have yet to see it and no reason to believe them.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, let me read a quote:

They have gone against Canadian values and have made a joke out of our democracy. I believed I was working...to bring greater accountability, transparency and respect for the taxpayer; the result was just the opposite.

Who said that? It was a former member of the Conservative riding association in Guelph.

Some Conservatives with a conscience are doing the honourable thing. It begs the question, what is wrong with the moral sextant of the people on the frontbench of the Conservative Party? They ignore the opposition. Will they at least listen to their former supporters, do the honourable thing, and come clean—

●(1420)

The Speaker: The hon. Parliamentary Secretary to the Prime Minister.

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, as I said yesterday, if the NDP has any information at all, it should provide that information to Elections Canada so it can review that information and investigate it appropriately.

That member, who has never been shy of making mendacious comments here in the House, should well know that this party is fully co-operating with any investigation we have been made aware of, and to date that is only one.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, we are submitting new evidence to Elections Canada daily. The belt is tightening and somebody is going to go to jail.

Oral Questions

The integrity of our Canadian electoral system has been compromised by American dirty tricks imported across the border by the Conservative Party and its operatives. Someone on those front benches knows who did what and when, and some young kid cannot be scapegoated for a scandal of this magnitude.

Who signed off on this widespread abuse? Will the government call a full public inquiry for the sake of the integrity of our electoral system?

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, once again, if the NDP has any information, any evidence at all to substantiate the smears that it is levelling in the House, then I call on it to provide that information to Elections Canada. It is not enough to stand in the House and level these types of smears. They actually need to have evidence, and we do not believe the evidence exists because we did not do it.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, the only way of finding out whether there is evidence is if the people who have the evidence actually come forward—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. member for Toronto Centre has the floor.

Hon. Bob Rae: Mr. Speaker, it is the Conservative Party that is the holder of the evidence. This is the point that has to be made so clearly. It is the Conservative Party that has the access to the contracts. It is the Conservative Party that has the access to whomever was making the calls and when they were making the calls. I can assure the Prime Minister that all parties are providing evidence to Elections Canada, but the majority of the evidence is in the control of the Prime Minister.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, it is the leader of the Liberal Party who is making these allegations. Surely, he has the evidence for the allegations he is making.

Yesterday, the leader of the Liberal Party had to take responsibility for smears by Liberal operatives against the Minister of Public Safety. Now he has made smears originating from Liberal operatives against dozens of Conservative MPs. He can get up and take responsibility for those, too.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, at least I—

Some hon. members: Oh, oh!

The Speaker: Order, order. The hon. member for Toronto Centre has the floor.

Hon. Bob Rae: Mr. Speaker, the Prime Minister has refused to take responsibility for this and for any number of other things. At least I have had the wherewithal to apologize to the House for something that I felt was mistaken. I would like to ask the Prime Minister, when was the last time he ever uttered the words “remorse”, “sorry” or “apologize”? I do not recall ever having heard them.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, of course, the leader of the Liberal Party took responsibility after others caught someone in his own office doing this.

The leader of the Liberal Party is the one making smears against dozens of Conservative MPs. He has not provided any evidence that constitutes any sort of investigation. If he cannot do that, he should take responsibility and apologize.

[*Translation*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, we simply followed the Prime Minister's advice. All of the information we received came from members of the public. The people are the ones making allegations. Workers are the ones making allegations. The Liberal Party is not making allegations. Responsibility for and control over this information is in the Conservative Party's hands.

The Prime Minister should turn over all contracts and all available information to Elections Canada. Then there can be a real independent investigation.

● (1425)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, yesterday, the Liberal Party leader apologized for a smear campaign against the Minister of Public Safety. The Liberal Party is still making smears against dozens of Conservative members.

If there is any evidence, the Liberals should turn it over to Elections Canada. If there is not, they should apologize.

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, speaking of misleading calls, yesterday, the parliamentary secretary tried to deflect the debate by saying that there was a higher voter turnout.

That is an intellectually dishonest answer that borders on the hypocritical and vacuous responses that the Prime Minister is treating us to today. We are not talking about a simple mistake or a complaint. We are talking about electoral fraud. People with ties to the Conservative Party could end up in jail.

We know that RackNine is involved. We also know that the Government of Canada paid money to RackNine. I have a very simple question: which departments of this government deal with RackNine?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, the hon. member is trying to make noise to compensate for the lack of evidence. If he ever comes up with any evidence, he should hand it over to Elections Canada.

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, I want to thank the hon. member for that repeated answer.

The NDP has provided everything it knows about this electoral fraud. It is the Conservatives who have the missing pieces of the puzzle. The Conservatives should hand over all their documents and all their contracts, instead of hiding them. We know that local Conservative campaigns paid \$1.3 million to RMG during the last election campaign. We want to know how much money the national Conservative campaign paid to RMG and how much money it paid to RackNine.

Can we finally have a bit of transparency and honesty from the Conservatives?

Oral Questions

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, the hon. member is talking about robo-calls and is making robo-accusations without any evidence. I say to him: if he has any evidence, he should press 1; if not, he should press 2 to apologize. If he has the wrong number, he should hang up and try again.

[English]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, there we have it, a party that thinks that electoral fraud is a joke. That is the sense we get from them.

Some hon. members: Oh, oh!

The Speaker: Order. The hon. member for Timmins—James Bay has the floor.

Mr. Charlie Angus: As I said, Mr. Speaker, we can see their attitude, their contempt for the Canadian people.

Let us talk about evidence that we have already brought forward to Elections Canada. We will show them ours if they will show us theirs: 780-665-2272. That is the number that called into Edmonton East, used by people pretending to be from Elections Canada and who gave misleading messages and pro-Conservative messages. That is a crime. That is electoral fraud.

Do the Conservatives not want to know who did it? We brought forward our evidence. Who over there knows who was involved in this electoral fraud in Edmonton East?

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, during the recent election, Elections Canada has confirmed that at least 127 polling stations were changed, affecting as many as 1,000 polls. This impacted hundreds of thousands of Canadians.

Like any other party, we called our supporters to ensure that they were aware of these changes. That is the evidence. That is what we know for sure. This party has no such evidence.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, we see the arrogant attitude that “Catch us if you can”. That might be okay for Earl Jones or Bernie Madoff, but that is not acceptable for the Prime Minister of Canada.

We are talking about electoral fraud. We gave them the numbers. They were saying they were just making the calls, so they admitted it.

Let us talk about what they did in Thunder Bay where we have given evidence, and now we have witnesses who said they were told to mislead voters on behalf of the Conservative Party.

Who was involved in the Thunder Bay shenanigans? Who is going to step forward, because it is time those people went to jail?

● (1430)

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, that is very interesting.

I was actually on CBC Radio this morning when the lady indicated that she was actually making those calls on behalf of the Conservative Party of Canada, providing information as to the polls that had changed. In fact there were 127 polling locations that changed across the country, involving more than 1,000 polls and hundreds of thousands of Canadians.

She was making these announcements on behalf of the Conservative Party, calling Conservative Party supporters. We had an interest in making sure they got to the polls correctly. That is what we did. Every party should have done the same.

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, the procedure and House affairs committee just finished reviewing the Chief Electoral Officer's recommendations from the 2008 election.

He asked that Elections Canada be given the power to demand any documentation from any political party he deemed necessary to verify their compliance with the law. We agreed. The Conservatives did not.

How can Conservatives claim they want specific evidence brought forward when it suits them, then vote against giving the Chief Electoral Officer the very power he needs to demand that specific evidence be brought forward?

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, of course Elections Canada has the full investigative ability and authority to look into these or other matters. However, for them to investigate, there has to be evidence.

What we are saying to the NDP is that if they have any evidence, any information any at all, they should provide it to Elections Canada. We are fully co-operating with Elections Canada and have no reason not to. We have done absolutely nothing wrong.

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, the member did not answer the question at all. The issue is about whether the government's words that it wants Elections Canada to investigate everything that is brought forward to it is real or not.

We supported a recommendation brought forward that would have given the Chief Electoral Officer the absolute direct power to demand any documentation from any party to confirm that it was in compliance with the law. Why does the government talk one story about law and order, but then votes a different way when it is in its own interest?

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, our party is fully open, honest and transparent with Elections Canada. However, what we do know is that is not the case with the NDP. We still do not know who provided the massive union sponsorships during the NDP convention last spring. These were entirely illegal and contrary to the Federal Accountability Act, but the NDP has still not revealed who provided tens of thousands of dollars in illegal donations. If it wants full transparency, it can start providing some.

Oral Questions

[Translation]

SERVICE CANADA

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, this government has once again chosen patronage over the public interest, and now it is trying to cover its tracks.

Yesterday, the Minister of Human Resources and Skills Development maintained that her colleague, the Minister of Industry, did not play any role in choosing Thetford Mines as the location for the employment insurance processing centre, to the detriment of the very effective centre in Rimouski.

However, in August, the Minister of Industry was bragging that the opposite was true. Did the Minister of Industry interfere in this decision-making process?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, as the hon. member mentioned, yesterday, I said that the member for Mégantic—L'Érable did not play a role. The process for choosing the space was run by Public Works and Government Services Canada, and it was an open, fair and competitive process.

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, here is my problem: in August, the employees of the employment insurance processing centre in Rimouski were told that they would not be affected by the consolidation of services. Three weeks later—boom—they learned that the centre in Rimouski would be closed in favour of the Minister of Industry's riding. When we add to that the fact that the Thetford Mines processing centre is currently located in a building that belongs to the minister's former business partner, who is also a Conservative donor, it seems that we are dealing not only with patronage but also with a conflict of interest.

Can the minister tell us what happened behind closed doors for her to do such an about-face?

• (1435)

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, I already explained this several times. The Department of Public Works and Government Services followed a process to choose this office—an open, accountable, fair and competitive process. That is standard practice, and if other choices about other space have to be made in the future, that is the process we will follow.

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, I have some statistics for the Minister of Human Resources and Skills Development. We know that there is currently a backlog of 80,000 employment insurance claims in Quebec and that \$1.2 million in rent money is being wasted on offices that will soon be empty in Rimouski in order to do favours for the minister's friends. The numbers do not lie, but this government prefers to engage in patronage and give gifts to its friends.

Will the minister renounce the government's Duplessis-style approach and allow the employment insurance processing centre in Rimouski to continue its work?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, Canadians have the right to receive services, such as employment insurance, in a financially responsible and efficient manner. We are in the process of modernizing and automating the delivery of employment insurance benefits. Of course, it will take time, but a consolidation process is in place to decrease the number of offices from over 100 to 22. We are going to put those offices in the most appropriate locations.

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[English]

41ST GENERAL ELECTION

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, I represent the riding of Mount Royal that was targeted with false and misleading ten percenters before the election, which the Speaker characterized as a breach of privilege. It was targeted again with these flyers along with false and misleading calls during the election. It was targeted with false and misleading calls about my impending resignation after the election, which was characterized as a reprehensible act.

This is not about the absence of evidence, but about the absence of responsibility. Will the government do the honourable and responsible thing and apologize for this pattern of reprehensible acts in my riding and against the integrity of the House?

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, the Conservative Party of Canada does not place intentionally misleading calls to voters. We simply do not.

If the Liberal Party, which is conducting a smear campaign against members of this party without any evidence, completely baseless, has evidence, it should provide that evidence and information to Elections Canada. If the Liberals do not have any evidence of that, then they should apologize to the members of the House.

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, I heard from Guelph residents who were either too confused or too frustrated by voter suppression calls and simply turned around and went home. Just think about what that meant to Etobicoke Centre where the Liberal incumbent lost by only 26 votes, or Nipissing—Timiskaming where the margin was only 18 votes.

I turned in my evidence to Elections Canada. Will the Prime Minister stand in the House today and tell us why he stopped his internal investigation and is in fact now playing “catch me if you can?”

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, the Conservative Party of Canada denies any involvement in Guelph whatsoever with the matter of which the member spoke. In fact, the Conservative Party of Canada is entirely co-operating with Elections Canada regarding that matter.

However, since he mentioned a couple of ridings, I may provide him with some facts with respect to those ridings. In the riding of Etobicoke Centre, 2,200 more votes were cast in the last election. In the riding of Nipissing—Timiskaming, 800 more votes were cast in the last election. There were more than 900,000 more votes in the last election. More Canadians voted in the last election in 2011 and not less. We should be clear on those facts.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I have just learned that a court document has been produced from the Office of the Commissioner of Canada Elections saying that there were 31 phone calls between the Conservative campaign in Guelph and RackNine and that there were 40 calls between Conservative operatives in Ottawa and RackNine.

Could the government explain that information in conjunction with the statement that was just made by the parliamentary secretary?

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, as I said earlier, the Conservative Party of Canada denies any involvement whatsoever in the matter pertaining to Guelph.

With respect to the question the member has just asked, he knows he is not being transparent in his question. He is trying to mix apples and oranges here. Were there calls between RackNine and members? Sure, there may have been, but the member knows full well that the matter with Guelph is entirely separate. The Conservative Party is co-operating with Elections Canada in that matter and will continue to do so.

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•(1440)

JUSTICE

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, the independent Parliamentary Budget Officer's report is unequivocal on the government's irresponsible prisons agenda and conditional sentencing: skyrocketing costs, ineffective results and fewer offenders will be convicted and will actually serve less time. Too bad the government did not do its homework. That is 15% less convictions, offenders serving one-third less time, all at 16 times the cost.

How much evidence do the Conservatives need before they realize that their costly prisons agenda is not making communities safer in Canada?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I guess if there are less convictions, I suppose that would make the NDP pretty happy, but I completely disagree with the premise of the hon. member's question.

We have been acting on our belief with respect to conditional sentences or house arrests in that they should not be available for such crimes as sexual assault, kidnapping and human trafficking, and we will stick by that.

[Translation]

Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP): Mr. Speaker, Canadians want real answers, not empty rhetoric. The

Oral Questions

Parliamentary Budget Officer has shown that just one of the provisions in Bill C-10 will cost Quebec \$40 million.

The Conservatives want to pass the cost on to Quebec. Even worse, the bill is completely ineffective. Quebec will pay more and put fewer criminals behind bars.

Given that Quebec and many other provinces have already said that they will not pay, who is going to foot the bill?

[English]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, any money spent on fighting crime would not have the support of the NDP. That being said, we will stand by our contention that house arrest should not be available for people who burn down someone's house and they should not be eligible to go home to theirs after sentencing. We will stand by that as well.

* * *

CITIZENSHIP AND IMMIGRATION

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, Canadians are alarmed that the Minister of Citizenship, Immigration and Multiculturalism wants the sole power to say what countries are safe for refugees. Now we see that the minister wants the power to strip tens of thousands of permanent residents of their very status if he thinks conditions have improved in the countries they escaped. These people fled persecution and hardship and were given a promise from the Canadian government that they would be protected.

Is it the minister's intention to call into question the permanent residency status of tens of thousands of refugees living in Canada and, if so, why?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): No it is not, Mr. Speaker. As is often the case, the member is completely wrong. In fact, there is nothing in Bill C-31 that would give a minister power to revoke permanent residency from anyone. There is already in the Immigration Refugee Protection Act a power for the Immigration and Refugee Board. That would be an independent, quasi-judicial body that can revoke protected status and/or permanent residency from people who obtained it fraudulently.

Yes, we do believe that people who fraudulently obtain asylum or permanent residency should have that reviewed. If they obtained it fraudulently, it can and should be revoked by the IRB, not by the minister.

[Translation]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, we want to fight fraud, but this bill will only concentrate power in the minister's hands. The proposed changes do not make sense. The government is not keeping its promise with respect to a process that everyone had agreed to and that assured asylum seekers that their applications would be dealt with quickly and fairly.

Furthermore, the government is creating a climate of great uncertainty for permanent residents, who will live in fear of a sudden change in their status. Permanent resident status should not be dependent upon the whim of the minister.

Oral Questions

Will the minister revise this flawed bill?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, the two NDP immigration critics have had a number of months to familiarize themselves with the Immigration and Refugee Protection Act. I will again give them a basic briefing so that they will understand, for example, that since 2002 the Immigration and Refugee Board has been authorized under the act to revoke permanent resident status or protected person status from people who obtained it fraudulently. We believe that it is appropriate that the law give the IRB, an independent body, the power to revoke any status that has been obtained fraudulently.

* * *

●(1445)

[English]

INTERNATIONAL TRADE

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, our government understands the importance of international trade to Canada's economy. Thanks to our government's leadership, Canadian businesses and workers now have preferred access and a real competitive edge in more markets around the world than in any other time in history.

Among the many initiatives our government is undertaking in high growth dynamic markets around the world is a Canada-European Union trade agreement, which is a key component of our ambitious pro-trade plan for jobs and growth.

Could the minister update the House about the results of his discussions today with his provincial and territorial counterparts?

Hon. Ed Fast (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, I am very pleased to report that today the federal, provincial and territorial governments issued a historic and unprecedented statement in support of a Canada-E.U. free trade agreement. We agreed that it was trade being equivalent to over 60% of our economy. There is no more important negotiating priority today than a free trade agreement with the E.U. As we said today in our joint statement, we all remain committed to an ambitious outcome to these negotiations.

* * *

EMPLOYMENT

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, the Job Bank operated by HRSDC has been shut down for two weeks. That is two weeks and still no resolution. Unemployed Canadians are trying to get back on their feet, but they are not getting the help that they need to get a job. The government is not serious about getting people back to work. There is no job creation strategy and now, no Job Bank.

Why will the government not get serious and help unemployed Canadians get back to work?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, in fact, our government's top priority is job creation and economic growth. Part of this is ensuring that Canadians do have the help they need to get the jobs. Unfortunately, there was a security issue with the Job Bank. It was

identified and all the appropriate parties were notified, including the Privacy Commissioner.

I can assure members that HRSDC officials are working around the clock so we can get the Job Bank back up and running in a secure way as quickly as possible.

[Translation]

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, people are looking for jobs; it is as simple as that. From employment insurance claims processing to the Job Bank, automation has been nothing but problematic. Unemployed workers need more. They need to get their employment insurance cheques quickly. They need to find new jobs using tools like the Job Bank. They need someone to answer the phone.

Canadians pay for these services. Where are the services they have paid for and are entitled to?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the Job Bank is being overhauled to enhance security and better meet the needs of unemployed Canadians. Officials in my department have assured me that they are working very hard to make the Job Bank more secure and more useful. We want to help people find work. That is why we are working so hard.

* * *

[English]

THE ENVIRONMENT

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, we found out today that the government will be shutting down the Polar Environment Atmospheric Research Laboratory, PEARL, on Ellesmere Island. After significant investment into this world-renowned atmospheric research station in the high Arctic, the Conservatives are slashing funding. Instead, they plan to open another one five years from now and in the wrong location. This is another example of the Conservatives' approach to science.

Why does the government make decisions based on the whims of a Prime Minister, instead of listening to great Canadian scientists and their globally important research? When will the Conservatives get their heads out of the sand when it comes to the global climate crisis?

Hon. Peter Kent (Minister of the Environment, CPC): Mr. Speaker, Environment Canada recognizes the importance of university atmospheric research in the Arctic and has provided partial funding, along with a number of other bodies, since 2009 for the Polar Environment Atmospheric Research Laboratory.

However, the university research application to those other bodies for renewed funding, with support from Environment Canada, was not successful at the recent national centres of excellence competition. That said, Environment Canada will continue to monitor ozone and the atmosphere at Eureka.

Oral Questions

[Translation]

AEROSPACE INDUSTRY

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, yesterday, the government announced that it was going to review all the programs that support the aerospace industry. Canadians are no fools. They know that “review” often means “cut” to the Conservatives. The aerospace industry supports 80,000 jobs, 40,000 of which are in Quebec, including in the Montreal area. The industry accounts for 70% of the research and development done in Canada.

Will the government commit to funding the research and development that supports thousands of jobs in the aerospace industry?

● (1450)

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, yesterday, I had the opportunity to announce that there would be a review committee made up of David Emerson, Sandra Papatello, Jacques Roy and Jim Quick, who are all qualified experts. In our 2011 budget, we committed to reviewing every policy in order to optimize the spinoffs from this industry, which generates \$22 billion in revenue a year and 80,000 high-quality jobs.

If the hon. member were really concerned about the industry, she would support our F-35 program, which will produce even more benefits, including near her riding.

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41ST GENERAL ELECTION

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, I would like to return to the fact that the Parliamentary Secretary to the Prime Minister was briefed by his leader. Perhaps he can set the record straight. My question is for his boss, the Prime Minister.

We just learned that there is a direct link between RackNine and the Conservative Party of Canada, whether it be its head office in Ottawa or its office in Guelph.

Can someone please explain to us why this electoral fraud took place? Could he set the record straight and tell us why the Conservative Party did such a thing?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, we learned two things yesterday: first of all, that the Liberal Party and the office of its leader instigated a smear campaign and had to apologize; and second, that the leader of the Liberal Party made allegations against a company called Crestview, allegations that he had to withdraw and apologize for.

That is why when the Liberal Party levels allegations against someone, we ask it to provide proof.

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, the problem is that the document was filed in court.

The Conservatives need a better story. I was born in Joliette. The person was supposedly Pierre Poutine of Separatist Street in Joliette.

There is no Separatist Street in Joliette. There may be a restaurant in Guelph called Pierre's Poutine, but it has nothing to do with Joliette.

Why will the Conservative Party not come clean once and for all and tell us why it committed electoral fraud? The election was stolen. The Conservatives tried to steal the election. The Prime Minister needs to set the record straight, once and for all. It is not a question of apologies; it is a question of stolen democracy.

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, I had a hard time hearing the question, but I will try to answer it.

Instead of shouting here in the House, the hon. member should hand over the evidence to Elections Canada.

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, I will try again since they do not seem to have understood.

Pierre Poutine of Separatist Street in Joliette bought disposable phones for the purpose of deceiving voters during the last election campaign.

The phone number was activated on April 30, two days before the election.

The phone number has been connected to RackNine, the Conservatives' telemarketing firm.

If they want to help us, they should tell us who is hiding behind Pierre Poutine.

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, it is easy for the opposition to make allegations day after day. For once, they should provide their evidence directly to Elections Canada.

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OFFICIAL LANGUAGES

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, if it were not so sad, I would say that the answers were quite ludicrous. Allow me to change subjects, given the quality of the answers we are getting.

Three months after announcing that it would create a committee on the use of French as the language of work in Quebec's federally regulated businesses, this government has still not taken action, the committee has not been struck, we do not know who will sit on it, what its mandate and budget will be, or who will be the chair. The government's inaction clearly shows that it does not find the use of French in federally regulated businesses to be very important.

Instead of creating diversions, will the Conservatives support our bill tomorrow?

● (1455)

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, the French language, the French fact, is far too important to just gloss over it as the member is suggesting with his bill. He just threw the bill together without thinking about the consequences.

Oral Questions

This is what we are doing: we are putting together a committee of credible people who will make recommendations. Then we will make an announcement in due course, after careful and thorough consideration, and not hurriedly, as is being suggested by the member for Trois-Rivières. That is completely irresponsible; it is far too sensitive an issue.

* * *

[English]

SCIENCE AND TECHNOLOGY

Mr. Ted Opitz (Etobicoke Centre, CPC): Mr. Speaker, this morning the Minister of State for Science and Technology announced our government's investment in a number of new technologies, including one developed by Trillium Therapeutics that will treat a chronic bladder disease. While improving the lives of millions of women in North America, this project is also forecasted to create more than 100 jobs for engineers, manufacturing workers, researchers and clinicians.

Could the Minister of State for Science and Technology give the House an update on how our government is leading the way on science and technology?

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, I know that the member is very passionate about science and technology, as are our Prime Minister and this government.

We have invested more in science and technology than any government in the history of this country. The reason we are doing that is to create high quality jobs, to improve and grow our economy and to improve the quality of life for Canadians.

We will continue to invest in important areas in science and technology so that Canada can continue to lead the world.

* * *

[Translation]

41ST GENERAL ELECTION

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, these are not allegations. Documents have been submitted to the court. The Conservative Party has some explaining to do.

Why were there 31 calls between the Conservative campaign in Guelph and RackNine, and 40 calls involving the Conservative campaign team leaders? These are documents; these are not allegations. Do they have answers?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, I have answered them one after the other. The Conservative Party is co-operating with Elections Canada. We will provide all of the information they require.

The Liberal Party can keep making allegations in the House of Commons with no evidence to back them up. I would advise the Liberals to start producing their evidence, if they have any.

RIGHTS & DEMOCRACY

Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP): Mr. Speaker, we now know that the government was fully aware of the serious internal crisis that Rights & Democracy was going through, and it knew long before the former president, the late Rémy Beaugard, passed away.

The government is the one who appoints members to the Rights & Democracy board of directors. Why did it not do something to clean up the poisoned atmosphere that reigned there? Why did it not try to put an end to the unfounded attacks on the president's reputation and integrity?

[English]

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, the challenges of this agency have been well known for some time. When I appeared before the foreign affairs committee a few months ago, I indicated to the member opposite that we would be reviewing the mandate of this organization going forward.

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OIL AND GAS INDUSTRY

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, Albertans are very concerned about the NDP's position regarding the oil sands. The NDP appears all too willing to abandon the interests of construction workers and oil sands workers. For example, both the former NDP environment critic, an Albertan, and the current leadership contender, Mr. Brian Topp, have called for a moratorium on oil sands development. Meanwhile, the NDP natural resources and environment critics have actually taken it up a notch and are telling our international trading partners not to trade with Canada.

Could the Minister of Natural Resources give this House an update on the latest academic research on the viability of the oil sands?

Hon. Joe Oliver (Minister of Natural Resources, CPC): Mr. Speaker, a study published by Dr. Weaver in *Nature* magazine concluded that the oil sands will raise temperatures by only .03 of one degree Centigrade in 60 years. For that, the NDP is prepared to sacrifice \$3.3 trillion in economic activity, over 700,000 jobs a year, and billions of dollars in social programs. The NDP's opposition to the oil sands is increasingly ideological and unbalanced.

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● (1500)

SEALING INDUSTRY

Mr. Ryan Cleary (St. John's South—Mount Pearl, NDP): Mr. Speaker, it has been more than two months since Russia, Belarus, and Kazakhstan informed the WTO that they would no longer import seal pelts, a ban they backdated to August. The loss of Canada's biggest market for seal products is a huge problem for Newfoundland and Labrador communities and the government has done nothing to show its supposed support for a humane and sustainable seal harvest.

Why has the government failed to end the Russian ban of Canadian seal products? Why has it failed the communities that rely on the sealing industry?

Hon. Ed Fast (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, unlike the NDP, our government remains committed to defending Canada's sealing industry.

The customs union of Belarus, Kazakhstan and Russia has proposed trade sanctions on seal products. On my instructions, Canadian officials are actively engaging with their international counterparts to convey our concerns over these proposed restrictions. The Atlantic and northern seal hunts in Canada are humane, sustainable and well-regulated activities that provide an important source of food and income for families of coastal and Inuit communities.

* * *

[Translation]

PUBLIC SAFETY

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, as of January 2012, more than 420,000 criminal records still had not been updated. Worse yet, criminal offences that should be in the criminal record repository have apparently never been entered. This situation is unacceptable when we consider that a pedophile could be working at a daycare because his record has not been checked.

Instead of putting on a show with ineffective legislation that costs the taxpayers a pile of money, will the Minister of Public Safety finally take action, having already been informed of this situation?

[English]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, our government supports law-abiding Canadians who selflessly give their time to coach and volunteer with vulnerable groups such as children. We encourage the RCMP to work with its policing partners to ensure that criminal record checks are done as efficiently and effectively as possible. Our government has taken steps toward making the process more efficient. Through our leadership, we have reduced the wait times from 17 weeks to 4 weeks.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw the attention of hon. members to the presence in the gallery of the Hon. Patrick Bell, Minister of Jobs, Tourism and Innovation from British Columbia; the Hon. David Ramsay, Minister of Industry, Tourism and Investment and Minister of Transportation for the Northwest Territories; and the Hon. Currie Dixon, Minister of Economic Development and Minister of Environment for Yukon.

Some hon. members: Hear, hear!

Oral Questions

PRIVILEGE

ALLEGED INTERFERENCE OF MINISTER'S ABILITY TO DISCHARGE RESPONSIBILITIES

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I want to respond to the question of privilege that the Minister of Public Safety raised in the House yesterday.

I will begin by saying that the Parliamentary Secretary to the Leader of the Government in the House of Commons presented a well-researched, cogent argument in support of that. I do not think there is anything I can take issue with in regard to that presentation. However, I do have some concerns about the points that were made by the minister himself.

With regard to the material that did come from the parliamentary secretary, it was quite clear that in each case, when one is looking at the question of privilege, the facts of the case must decide whether in fact privilege has been breached. I believe that is again true in this case.

With regard to the points that the Minister of Public Safety made, he basically had three arguments supporting his position that his privilege had been breached. I will just do a quick summary.

First was that parliamentary resources had been used to attack his position with regard to some incidents in his personal life and with regard to Bill C-30 that was the issue of contention, but it was more that parliamentary resources had been used in that regard that his argument was made.

Second, he argued that the threats that were coming at him, and there can be no dispute over that part of it, that is very clearly a breach of his privilege and the privilege of any member of this House faced with those types of threats, that he either withdraw the bill or additional information would be released, is a clear breach of his privilege and one that would cause us to very strongly agree that his privilege had been breached on the facts of this case.

His third point was on the opposition to Bill C-30, that the people who were opposed to it were clogging up his office. That is the part that most disturbed me. The position that we would be taking as a party is that that is not a valid argument in support of an argument for breach of privilege.

In that regard, Mr. Speaker, I would draw to your attention a ruling by your predecessor, Mr. Milliken, on June 8, 2005. There was a similar type of situation where the member was claiming that his office was being intentionally clogged, that his email and phones were being intentionally clogged on an issue of some import to whoever was doing the work.

The key point for Speaker Milliken was, I believe, the same as in this case. It is not the question of whether in fact that is occurring, although that is a factual matter that should be determined, the important point is whether it is the intent of the people who are trying to contact the minister or the member of Parliament to clog up his office and make it inoperable and impossible for other constituents to have access to the member of Parliament.

The test is: What is the intent of the calls coming in, the emails coming in and the faxes coming in? Intent is the key component.

Business of Supply

With regard to this situation, it is quite clear that Bill C-30 is very contentious. We as an official opposition party have been adamantly opposed to it. The third party in the House is adamantly opposed to it. Lots and lots of Canadians are adamantly opposed to it. One of the ways of expressing that opposition is to attempt to contact the minister's office and tell him that this is a bad bill and give reasons for opposing it.

If you make a ruling, Mr. Speaker, that says that if the effect of what one is doing in trying to contact the member of Parliament, in this case the minister, is to clog up his office, it will significantly impact the ability of individual Canadians to express their democratic voice in opposition to legislation.

• (1505)

In this case, it is clear that the bill is so contentious that it is almost impossible to envision that that many calls, those many emails and faxes were coming in with the intent of clogging his office. The intent behind those was that Canadians were expressing their democratic right to oppose the bill. Canadians were telling the minister that they were opposed to the bill and they were giving their reasons.

It is quite clear that relying on that ruling from Mr. Milliken, the Speaker of the day, would not be a basis on which to make a finding of breach of privilege in this case. The facts speak to that quite clearly.

I want to repeat that we have no problem with the finding of breach of privilege because of the second point that the minister made with regard to the threats. That is not tolerable behaviour in our society, in this Parliament and in Canada as a whole. It is just not the way Parliament and our democracy function. Ministers and members of Parliament cannot be threatened in that way, so there is no question that there is a breach of privilege on that point.

On the third point, with regard to clogging his office, that clearly is not a basis for a finding of breach of privilege. I would invite you, Mr. Speaker, to make it specific that that is not a basis on which you could make a finding of breach of privilege, as did Mr. Milliken in that particular case of June 5, 2008.

The minister's first point is more problematic. He is arguing that the use of parliamentary resources to, as he put it, attack him surreptitiously, is more problematic. It is a grey area. The anonymity is the part that bothers me. If this had been done by one of my staff who had simply sent the minister a message using the resources that we have here on the Hill saying "At a personal level, I'm opposed to the bill", there is no question that is permissible because the individual is just doing his or her job.

The grey area is the anonymity in the way this one was done. That one, Mr. Speaker, I will throw back into your lap and not make a suggestion. However, I do not think it is clear as to whether, because parliamentary resources are being used to communicate to a member of Parliament or to a minister, that automatically means a breach of privilege. I do not think that follows. It is the anonymity part of it that would be of concern.

• (1510)

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, I want to take the opportunity to say that we in the Liberal

Party would also like to have the opportunity to comment on the question of privilege either tomorrow or on Thursday.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I only wish to add a comment to the comments made by the hon. member for Windsor—Tecumseh.

I also deplore the use of private information as a tool of intimidation against any member of the House. That is a valid point of privilege.

I appreciate the clarity with which my friend from Windsor—Tecumseh identified the reason that I felt discomfort yesterday as the hon. minister put forward a claim of privilege in relation to his office being swamped with calls. One hopes in a vibrant democracy that our offices are always swamped with calls, that our mailboxes are full, that petitions are sent and that Canadians rise up and speak clearly when they find that something we have done as their member of Parliament offends them. We must never think that it is a matter of privilege to stop the public from exercising its right to free speech.

The Speaker: I thank hon. members for their further contributions to the question currently before the Speaker.

GOVERNMENT ORDERS

[English]

BUSINESS OF SUPPLY

OPPOSITION MOTION—CHARTER OF RIGHTS AND FREEDOMS

The House resumed consideration of the motion.

Mr. Dave MacKenzie (Oxford, CPC): Mr. Speaker, I will be splitting my time with the hon. member for Kitchener—Conestoga.

I will begin by thanking the hon. member for Toronto Centre for his motion. I will limit my response to the hon. member's contention that the collection by government of personal information without limits, rules and judicial oversight constitutes a violation of the Canadian Charter of Rights and Freedoms.

That implies that Bill C-30 would provide the state with an unlimited authority to intrude on the privacy and civil liberties of Canadians. This is profoundly misleading. Bill C-30 was carefully crafted to ensure a continuing respect for privacy and civil liberties are maintained and/or strengthened. Bill C-30 has as its primary objective providing the police and national security agencies with the investigative powers they need to combat 21st century crime.

The data preservation scheme proposed in Bill C-30, for instance, is an important investigative tool that would permit the police to order or demand the temporary preservation of computer data. It would not allow for the disclosure of this information without a warrant. Computer data is highly volatile. Telecommunication service providers, for example, routinely delete computer data as a matter of routine business practice. That is why it is imperative that the police have the power to ensure that computer data that might contain important evidence of a crime does not get deleted by a third party before the police have enough time to obtain it by using a judicially authorized warrant or production order.

Business of Supply

Limited timelines are provided for the preservation of this information. After 21 days, the preservation demand, which would be made by the police and is intended to cover the time it takes to get the preservation order, would expire. The order, which would require judicial authorization, would then expire after 90 days. I do not know of anyone in the House who has had the opportunity to apply for a warrant in front of a justice. It takes a great deal of time and is not something where one knocks on the door and the justice simply issues it. Once that order expires, the bill would require that all data retained for the purposes of the investigation and not otherwise kept pursuant to regular business practices be destroyed. This objective is achieved in a manner that is respectful of privacy.

I will now elaborate with reference to the proposed transmission data recorder warrant and production order. The Criminal Code currently contains what is called a dialled number recorder warrant, as well as a production order for the same information. These tools allow investigators to collect and produce phone numbers, for instance the number of a phone used by a suspect in an investigation. The transmission data recorder warrant and production order would update the dialled number recorder warrant and production order in recognition of the fact that day-to-day communications are no longer restricted to the telephone. Rather, people now communicate using a variety of different technologies, such as email and text messaging. Technology has even advanced to the point where the lines between technologies have been blurred so that phone calls can be made over the Internet and cellphones can be used to search the World Wide Web.

It is clear that an investigative tool restricted to the collection of phone numbers is not only out of date but severely limits its usefulness. As a result, the new warrant and production order would now allow for the collection and production of data to traditional telephone numbers, but also found in the Internet world.

Like the existing warrant, the transmission data recorder warrant would be obtained when there are reasonable grounds to suspect that the data being sought would assist in the investigation of a crime. Like the existing warrant, the data that could be collected using the warrant would be limited to routing data and telephone numbers. The content of the communications themselves would never be provided under this warrant. To ensure that this power is never used to gain access to the substance of communications, this is written into the definition of transmission data in Bill C-30.

If I were to conclude my remarks at this point, I might leave the impression that Bill C-30 is more or less privacy neutral, that it just maintains the existing safeguards and replicates those safeguards for new investigative powers. However, such an approach without more would fail to take stock of the profound effect that technological advances over the past few decades have had on privacy.

● (1515)

Judicial oversight would ensure an investigation strikes the right balance between individual privacy and the public good. Warrants would be tailored to ensure that the standards guiding that oversight fit with the type of technique at issue. Since tracking people clearly has more privacy implications than tracking cars or other things, the bill would make the standard for getting a warrant to track people higher than that for tracking cars or other objects.

Amendments in the bill would make it necessary for police to prove to judges that they have reasonable grounds to believe that an offence has been committed and that the evidence would assist in the investigation before they are granted the warrant to track people.

Much of Bill C-30 is premised on the idea that each investigative technique the police have at their disposal should have a corresponding investigative power. That is why if data needed to be preserved for the purposes of investigation, Bill C-30 would create a specific way for the police to accomplish that. If the police then needed to obtain that preserved data, they could get a judicially authorized warrant or production order.

The bill in fact follows very closely on three previous bills that have been tabled in the House by Liberal members of the House in 2005, 2007 and 2009.

Our government has proposed legislation to ensure Canada's laws adequately protect Canadians' privacy online. We expect Parliament to conduct a thorough review of our proposed legislation to ensure we strike the right balance between protecting Canadians from crime while respecting Canadians' privacy rights.

Mr. Speaker, I hope my remarks have clarified some misconceptions regarding Bill C-30. I do hope, however, that Parliament will take the time to thoroughly study the bill to ensure that it achieves its purpose to better protect Canadians while also ensuring their right to privacy is protected.

● (1520)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I listened with great interest to my hon. colleague. I am afraid that he is missing some of the key points, just as the security minister yesterday misunderstood, or perhaps did not fully understand, the implications.

I had asked yesterday about clause 34, which would allow the minister himself to designate so-called inspectors. There is no description as to what would be an inspector, but it would be an inspector he decides upon. He would give the inspector the ability to go into any private telecom cellphone business and demand documents, to look at hard drives, and to go through files to gather evidence, all without a warrant.

Perhaps the Conservative Party thinks it is okay for people appointed by a minister to go into private businesses and snoop, to be seen in so-called compliance of the minister's wishes. We in the New Democrats think that is an extraordinary overreach to give that power to a minister.

In subclause 34(4) it actually states that these so-called inspectors named by a security minister could bring with them anyone they felt would help them in doing their job. Does the member not think that that is a complete overreach? Why is it that he could allow such an abuse of private business?

Mr. Dave MacKenzie: Mr. Speaker, I am not sure if the member opposite understands what he is talking about. Subclause 33(1) says the minister may designate persons or classes of persons as inspectors for the purposes of the administration and enforcement of the proposed act. That is *this* act.

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The member gets way past what he is talking about. What we are talking about is the collection of information by lawful authorities that is done under a warrant, under judicial order. It is a whole different thing. There are lots of inspectors out there who inspect a variety of things. This would be an inspector for the purposes of administration and enforcement of the proposed act only. If he were to go on through it he would see that it is for verifying compliance with the act.

I spoke to the owner of an Internet providing agency that does a great deal of business in Southwestern Ontario. He told me that he read the bill. He said that it would put into place all kinds of safeguards that do not exist. I would think that if the member were really interested in this bill and the privacy of Canadians, he would support the bill.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the government has recognized that there are flaws in the proposed legislation it has brought forward. It has said that it will bring it to committee prior to second reading. In a sense, it is good that we are having this debate today. Otherwise we would not have had a debate on Bill C-30 before it went to committee.

The government has a nasty tendency to go in camera in committee. This stops the public from being able to participate or listen to what is being talked about. I wonder if the member can provide information to the House or assurances that the government will not have in camera sittings during the discussions of this important bill when it goes to committee. Can he provide Canadians that assurance?

Mr. Dave MacKenzie: Mr. Speaker, as the member knows, committees are the authors of whatever they wish to do in their committees.

Quite frankly, I would wonder why Liberal members would not be standing up supporting this. They have brought it forward in three different parliaments. I do not know what their big problem is. This bill does protect the privacy of Canadians. It provides judicial oversight for that which is being done without judicial oversight.

This is a good piece of legislation. With every bill that goes to committee there is an opportunity for all kinds of input. In this case, I think the member should be supportive of the bill and deal with it in committee.

• (1525)

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I am pleased to speak to this motion which points out the fundamental nature of privacy in Canadian law and calls on the government to ensure that the legislation it proposes engenders a respect for privacy. It is on this point that I will speak. I will highlight some of the ways in which Bill C-30 would reflect continuing respect for the privacy and civil liberties of Canadians.

One of the most consistent themes in Bill C-30 is privacy with precision. Every investigative power would have specific and appropriate privacy safeguards in place, calibrated to the level of intrusiveness of the techniques for which the power is designed. In plain language, the standard for authorizing an investigative technique would be directly related to its level of intrusiveness. Bill C-30 would move Canada away from a one size fits all approach where a single investigative power can authorize a wide range of

investigative actions toward more specialized investigative powers drafted with particular investigative actions in mind.

I will give a few examples of how Bill C-30 would promote privacy with precision. The first of these is production orders. A production order is a court order that requires a third party who has possession or control of certain types of data or documents to deliver this material to the police within a specified period of time. Production orders are used in cases where it is more practical to have the holder of the documents or data retrieve information for the police rather than having the police conduct the search themselves with a search warrant. The use of production orders not only offers the police increased efficiency in protecting all of us, but also provides increased privacy protection for all Canadians. Third-party holders of computer data are best placed to be able to locate the requested information precisely and without inadvertently collecting information that is outside the scope of the request. Therefore, as an investigative technique, production orders actually help to minimize inadvertent intrusions on privacy. Production orders enhance privacy.

Production orders already exist in the Criminal Code. There is already a general production order as well as one that relates to a narrow set of financial information. Because of the broad nature of a general production order, it has a higher judicial threshold than the financial production order. To use a general production order, police must satisfy a judge that they have reasonable grounds to believe that an offence has been committed and that the information requested would provide evidence of that offence. However, most investigations are not general in nature. Often the requirements of an investigation are quite targeted. In those cases, it makes sense to create specific tools that would allow police to obtain the specific data that they are looking for and which are designed to reflect the expectation of privacy associated with that kind of data.

Bill C-30 proposes the creation of three new production orders that have been designed with specific investigative techniques in mind. We are proposing to create a production order for data related to the routing of telecommunications, which would be known as transmission data; a production order for tracking data; and a production order designed to trace specified communications.

This last type of production order would be a very important tool for addressing the complexities of modern communication. It would allow police to trace the origin of a communication that may have gone through several different telecommunication providers before it reached its final destination. It would protect Canadians from inadvertent intrusions into their privacy.

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I cannot stress enough that all of these production orders would have important built-in privacy protections. For example, both a production order to trace specified communications and a production order for transmission data relate to transmission data. Transmission data is a term clearly defined in the Criminal Code to expressly exclude the content of communication. Not even the subject line of an email would be available using either of these powers. It is important to stress that. We hear about people being concerned that others would be able to access the content of our emails. Not even the subject line would be available for these powers.

Information in the possession or control of an individual that does not fall under any of the specialized production orders could be obtained by the police using the general production order. However, the police would need to satisfy a judge of the higher belief-based standard. The same applies today.

• (1530)

Important privacy safeguards have been included throughout Bill C-30. Each investigative power in the bill has been carefully designed to strike a balance between the safety and security and the rights and liberties of all Canadians, such as preservation orders. This kind of tool is essential to our ability to conduct effective investigations in an era where crucial evidence can be deleted in the blink of an eye. Police officers will be able to do their jobs without fear that the data they need will be lost or deleted either intentionally or inadvertently as a matter of regular business practice during the period it takes to obtain a warrant or production order for that data.

If a police officer does not get a court order or search warrant to obtain the preserved data before the demand expires, any data that would not be retained in the ordinary course of business would be destroyed. The data would not be provided to the police without a court order or warrant. Should the preservation demand need to be extended, police officers would have to obtain a preservation order from a judge or justice. The order would then give them up to 90 days to get a production order or search warrant to obtain the data that had been preserved.

If the police are unable to get the production order or warrant by the time the preservation order expires, the person in possession of the preserved data is required to destroy it unless his or her business practices otherwise require that it be retained. What this means is that only specific data would be preserved under this scheme for a limited period of time and only for the purpose of the investigation. An even more fundamental privacy safeguard of this scheme is that data which would not otherwise be kept by a business would be destroyed as soon as it was no longer needed for an investigation.

These safeguards exemplify our efforts to respect privacy throughout the bill and respect privacy rights under Canadian law.

With regard to respect for privacy, let me quote Matt Torigian, Chief of Waterloo Regional Police Service and president of the Ontario Association of Chiefs of Police. His statement clearly rebuts the fears expressed by the opposition. He stated:

We (the police) would also, en masse, be the first group to speak out on anything that has the potential to violate the integrity and the rights and freedoms of Canadians.

These are just a few examples of how Bill C-30 would promote privacy. As I have noted, the government's approach is one privacy with precision, well-defined investigative powers with strong privacy safeguards that will have been carefully calibrated to a particular investigative context. Our government believes we have proposed legislation that will ensure Canada's laws adequately protect Canadians online.

We also, however, expect Parliament to conduct a thorough review of our proposed legislation to ensure that we do strike the right balance between protecting Canadians from crime while respecting Canadians' privacy rights. I would ask hon. members to exercise due diligence in that review.

I will highlight the need for this legislation. Chief Torigian has noted that Bill C-30 would require the same types of judicial approval as old-fashioned wiretaps and would in cases even increase the regulatory burden. However, as Chief Torigian said:

We need to ensure that investigative bodies in Canada have the necessary tools to safeguard institutions, public bodies and private individuals.

As a grandfather of nine grandchildren, I cannot overstate the need to update our laws so they adequately protect all Canadians from online exploitation.

• (1535)

Ms. Joyce Murray (Vancouver Quadra, Lib.): Madam Speaker, I note the member made the very reasonable comment that Conservatives expected Parliament to conduct a thorough review of the bill to ensure it achieved the right balance, et cetera. It was exactly the same wording and statement made by the previous speaker on the Conservative side, so clearly there are some talking points.

Since the government won its majority last May, there has not been, as far as I know, a single bill that was reviewed at committee in which the majority Conservative members accepted any of the amendments, ideas or results of the thorough review, including Bill C-10, a massive, complex bill with many amendments offered. All were rejected at committee.

Could the member please tell us why any member of Parliament in the opposition parties should actually believe there will be anything different this time?

Mr. Harold Albrecht: Madam Speaker, the illustration the member gave was Bill C-10. Everyone in the House knows that Bill C-10 had been debated in various forms and that different parts made up the total of Bill C-10. Canadians expected us to get moving on many of those initiatives. That was exactly what needed to be done. It does not mean the amendments were not considered, but it is the obligation of government to implement its agenda when it comes to protecting Canadians.

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The member commented about using talking points. I would just like to read from a news release from November 15, 2005, when the then deputy prime minister and minister of public safety, Anne McLellan, stated:

We consulted extensively to ensure this legislation strikes the right balance between the needs of police to maintain their investigative capabilities and the business considerations of the industry, while respecting Canadians' privacy, rights and freedoms.

What has changed? This was introduced by the Liberal government of that day. Today the Liberals are trying to make it look like we are somehow intruding on the privacy of Canadians.

Mr. Frank Valeriote (Guelph, Lib.): Madam Speaker, I know my colleague is passionate and believes of what he speaks.

What he has not talked about is clause 34 of the legislation, which really gives unfettered discretion to the minister to appoint an agent who can walk into an ISP establishment, second all of the employees in that establishment, have them open up all the books and records without a warrant and in total and absolute unfettered discretion.

Therefore, I am surprised to hear his remarks that there are protections within the legislation when in fact clause 34 speaks of exactly the opposite circumstances.

Mr. Harold Albrecht: Madam Speaker, let me remind the member, first, that every attorney general of every province and territory of our country endorses Bill C-30.

As I stated in my earlier remarks, Chief Matt Torigian of the Waterloo Regional Police Service, who is the chair of the Canadian Association for Chiefs of Police, said, "We would also, en masse, be the first group to speak out on anything that has the potential to violate the integrity and the rights and freedoms of Canadians."

The Calgary deputy chief of police said, "We really need to modernize this area of the law... We can't create safe havens where criminals can play their trade".

The Canadian Police Association President Tom Stamatakis said, "Without this legislation we are asking our police to use pagers and typewriters to keep up with criminals using smartphones and tablets".

It is clear. All we are asking is to update the laws of this land to give police officers the tools they need in the current environment with the telecommunications that we have.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Madam Speaker, I will be splitting my time with the member for York West.

I am very pleased to speak to the motion today because of the important principles that are so fundamental to Canadian democracy. The motion calls on the House to recognize the fundamental right of all Canadians to freedom of speech, communication, privacy and an affirmation of the need for these rights to be respected. It talks about the Canadian Charter of Rights and Freedoms protection against unreasonable search and seizure. It mentions that any legislation put forward by the government must respect these provisions of the charter and its commitment to the principles of due process, respect for privacy and the presumption of innocence.

A lot of the debate on this today has centred on Bill C-30 and it will be that bill that I address my remarks toward.

I want to quote the interim leader of the Liberal Party because what he has said captures the balance that Parliament needs to find on the bill, and that is "The mark of a democratic society is how it balances collective security with individual rights and freedoms".

I am not at all objecting to the idea of strengthening the ability for police officers to carry out their surveillance work and their investigative work in an age of Internet and electronic communications. Surely we do need to update these provisions that are in the laws and that is what the bill has sought to do. In fact, when the attorney general and solicitor general of British Columbia came to Ottawa saying that the province supported the need for new powers, I supported that. It is something we do need to do.

The question is whether this bill achieves that end? I will be speaking about the ways in which it does not find that balance and the ways it, either inadvertently or deliberately, changes the landscape for the public in terms of our security and our right to privacy of information. It makes changes through very vague language and vague concepts that are not well defined in the bill and that are open to subjective interpretation in terms of grounds for accessing people's information without a warrant.

People across Canada have been concerned about this. It is not surprising when most of the privacy commissioners across the country said that the bill went too far, that it was bad legislation. I will quote the federal Privacy Commissioner who said:

On the balance...the new Bill...contains serious privacy concerns...In particular, we are concerned about access, without a warrant, to subscriber information behind an IP address. Since this broad power is not limited to reasonable grounds to suspect criminal activity or to a criminal investigation, it could affect any law-abiding citizen.

That is a mild comment compared with the comments of the Ontario privacy commissioner who had a great deal of concern about the bill and called it an encroachment of surveillance as it was presently configured in the bill. She said that the bill was wrong. She said that it actually terrified her and could become the norm, that there was a huge downloading onto websites of information that service providers did because they were unable to serve the one-by-one requirements under the bill. That has happened in other countries. According to the commissioner, this is fundamentally wrong, it flies in the face of freedom and liberty and this freedom is not based on the state access to whatever information it wants on its citizens. This is how she characterized the potential result of the bill.

The state is supposed to have a reason for the collection of information from citizens. It is supposed to be limited and for particular purposes that are specifically identified to individuals. Her view is that this is under attack with the bill.

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● (1540)

The bill creates a structure for this widespread surveillance. Again, I will quote the privacy commissioner of Ontario:

This is going to be like the Fort Knox of information that the hackers and the real bad guys will want to go after. This is going to be a gold mine.

She is also concerned about the new powers created for the police that are designed to obtain access to surveillance data, and about the whole framework that companies will have to put in place by installing equipment for real-time surveillance.

Given the response by privacy commissioners, who know what they speak of, it is not surprising that people in civil society became concerned and started to speak out. In Vancouver Quadra at the town hall I hosted last week, I can say that people were very concerned about the change in the tenor of privacy under the bill.

With these kinds of reasonable concerns it was that much more offensive and insulting when the Minister of Public Safety essentially said that either we agreed with the bill and the government or were on the side of child pornographers. That level of discourse we cannot allow to continue in this House of Commons. It has undermined any moral authority of that minister with the bill as presented.

It was ironic that afterwards the minister had to admit on public television that he had not read the bill and did not actually understand some of its provisions and the repercussions thereof. That was after he had made that very offensive statement we are all familiar with.

The bill has had a rocky start. It was not properly thought out and the consultations were not properly done with privacy commissioners.

I will also give a couple of examples of concerns that were raised by an Internet business CEO and president at my town hall very clearly.

Some of the previous speakers have talked to section 34. However, I am speaking about sections subsections 371(1) and 371(2). This is where the legislation creates a wide class of offences that are vague in description, using terms that could be interpreted by law enforcement with an extremely wide range of discretion. That is the nub of what people are concerned about.

Subsection 372(1) says:

Everyone commits an offence who, with intent to injure or alarm a person, conveys information that they know is false, or causes such information to be conveyed by letter or any means of telecommunication.

That is pretty subjective. How does one define an intent to alarm a person? That could be a phone bank calling the constituents of Mount Royal, asking if they knew that their member of Parliament had stepped down. That could be an alarming piece of information. Therefore, whoever made those calls would actually be committing an offence under this and would be liable to imprisonment for up to two years. I hope the members on the Conservative side of the bench really let that sink in.

That subsection is about conveying information that someone knows is false with the intent to alarm a person. That would be

against the law and subject to a jail sentence. Think about how widely that could be interpreted.

Here is another one, subsection 372(2):

Everyone commits an offence who, with intent to alarm or annoy a person.

● (1545)

Has anyone on the Conservative benches ever sent an email with some intent to annoy someone? If so, it would be an offence if they were making an indecent communication. Who is defining what is decent and indecent? Some people think that a photo of clothing that is too tight might be indecent. What about a swear word? It might be considered indecent. If a member opposite sent an email or communication that was indecent but intended to annoy, he or she would then be committing an offence and subject to up to two years in prison. I think I am making my point that—

● (1550)

The Deputy Speaker: Order. The hon. member's time has elapsed. Perhaps she can add some more comments in questions and comments.

The hon. member for Kitchener—Conestoga.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Madam Speaker, I listened with interest to most of the speeches, along with the rhetoric and fearmongering. She used terms to the effect that it was not thought out and there was not adequate consultation and yet, just a few years ago, the deputy prime minister and minister of public safety, the hon. Anne McLellan, tabled the same bill and said, "We consulted extensively to ensure this legislation strikes the right balance...."

My question is simply this. Was Anne McLellan wrong or was she lying?

Ms. Joyce Murray: Madam Speaker, even Liberal members sometimes disagreed with their government and voted against it at committee. That would never be allowed by the Conservative government. The government does not allow its members to disagree. These things would have been hashed out in committee in a way that has not been possible under this over-controlling and dictatorial government.

Another point is that it is a matter of trust. This is a government that has lost the trust of the public. It has muzzled scientists, independent officers of Parliament, and civil society by cutting the funding of those who do not agree with it. It is trying to muzzle MPs and we will not let that happen. This bill would put a chill on the debate and the marketplace of ideas happening on the Internet and it would be an attempt to muzzle—

The Deputy Speaker: Order, please. I see many MPs rising.

Questions and comments, the hon. member for Thunder Bay—Superior North.

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Mr. Bruce Hyer (Thunder Bay—Superior North, NDP): Madam Speaker, in 2002 the Liberal government at the time launched consultations, but did not seem to have listened to them. It received feedback from privacy and information commissioners across Canada who said, “The proposed measures go far beyond what is necessary to maintain existing capabilities and authorities in the face of modern communications technology”.

My question for the hon. member for Vancouver Quadra is this. Given this feedback, why did the Liberal government continue down the path of creating legislation with measures that Liberals are today criticizing, like warrantless access provisions?

Ms. Joyce Murray: Madam Speaker, frankly I am surprised that the member is calling on me to justify something from 10 years ago in a government that I was not here for. In fact, the debate that we are having now is one that is raising some very serious issues and my concern is that despite the good intentions of the NDP and Liberal members, the Conservative members might do what they have been doing for the last seven months, and barrel ahead with bad legislation and ignore all of the input from civil society and members of Parliament to improve the legislation so that it would actually deliver a public good.

[Translation]

Mrs. Maria Mourani (Ahuntsic, BQ): Madam Speaker, I would like to know what my colleague thinks of the provisions in this bill, which I believe give excessive powers to CSIS and the Competition Bureau, two agencies that are not police forces. Furthermore, we recently learned that the government issued a directive to CSIS allowing the agency to use information obtained through torture.

How are we supposed to trust these people?

Ms. Joyce Murray: Madam Speaker, I thank my colleague for her question. This is very worrying. This is not just about the use of information obtained through torture; it is also about the fact that the Minister of Public Safety announced that Canada's anti-terrorism strategy will list environmentalists and animal rights activists as threats.

[English]

This puts a great chill on the ability of those organizations to communicate.

Also, according to section 184.4, a peace officer may, without a warrant, intercept communication if the peace officer has reasonable grounds to believe that the urgency of the situation is such that it is necessary. However, who defines that?

The Prime Minister has said that a particular pipeline is in the national interest. Could that be—

• (1555)

The Deputy Speaker: Unfortunately, the hon. member's time has elapsed.

Resuming debate. The hon. member for York West.

Hon. Judy Sgro (York West, Lib.): Madam Speaker, I am pleased to have an opportunity today to speak to our Liberal opposition day motion as we continue to try to foster debate in this House. Clearly it is not happening often enough that we can actually

debate something without getting personal and taking shots at each other, and so on.

I would hope that we can continue for the next hour in a positive way, as we all raise issues that we are concerned about. Hopefully, we can get this off to committee and have some serious work done on it. It is not every day that we get a chance to stand in the House to defend, very importantly, a 400-year old, nearly universal legal concept.

After being hit with Bill C-30 and the outrage of Canadians in the last two weeks, it is important that we have this opportunity. What I am referring to, of course, is the notion called the “castle principle” in the law. Most are familiar with the saying that “A person's home is their castle”. That saying is based on this very idea, that people should be able to feel safe and secure within the privacy of their own homes. I think it is something that we clearly all want to feel.

The idea that governments have no right to violate arbitrarily the sanctity of the home was established in English law in the 17th century. This is not a new thing. In very basic terms, the castle principle came about to prevent tyrants and power-hungry security and government officials from violating basic personal freedoms for no valid or lawful reason.

Why does this particular government feel that this concept no longer applies? I certainly hope it does. I would imagine that when it comes time to do the work on the bill, the government will ensure that it protects them as well.

This ancient legal protection was eventually codified and strengthened in Canada's Charter of Rights and in various other legal statutes enacted over the years. In 1982, the Liberal government understood that privacy was a timeless and foundational right that needed and deserved attention and protection in our Constitution.

Despite assurances to the contrary, it would seem that the current government, either on purpose or by outright ineptitude, and I am not sure which it is, is prepared to ignore the history of these essential protections by laying Bill C-30 on the table in its present form.

At the risk of being labeled a pornography sympathizer, which is what happens when we object to anything to do with Bill C-30, I will say that I think Bill C-30 goes too far, is unnecessarily invasive and needless.

Giving the police and government the right to warrantless searches of private emails and web-browsing activity is conceptually the same as allowing police to view bank records, to monitor private mail and to snoop into the most private elements of a person's life for no particular reason. I cannot imagine that anyone in this House on any side would want that to happen.

Government keeps talking about backtracking and maybe that is not what was meant to happen. However, we have to deal with what Bill C-30 says.

Our motion, as I will refer to it later, tries to illustrate exactly the kind of Canada that we want to see continue and the kinds of rights and protections we want to see for ourselves, our families and the families of other Canadians.

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I am a parent and a grandmother, but I believe that snooping around in anyone's email inbox will never help to prevent child pornography. I believe that diminishing or violating the basic rights of the Canadian public is inappropriate and an ineffective investigative tool. I believe that random incursions of people's privacy will not provide useful intelligence to the law enforcement community either.

"Show us the proof" is what we have been hearing all day on a variety of issues. The same goes for Bill C-30. That is exactly what we hope to hear at committee. We believe the government has taken the right step and will refer the bill to committee after first reading. Hopefully, some serious work will be done and a bill will come back that we all can support in this House.

If the police have a legitimate reason to snoop into my banking, email or web-browsing records, a judge would clearly allow for that lawful search to happen. This is the check and balance against the powers of the police and the government running over the rights of innocent citizens. I cannot understand why the police would be afraid to permit a judge to legally review a search request if it is in fact necessary and lawful.

• (1600)

Bill C-30 has many flaws that need to be corrected. Basic privacy must be protected. We are the gatekeepers in Parliament of that fundamental right. We cannot throw away 400 years of basic rights protection for arguable gain. If privacy rights can be shredded by the government, then what other rights can be taken from us next?

The Liberal motion today is seeking to ensure that the government and all future governments will understand that personal privacy is not a luxury, particularly in the Internet age. Our Liberal motion is in three parts. The first part reads:

—(a) the fundamental right of all Canadians to the freedoms of speech, communication and privacy, and that there must be a clear affirmation on the need for these rights to be respected in all forms of communication; (b) that the collection by government of personal information and data from Canadians relating to their online activities without limits, rules, and judicial oversight constitutes a violation of the Canadian Charter of Rights and Freedoms' protections against unreasonable search and seizure; (c) that Canadians who have expressed deep concerns about Bill C-30 should not be described as being friends of child pornography or advocates of criminal activity—

Earlier today when my colleague from Random—Burin—St. George's was speaking to the Liberal motion and referencing Bill C-30, an individual from Calgary sent her an email saying, "Just wanted to let you know that I appreciated your intervention in Parliament today. Well said. This bill should be debated. As a network administrator and an IT specialist, I find this legislation ludicrous and costly". That is what Canadians are saying. It is not something that is being invented by the Liberals.

Freedom of speech and privacy must permeate every level of government and national leadership must start right here with us. We must set the tone. We must never let the idea that only the guilty have reason to fear the erosion of basic rights to become the justification for that erosion.

The second part of the Liberal motion says that access to private information without limits, rules and judicial oversight is not appropriate. The government says that police need this to prevent crime and I cannot imagine why. I am left to wonder why the police

and the government are so afraid of judicial oversight. The truth is that police have not been asking for this, but the government appears to be power hungry and stubborn and this time it has zeroed in on the privacy rights of Canadians.

These are important issues that we are debating. Our Liberal motion tries to set a tone for a very important bill that needs to be debated and discussed by all members in the House.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Madam Speaker, how is it that the member opposite whose party enacted Bill C-68, a bill that criminalized law-abiding farmers and duck hunters and violated our constitutional rights no less than 11 times, can accuse the Conservative government of breaching the charter when the Liberals tabled a bill that was far more intrusive?

Hon. Judy Sgro: Madam Speaker, if it were intrusive it would not be there. Clearly people can take bills and laws that are passed to the courts if they have an issue with them. To suggest that we violate any laws or rules, the Liberal government when it was in power and the Liberal Party today continues to do nothing short of respecting the rule of law, respecting other parliamentarians and most of all, respecting all Canadians and their wishes, desires, rights and obligations.

• (1605)

Mr. Jack Harris (St. John's East, NDP): Madam Speaker, I listened with great interest to the Liberal member's speech. I agree with almost everything she said, but I have to ask what is different about this bill from what the Liberals brought in in 2005. In 2002 when they had consultations on the bill on lawful access the feedback they received from the information and privacy commissioner was that the proposed measures went far beyond what was necessary to maintain existing capabilities and authorities in the face of modern communications technology.

Why is it that the Liberal Party brought forth measures like this in Bill C-74 in 2005, some would say even broader intrusions than are in the current bill, and yet the member and her party are attacking this legislation?

Hon. Judy Sgro: Madam Speaker, clearly, the issues of the Internet and the different kinds of technology that are being used today gave all of us as parliamentarians concern some years back. In consultations with the police and other law enforcement people, there was an attempt to put together a bill that would start us down the path to offer protection where it was needed without having to be intrusive.

Business of Supply

We put initiatives forward when we were in government, and we had lots of debate on them. That we put something forward does not mean that it passed. At least we put it forward and started that debate among Canadians and other parliamentarians about the direction in which we needed to go to ensure that Internet users were protected, and most importantly that people were protected, to ensure we would find ways of protecting against child pornography and all of those things that we were trying to do. At least we put it out there and started the debate and started to move in a direction.

No one is saying here that we are completely opposed to Bill C-30. Improvements need to be made to the bill. We are hoping that we will work together to ensure that the objective is achieved, that police officers have the instruments they need, but most importantly that we have the instruments to protect all Canadians, including our children.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Madam Speaker, two years ago the Canadian Association of Chiefs of Police was asked to give concrete evidence where investigations had been held back because law enforcement officials had not been able to get access under the current legislation. There was no response. A year later the association was asked again to provide information as to where its officials had been handcuffed in those types of investigations. Still nothing has been forthcoming. The association will have an opportunity to present that at committee.

We saw what took place with Bill C-10, where nine excellent, well-reasoned amendments proposed by the member for Mount Royal were dismissed by the government. Does my colleague from York West see any chance that the government might listen in terms of this legislation coming forward? Does she think it may take some—

The Deputy Speaker: Order. The hon. member for York West has about 30 seconds to respond.

Hon. Judy Sgro: Madam Speaker, hope is eternal for me. Given that there was such an outcry and the minister is sending the bill off to committee after first reading, which is the right way to go with a lot of this legislation, I would hope the government would actually be open-minded enough to say that we will work together so that we actually do what we are supposed to do here, which is to pass legislation that is good.

Mr. Jack Harris (St. John's East, NDP): Madam Speaker, I will be splitting my time with the member for Compton—Stanstead, so I will have 10 minutes to make an address with some questions and comments afterward.

We on this side of the House support this motion, the recognition of the fundamental right of all Canadians to the freedom of speech, communications and privacy, and looking for a clear affirmation on the need for these rights to be respected for all forms of communication. It invokes the Charter of Rights and Freedoms, a very important part of our Constitution.

The constitutional guarantee under the Charter of Rights and Freedoms is very broad. One of the rights specified in the fundamental freedoms, in addition to the freedom of conscience and religion, is the freedom of thought, belief, opinion, and expression, including freedom of the press and other media of communication.

We have in this day and age a media of communication which is a two-way street. There is that of the Internet, emails and electronic communication. We already have, for example, mail service through Canada Post. These are private communications that Canadians are able to make with one another.

When the state desires to interfere with that privacy and to carry out a search or surveillance of these communications, under our law there is a requirement that there be judicial oversight to provide a warrant in most cases, unless someone is caught in the act. No one can enter a person's house, for example, without a warrant, unless under hot pursuit of someone who has just committed a crime. There are protections for fundamental freedoms and legal rights, including the right to be secure against unreasonable search and seizure. These are the kinds of fundamental rights that we have in our society.

People value their privacy. That is very clear. We have had the government go so far as to suggest that Statistics Canada was invading people's privacy by asking them how many bathrooms they had in their house. As a result the government brought in changes to the statistics forms that had been in use for many years by an agency that is sworn to secrecy and uses the information for statistical purposes only. Therefore, privacy is extremely important.

In the face of these fundamental rights, we have a piece of legislation that challenges those fundamental rights and freedoms by giving powers to the state that it does not have now.

The privacy commissioners and experts are already worried about this legislation, that Canadians' personal information could be obtained without a warrant, violating the rights and freedoms of law-abiding citizens. It does target what the Conservatives like to call law-abiding citizens, which is the vast majority of Canadians.

New Democrats believe that we can go aggressively after criminals and punish them to the full extent of the law without making false comparisons. We have heard in this House, to the shame of the government and to the shame of the Minister of Public Safety, false comparisons made to child pornographers and treating law-abiding citizens like criminals.

It is interesting that the most recent public opinion research on the bill which was released on February 24 indicates that 64% of Canadians reject the notion of requiring Internet service providers to give the subscriber data that would be required in the legislation to authorities without a warrant. That is not surprising to me. What is interesting for members opposite is that the highest level of rejection for Bill C-30 is in Alberta. Sixty-six per cent of Albertans are opposed to the provisions contained in Bill C-30 that impose these intrusions on people's privacy.

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•(1610)

I find it interesting, not necessarily surprising, that when I look opposite and see what the breakdown in the House is of representation from Alberta there is 1 New Democrat and 26 Conservatives. Twenty-six members on that side of the House represent a province where 66% of the people reject the notion that the government ought to intrude in people's privacy in the way that Bill C-30 provides. That speaks volumes to how out of touch with the people the government is on Bill C-30. People value their privacy and their communication and they do not want the government snooping around without a warrant. That is the issue here.

I do not think it can be said that 66% of Albertans are in league with child pornographers but that is what the Minister of Public Safety has suggested to members on this side of the House. We are either with the government or we are with the child pornographers. We stand with the government or we stand with the child pornographers.

People made a mockery of that, even Margaret Wente who is not normally opposed to some kinds of Conservative legislation. She said that she was with the child pornographers. That is how she handled it, but obviously it was an ironic and sarcastic statement. I guess 66% of Albertans are with the child pornographers if the Minister of Public Safety is to be believed. I do not think that is the case. I think that is a case of law-abiding citizens of Canada, the majority of citizens of Canada, being concerned about their fundamental rights as guaranteed to them by the charter.

This is a worthwhile motion to have considered in the House as we are doing right now. We have legislation before the House that has not passed second reading and, as we have said, the government needs to scrap this legislation and go back to the drawing board and do the kind of consultations required.

As I said last week, the bill will go to committee which is where we will all have a chance to amend it. I do not have a lot of confidence given the hothouse nature of committees. We have seen how politicized they are. We saw happened to Bill C-10. It went to committee for consideration and, after hearing from dozens of witnesses, the time came for clause by clause study and what happened? We had all the witnesses to consider, all the suggestions that they made, and we sit down and have a two hour meeting. There are five parts to the bill, including nine previous pieces of legislation. We spent two hours discussing part one. Six or seven amendments were proposed and they were rejected by the government. When we went back the next day, we were faced with a motion from the government side saying that we would deal with all the rest of the bill today and that if it were not dealt with by 11:59 p.m. tonight it would be deemed to have been put and passed and sent back to the House of Commons.

That is the kind of thing that goes on in committees in the House. That did not happen because we had what is called a filibuster and started talking about how wrong that process was. Eventually, two days were devoted to discussing it, not very much. However, not one amendment proposed by the opposition was deemed worthy of consideration by the government. That is what happens in committee.

We say that Bill C-30 should be scrapped. The government should go back to the drawing board, listen to Canadians and listen to the privacy commissioners. They are there, by the way. They are public officials with the duty and obligation to act on behalf of Canadians to look at this legislation, not with a partisan eye but with an eye to the fundamental rights and freedoms of Canadians and a principle that says that we should only go so far as we need to go in order to protect the public safety of the people of Canada.

We support the rights of police and law enforcement officials to get warrants to do that. They can get a warrant to look at somebody's mail but they cannot look at somebody's mail without a warrant. They cannot get the kind of information they are asking for people without a warrant. This legislation would provide for warrantless searches, which are not necessary for the protection of the public, whether it be children or adults.

We support the motion today and we want to see it passed. We would hope that the government pays attention to Canadians and pays attention to the fundamental rights and freedoms of Canadians when redrafting the legislation and putting together something that it thinks will be acceptable to Canadians.

•(1615)

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Madam Speaker, the member indicated that we on this side of the House are out of touch.

I would ask the hon. member if all of the police chiefs that have responded to Bill C-30 are out of touch. Is the Vancouver deputy police chief, Warren Lemcke, out of touch when he said, "We can't monitor your e-mails. We can't monitor your phone calls. We can't monitor your surfing unless a judge allows us to do that". He goes on to say, "I can tell you there are organized crime groups that shop around for certain TSPs because they know they can hide better".

Jocelyn Ouellette, the New Brunswick chief of police said, "I can assure you that this department supports any tool put at our disposal to fight the heinous crime of child exploitation".

I want to remind members and the viewers that is about protecting children.

Does the member think those police chiefs are out of touch as well?

•(1620)

Mr. Jack Harris: Madam Speaker, I find it ironic that the member opposite and the government members in general are quite happy to quote the chiefs of police when it suits them. They did not listen to them on Bill C-19 when they talked about what a valuable tool for law enforcement the gun registry was in terms of investigating crime, finding criminals and prosecuting crime. They did not listen to them then but they are quite happy to quote them now.

The police chiefs are entitled to their opinion but they do not make the laws. However, if police officers say that any tool that is put at their disposal they will take it, I understand that.

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However, it is our job to ensure that whatever tools are created for police enforcement meet the test of fundamental justice, fairness and the fundamental rights of Canadians, whether they be privacy rights or the right to be guarded against unlawful search and seizure. That is what I believe.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Madam Speaker, I wonder if the member could comment on the committee structure.

We are happy that the government is seeing the wisdom in terms of bringing the bill to committee prior to second reading. That will allow for potential amendments. However, we are a little skeptical as to what degree it will bring in or accept proposed amendments whether from the New Democrats or Liberals.

One of the big concerns we have is in regard to in camera sessions. If the government is committed to having any sort of in camera session or portion thereof, it would prevent the public from being able to understand what it is that the government is saying because it would not have allowed the public to participate in the debate.

Given the member's comments, I wonder if he shares any concerns in regard to the threat or the potential of going in camera during the committee process.

Mr. Jack Harris: Madam Speaker, it is very hard to predict the government in terms of how it operates, as I am sure the hon. member knows. However, I am not sure that even the government would want to have the spectacle of dealing with legislation like this in camera and having those discussions take place in camera.

I do not know if the member was present for the question and comment by his colleague for Cape Breton—Canso who did not seem to have much faith in the committee process on the bill. That is why we are saying that the bill should be scrapped, that the government should go back to the drawing board, have public consultations with Canadians and then come up with something that is acceptable to Canadians. The hothouse of a committee does not seem to work with the current government.

Mr. Charlie Angus (Timmins—James Bay, NDP): Madam Speaker, opposition day motions are declarative and make a clear position. What I hear from the Liberals is, "Well, yes, we thought it was all right to get rid of the right to privacy when we were in government but we were just getting ideas because we were worried about child pornography." It sounds like the same message that the Conservatives are saying. However, now the Liberals bring in a motion saying that they are opposed to it, but then they want to work with the bill.

I would ask my hon. colleague why he thinks it is the New Democratic Party that continually has to put backbone into the spineless jelly who cannot seem to make up their mind on whether—

The Deputy Speaker: Order, please. The hon. member for St. John's East.

Mr. Jack Harris: Madam Speaker, I will take that in part as a comment from my colleague. However, yes, it does seem that when it suits them, the Liberals are on one of a question and then later on they are on another side.

I think members will find consistency and principle in our resolve on this issue, at the risk of being called daily, as we are by government members, as falling into the camp of supporting criminals and all of the nasty things that they say about us when we stand up for principle.

The Deputy Speaker: Before resuming debate, 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 Charlesbourg—Haute-Saint-Charles, Poverty; the hon. member for Avalon, Canadian Broadcasting Corporation; the hon. member for Random—Burin—St. George's, Search and Rescue.

• (1625)

[*Translation*]

Mr. Jean Rousseau (Compton—Stanstead, NDP): Madam Speaker, I agreed to speak to this motion here today for several reasons, one being to demonstrate the importance of freedom of expression. Freedom of expression and opinion is fundamental to the reality of our nations and our peoples today. This freedom is governed by certain fundamental rules that allow people to express themselves and to thrive in a civilized society. As an artist, when my freedom of expression and opinion is breached, I cannot help but fight back. The way Bill C-30 is now drafted, it is really hard to know just how badly these arbitrary, abusive rules could infringe on people's privacy and the privacy of artists.

Artists today often communicate over the Internet. They even create works collectively over the Internet. If a text is not to the liking of an inspector—that is the word used in Bill C-30—the authorities could seize that text or the computer belonging to an artist in the process of creating something, whether literary, musical or theatrical. I find it very worrisome that a government would give itself such powers.

I will to come back to the hon. member for Toronto Centre's motion because it includes a number of things that are extremely important to the lives of all Canadians. Given our charter, it seems imperative to me that the House recognize that all Canadians have the fundamental right to freedom of expression, freedom of communication, and privacy. However, the fact that we have come to a point where we must clearly state that these rights must be respected in all forms of communication is rather absurd for a so-called civilized country. I do not understand how Canada has come to this point in 2012. What happened to the nearly 150 years of history and evolution of Canadian society?

The expression of rules of human rights and freedoms dates back to the Universal Declaration of Human Rights adopted in 1948 by the United Nations General Assembly, in which Canada participated. This first modern text was intended to be a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind, would strive by teaching and education to promote respect for these rights and freedoms and by progressive measures—not outdated and regressive measures—to secure their recognition and observance.

I would like to list several of the principles that helped to shape a number of other texts, including the Quebec and Canadian charters. They are that:

All human beings are born free and equal in dignity and rights.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion [on any topic]...

Everyone has the right to life, liberty and security of person.

No one shall be subjected to arbitrary arrest...

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference...

Everyone has the right to freedom of peaceful assembly and association.

A number of these basic principles are included in the Canadian Charter of Rights and Freedoms, which guarantees the rights and freedoms set out in it, "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society".

● (1630)

Under section 2 of our charter, everyone has the following fundamental freedoms:

(a) freedom of conscience and religion;

(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

(c) freedom of peaceful assembly; and

(d) freedom of association.

Those rules are essential for a society and the people in it to flourish.

However, over the past few weeks, Canadians have expressed deep concerns, in various ways and media, about Bill C-30. They are concerned about being accused of being friends of child pornography or advocates of criminal activity just because they do not share the same opinion as the government. It is an aberration. If I were to write my opinions in a document and send it to my colleagues, it could be intercepted and I could be found guilty of an offence because the government wants to use the Criminal Code to increase invasions of privacy.

Bill C-30 would require Internet service providers with the necessary means to allow national security and law enforcement organizations to use their authority to intercept communications.

Artists and many social activist groups communicate over the Internet. Is this a continuation of the paranoia we saw a few years ago at the G8 and G20?

Part VI of the Criminal Code, which includes sections 183 through 196, lists the rules that apply to invasion of privacy in cases of interception and spying. I am not an expert in this field, but the Criminal Code refers to the authorization to intercept a private communication by means of any device used to intercept this communication. Individuals can be found guilty of an indictable offence and liable to imprisonment for five years.

We are in a bad way if we no longer trust the authorities in place. The individuals who form a nation and a people must feel safe in

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their country, particularly when it comes to freedom of expression and association. That is vital. As I was saying, the communications of public interest groups, social activist groups and communities with specific needs could be intercepted and their computers and equipment, which are very important to them, could be seized.

I will now come back to the arts, which I wanted to speak about. From Robert Johnson to Jimmy Hendrix, artists have sung about the right to freedom; from Moses to Martin Luther King, leaders of all nations have wanted to free their people and have advocated freedom of expression and, above all, freedom of choice and social justice. That is what we are discussing today in the House, which considers itself to be modern and democratic. On all the stages of this world, whether musical or political, leaders have strongly condemned the injustices afflicting the people. Our former leader was one of them. Like him, I will continue to speak out until our voices are heard by the decision-makers, who are ignoring the legitimate calls for rights and freedoms.

The Who sang, "Long live rock, I need it every day". I need freedom of expression every day because it is my right, and I want to enjoy this right until the moment I die.

Mr. Robert Aubin (Trois-Rivières, NDP): Madam Speaker, I do not know if there is any relation, but as I listened to my esteemed colleague's passionate speech, I suddenly got the feeling that I was in the presence of Jean-Jacques Rousseau, the Enlightenment philosopher who could very well have said almost exactly the same thing.

My question is very simple: does the evolution of our modern means of communication justify this kind of violation of basic rights and freedoms? Jean-Jacques Rousseau was one of the first to declare his support for the declaration of the rights of man, which came along a few years later.

● (1635)

Mr. Jean Rousseau: Madam Speaker, I thank my colleague for his question. Regardless of the evolution of telecommunication in our societies, invasions of privacy are a flagrant violation of human dignity. For a government that refuses to tolerate criticism, opposition, or different ways of thinking and acting to arbitrarily disregard human dignity is an absolutely unbelievable violation. It is an injustice that we will continue to strongly condemn.

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Madam Speaker, I would like to begin by thanking my colleague for his passionate speech on freedom of expression and the rights and freedoms that Canadians enjoy.

For the pure pleasure of hearing him expand on this topic, I would like him to comment on what the right to freedom of expression we enjoy in Canada means to him.

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Mr. Jean Rousseau: Madam Speaker, I thank my hon. colleague for her wonderful question. Freedom of expression is the right of an individual, a group, a nation, a population, to build their culture and society and to hope for a better world. This means dialogue and communication between individuals, the right to proclaim one's existence loud and clear. I exist, I exist, and I am entitled to my opinions. I was born on this planet and I have the right to express myself loud and clear. I have the right to my political, personal and religious beliefs. I have the right to my sexual orientation. I have the right to live and thrive in Canada and Quebec, my beloved Quebec, and my beloved region, the Eastern Townships.

This is a fundamental right that must be protected. Bill C-30, as it is currently drafted, will not achieve this. I hope my colleagues across the floor will accept some very reasonable amendments.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Madam Speaker, I would like to thank my NDP colleague for his impassioned speech defending the Canadian Charter of Rights and Freedoms, which will soon celebrate its 30th anniversary—30 years since a Liberal government presented this historic guarantee to the people of Canada. I thank my colleague for his support for this important event.

[English]

Could the member please describe the amendments that the NDP is preparing to put forward that will help to defend the Charter of Rights and Freedoms in which he so passionately believes?

[Translation]

Mr. Jean Rousseau: Madam Speaker, my answer will be brief, since now is not the time to give any details about the amendments we plan to propose regarding Bill C-30. However, I know our critics have a long list of them, which we will share in due course.

[English]

Hon. Geoff Regan (Halifax West, Lib.): Madam Speaker, I am pleased to rise today in this opposition day debate on the motion concerning privacy, freedom of expression and freedom of speech.

We are talking today about Bill C-30 which of course we all know has been before the House. We heard the unfortunate statements of the Minister of Public Safety when he was asked by a member from this party about the bill, when he was challenged about it two weeks ago. He suggested that in fact we are either with them and the bill, or else we are with the child pornographers. That was a very unfortunate start, and a very unwise and unfortunate thing to say.

This is a significant piece of legislation. It is important to get the right balance, but it also important to have the right balance in this discussion and not bring such inflammatory language and outrageous statements to us, suggesting that people who are opposed to the bill, law-abiding Internet users and law-abiding computer owners, are in fact somehow on the side of child pornographers. It is outrageous. To suggest that those people who are concerned about maintaining the right of privacy are somehow in cahoots with people who are doing horrible things is unfounded, unjust and unwise. This debate really did get off on the wrong foot.

There has been a great deal of opposition to this bill. There was a great reaction to the comments from the Minister of Public Safety. In

fact, we know that even a few of the Conservative backbenchers were expressing their concern that this bill was going too far. They obviously must have heard from an awful lot of people, as I did and as most members in the House did, who were upset at what the government appeared to be trying to do.

This was certainly perceived by many Canadians as intrusion into the private lives of Canadians without judicial oversight. That is the key point here, what kind of oversight there is going to be. I think that most of us, if not all of us, can understand why this legislation has to be updated. The world has changed in the past year, technologically, and it has certainly changed a lot in the past six years and in the past decade or two.

I noted the comments of Police Chief Frank Beazley of Halifax. He indicated that there is a need for police to have the ability to look at these things. I take his concerns seriously. I share his concern about the ability to prevent crime from happening. I think it is fair to say that, rather than suggesting that someone who opposes this bill or has questions about it is on the side of child pornography. I do not believe there is a member in this House who is on that side. I believe that all of us strongly want to condemn and combat child pornography. Let us have this discussion in a serious sombre way.

We need to have a discussion about what the bill should and should not do, and how it should go forward. We believe it is currently flawed. My leader said earlier today that we on this side would never say that we do not believe there are grounds, times and ways in which the police and other investigating officers have a right to access information which is held by a service provider. He went on to say that the key issue is whether the House is prepared to say to Canadians that it can happen, but it cannot happen without prior judicial authorization. It is really a very specific issue.

Of course it is a complicated bill. There is much more to it that we could talk about. It should be examined, and that is fine. In fact that is how a government should approach things. It should bring forward a bill, which gets to committee if the House decides to send it to committee, and it should be examined there. Members should take a strong interest. Members from all sides, even from the government side, should look at it very critically.

That is the responsibility we have as members of Parliament. I want to refer to what the Minister of Public Safety said today. He has taken a much more moderate tone, thankfully. He said that he believes in the principles of due process, and has respect for privacy and presumption of innocence. Those are fundamental principles. He said that he believes that in his view Bill C-30 adheres to those principles but that we need to update our laws, while striking the right balance.

• (1640)

There is much of that with which we can agree. He says that he wants the balance between combatting crime and protecting privacy. We agree with that. Our sense is that too often the Conservative government's idea of balance is what we may consider a little too far to the right. It is not exactly a balance, in our mind, with what the Conservatives started with here and certainly with the way the minister reacted to being challenged on this.

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Therefore, why not get it right? The Conservatives should have had it right before bringing in the bill. The minister ought to have known what was in the bill. We saw that when he was questioned about it and he did not know about a particular provision in the bill and then discovered it was. That is not an indication of a minister who has done his homework, has prepared himself and has carefully gone over the bill that he is responsible for bringing to the House. It seems to me it is important that the Conservatives stop playing political games.

• (1645)

[Translation]

Let us examine the motion moved in the House today. It asks the House to recognize the fundamental right of all Canadians to freedom of speech. That is very important. It also calls for recognition of freedom of communication, which we are enjoying right now. This has changed a great deal in our lifetime. There were no cellphones or computers 30 or 40 years ago, and we could not exchange emails as we do today. The means of communication have completely changed. This must be reflected in the law and, at the same time, we must protect Canadians' rights.

The motion also asks that the House recognize “that there must be a clear affirmation on the need for these rights to be respected in all forms of communication”. It also suggests “that the collection by government of personal information and data from Canadians relating to their online activities without limits, rules, and judicial oversight constitutes a violation of the Canadian Charter of Rights and Freedoms’ protections against unreasonable search and seizure”.

My question is as follows: how can we ensure that Canadians are protected and that there is oversight of government and police activities, while providing police with the tools they need?

I hope the government will seek a good balance and be open to the comments and arguments made in committee. I remember when our party formed the government. We often had great debates within our party. During committee meetings, Liberal MPs were free to express themselves and, from time to time, they were against the government's position. In a committee considering a bill, it is very important that the members consider their responsibilities toward the public. When we are sworn in as MPs, it is to serve our constituents, but also our country. We have a responsibility to seek the best bills and to make amendments that are going to improve them. Those are challenging and serious responsibilities and we have to take them seriously.

Today's motion also states that “Canadians who have expressed deep concerns about Bill C-30 should not be described as being friends of child pornography or advocates of criminal activity”. That seems obvious to me. I am glad the minister has stopped making such characterizations and, in future, I would like there to no longer be such unfair and abusive responses.

The motion also states “that the Charter is the guarantor of the basic rights and freedoms of all Canadians”.

I hope that the government will support this motion. I find it hard to see any reason why it would not. There are some things we can all agree on, and I hope this is one of them. We shall see.

As I was saying, I am anxious to hear the speech by the hon. member for Westmount—Ville-Marie, who will follow me after the period for questions and comments. I hope all hon. members of the House will support this motion. I see no reason why they would not.

• (1650)

When Bill C-30 is reviewed in committee, I hope there will be a good debate and that there will be openness to amendments.

[English]

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, when I ask my hon. colleague from Halifax West about the legislation, I add parenthetically that the hon. member and I were classmates at Dalhousie Law School in the same years and I want to ask him a legal question.

I look at the legislation and I do not see, as the Conservative members have pointed out, anything that lets police read our emails. I do see an unwarranted invasion of our privacy. How does hon. member feel about the fact that without warrant and without any suspicion of any crime, significant information would be turned over to law enforcement authorities?

Hon. Geoff Regan: Madam Speaker, I thank my hon. classmate. I do not know how often that is said in the House. We often say hon. colleague, hon. friend but not often hon. classmate, so it is nice to be talking about the law with a young classmate from a few years ago.

The idea that without warrant investigators could have access to personal information that, as most Canadians feel, ought to be private is very disturbing and disconcerting. That is the question. What can we find as a balance to ensure police officers have the tools they need so they can quickly get the authorization they need to do the investigation and stop people who are engaging in child pornography from distributing it or taking part in any way in that kind of activity? We have to do that, while at the same time protect Canadians who are law-abiding computer users going about their activities online in a legitimate way, but who ought to be able to do that privately, without someone watching what they are doing. Therefore, it is very disturbing and that is the question with which the committee has to grapple.

The attitude of trying to figure this out is how a government ought to bring this kind of bill to the House, not saying it knows what it is doing and that it is not listening to anybody else and that if it is challenged, it will attack. It is by taking a much more open approach and being open to criticism and to changes.

Mr. LaVar Payne (Medicine Hat, CPC): Madam Speaker, it is interesting because the Liberal Party brought a similar bill forward previously. I am reading from the Quorum and it talks about the *Daily Gleaner*. There is a report that says that in December 2010 New Brunswick RCMP began to investigate a case of sharing child pornography and that the suspect had up to 170 Internet addresses. The police went to the provider who refused that information and about 15 days later the police got the warrant. In the meantime, that user quit using that address so the police could not get any information.

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I wonder how quickly police could track down these child predators without having an opportunity to go in and get some basic information prior to getting a warrant.

Hon. Geoff Regan: Madam Speaker, in relation to the bill brought forward by the Liberal government back in 2005, as I said earlier, the practice of that government and our party was that there was great debate in committee and openness to that debate. Sometimes a bill would go to committee and come back and be changed after that or have big changes in committee because of the debate that went on.

My hon. colleague has raised a valid question and that is the kind of thing with which the committee has to grapple. We know that 95% of police requests for information from Internet service providers are granted. This is really about the other 5% and how we deal with those. I will not suggest for a minute that I want to see that 5% of the people involved in child pornography get away with it, that is not the idea at all. However, there must be some mechanisms in place so there can be approval given quickly, an examination of this sort of question, and that there is also oversight.

One thing that worries me is this idea that every Internet service provider is going need to have the wherewithal, the software or something, to be able to watch what is going on. The worry is that once this is the case, when is it going to be abused and how can we

• (1655)

The Deputy Speaker: Order, please. Resuming debate, the hon. member for Westmount—Ville-Marie.

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Madam Speaker, I am delighted that so many of my fellow MPs are here to listen to my speech.

I would say first of all that Bill C-30 is legitimate in what it ultimately wants to accomplish, which is to assist police authorities in uncovering and pursuing criminals. No one can disagree with that aim but it has never been the reason the bill has provoked so much public outcry.

How we can uncover and pursue criminals is very much the question today, but if we do it by infringing on people's most basic rights, then we have a problem.

In Canada there is a charter, brought in by a Liberal government some 30 years ago. This document is very important. In fact, its content is paramount in any consideration of the Criminal Code of Canada. The charter is the guarantor of the most basic rights and freedoms of Canadians. As an aside, I personally regard the charter, whose 30th anniversary we will celebrate in April, as such an important document that I took a copy of it with me on my second space flight in 1996 to then be able to present it to the prime minister, which I did.

In Bill C-30 as currently written we have a potential violation of the charter, specifically as regards unreasonable search and seizure. More fundamentally, this is also about the privacy of individual Canadians, something that we all cherish and must be extremely vigilant to preserve. Our task is to achieve the right balance between civil liberties and police oversight.

[*Translation*]

In this context, I must remind this government that it was the first to speak out when it decided that protecting the rights of Canadians with regard to the firearms registry was of the utmost importance. We all remember the government's indignation when individuals had to provide certain personal information when registering a long gun. We also remember the government's position on the census.

[*English*]

I can remember coming here several times in the summer of 2010 to discuss the census issue, particularly the fact that the government wanted to take the compulsory long form census and turn it into a voluntary national household survey. Why? It was because the census was going to be an attack on people's personal privacy, as I remember the Minister of Foreign Affairs mentioning, in wanting to know how many bathrooms people might have in their houses. I remember how indignant he was about that kind of information. Yet we know that the bill as presently written is very much at risk of trampling on citizens' most basic rights to privacy, by inappropriately authorizing access by police authorities to sensitive personal information without a warrant.

I do not want the police knowing whom I phone, email or text, and when and how often I do it, unless the police have some sort of authorization to track me. This presupposes some sort of warrant to ensure that such checking of Canadians by police does not get out of control. I am very open to looking into ways of expediting such warrants, but I want there to be some protection from potential abuse. It also presupposes that we have to incorporate measures once a warrant is issued so we do not leave the process completely open ended.

[*Translation*]

Some Conservative members have dared to suggest that the personal information collected could be found in a telephone book. Could anything be more innocent? What a pathetic attempt to trivialize something as important as privacy.

Amendments must be made to Bill C-30 in order to ensure that a balance is achieved between the right to privacy and public safety, of course. I would even go so far as to say that the process transcends this bill because it pertains to the fundamental balance of our country and what that should mean to all Canadians.

We are dealing here with the essence of our fundamental values, the very ones that are found in the Canadian Charter of Rights and Freedoms. How can the minister ignore this reality?

Our position is clear: all parliamentarians have a duty to recognize the fundamental right of every Canadian as set out in the charter and to recognize every Canadian's fundamental right to privacy.

I know that Bill C-30 will be sent to committee before second reading and, needless to say, I support this step, which validates our position. However, this is just the first step, and we must now be vigilant in order to ensure, on behalf of Canadians, that this is not just a smokescreen.

Business of Supply

Will the government set aside its ideological *modus operandi* in order to adopt a *modus vivendi* in the interest of all Canadians? We must take the time required to conduct an in-depth examination of this bill. We will have to hear from many witnesses and experts, and I hope that we will not accept half measures when it comes to legitimately respecting procedures.

We need to recognize that, given these realities and what they mean, the Liberals' reasons for introducing this motion today are quite legitimate. The democratic nature of a society is measured by the manner in which it balances the protection of public safety with civil liberties and individual rights and freedoms.

The Conservatives want to destroy the data about long gun owners, but at the same time, they are planning to collect much more personal information about some Canadians. This bill is a major violation of individual rights and freedoms. We will ask the government to seriously consider the amendments that the Liberals propose in committee in order to ensure that the right to privacy of law-abiding web-surfing Canadians is maintained.

The Liberals are currently consulting experts, including federal and provincial privacy commissioners, with a view to formulating sound amendments to this bill. Even Conservative backbenchers have recognized that this bill goes too far and is a violation of Canadians' privacy.

The Minister of Public Safety's now-infamous suggestion that those opposing the bill stand with child pornographers is disgusting. The minister has not yet apologized in the House. The minister's comment is in the same category as disturbing remarks uttered repeatedly by government members slandering anyone who does not share their opinions, calling them Hitler or Taliban supporters. That kind of remark undermines the parliamentary process and the entire political system.

It is important to bear in mind that police forces already have plenty of tools in terms of investigative powers, tools that could be enhanced in an effective, structured operational framework that meets the needs and expectations of Canadians.

• (1700)

Not only do the current provisions in Bill C-30 go against the Canadian Charter of Rights and Freedoms, but they will be very expensive, and my hon. colleagues can be sure that the cost will be passed on to consumers. Such a broad measure as the minister is proposing will also put an additional burden on wireless and Internet service providers.

Everything depends on the government's willingness to accept the amendments needed to make this an effective bill, particularly concerning the obligation to secure warrants from a judge beforehand.

These amendments must be presented, debated and voted on in a truly transparent context in which all Canadians can witness this bill's progress. To that end, a full debate, complete with testimony from stakeholders on all sides, is absolutely crucial.

• (1705)

[*English*]

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Madam Speaker, I think it is important to remind members that every provincial and territorial attorney general across Canada supports this legislation. In addition to that, police officers across this country are supporting this legislation. The president of the Canadian Police Association, Tom Stamatakis, said: "Without this legislation we're asking our police to use pagers and typewriters to keep up with criminals using smart phones and tablets". Earlier today I also quoted the chief of police for the Waterloo Regional Police Service. He is also the president of the Ontario Association of Chiefs of Police.

These police officers are asking for these changes. Thus I have two questions. Does the hon. member think that our police officers and police chiefs are out of touch? Or what sinister motives does he think motivate our police officers to ask for the changes that are included in Bill C-30?

Mr. Marc Garneau: Madam Speaker, I might be tempted to ask the member about his feelings regarding the police wanting to continue to support the long gun registry and why his side of the House has had such a problem with that.

The reality is that solicitors general support the bill in principle. So do we, in principle. However, the devil is in the details.

I might also point out that privacy commissioners in this country have a considerably different interpretation, and they count as well: it is not just the solicitors general of this country who count.

If my hon. colleague believes that police commissioners have some sort of monopoly on what should be done in this country, then I would ask him to refer back to their position with respect to the long gun registry.

[*Translation*]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Madam Speaker, we support the Liberal motion because we support the Canadian Charter of Rights and Freedoms, and we know that Bill C-30 breaches the fundamental rights and freedoms of Canadians as well as their privacy in a number of ways. In particular, the authorities will be able to investigate an individual without a warrant, and there is no protection against abuses. Furthermore, the Prime Minister himself has recognized that this bill has a number of shortcomings.

Yet, I find it odd that this very bill was introduced previously by the Liberals several times—or at least twice. What has changed so that the Liberals now completely oppose this bill, which we find completely intrusive and contrary to a number of aspects of the Canadian Charter of Rights and Freedoms?

Mr. Marc Garneau: Madam Speaker, my colleague wants to know what has changed. I would say that the world is changing at breakneck speed. When we introduced the bill six years ago, the world was a different place.

Business of Supply

That is why some members on the Conservative side oppose this bill. That is why there has been a nationwide outcry. People are more and more aware of the importance of protecting their privacy. The Liberal Party did not create the outcry. The outcry came from Canadians themselves.

The world continues to evolve in terms of technology, and people are becoming increasingly aware of their rights. And those rights are extremely important, as my colleagues know, because they support the charter.

• (1710)

[English]

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Madam Speaker, we support the principle of the bill, but the devil is in the details. We hope that those concerns will be brought forward at the committee hearings.

Members of the Conservative Party have raised concerns about the bill. I have not seen the members who raised those concerns engaged in the debate today. Maybe they are not allowed to raise those concerns in the House.

Some good amendments were put forward by our colleague from Mount Royal on Bill C-10 and they were dismissed totally by the government—

The Deputy Speaker: Order. I must give the hon. member for Westmount—Ville-Marie at least 15 seconds to respond.

Mr. Marc Garneau: Madam Speaker, Bill C-10 is in the Senate at the moment where the senators are adopting what we in the Liberal Party call the member for Mount Royal's amendments. We expect the bill to be improved as a result of that.

When we get to talking about Bill C-30, we hope that the very sensible Liberal amendments that will be put forward will be adopted in committee so we will not have to go to the Senate and backfill if members understand my meaning.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, it is an honour for me to speak to the opposition motion. I am a little perplexed by the motion, but my inclination is to support it.

I listened to the debate all day and it seemed that members on both sides of the House were more intent on debating Bill C-30 as opposed to the actual motion, and they do not have that much in common. However, I will talk briefly about the bill that is referenced in paragraph (c) of the five proposals contained in the Liberal motion and that is with respect to the constitutionality and compliance with the Charter of Rights and Freedoms.

As a member of the House and of both the public safety and the justice standing committees, I am quite confident that Bill C-30 is charter compliant. Is it a perfect bill? No. Is perfection ever going to be attained when one balances national security and police issues with respect to weeding out child pornography and child predators versus privacy rights? No. We will never obtain perfection because that is a very delicate and precarious balance. We have to make reasonable accommodations for privacy. Privacy must be protected because Canadians expect that their privacy will be protected.

Let me dispel a couple of myths. One of the biggest myths is that somehow the police will have the right to search without warrant the private emails and browser histories of what sites individuals have visited. That is absolutely false. The only information that will be provided without warrant is basic subscriber information which is limited to customer name, address, email address, telephone number, Internet protocol address and the name of the telecommunications service provider. As members who have studied this issue know, that information is already voluntarily provided by the telecommunications providers. Some take longer than others and some provide different information. The bill would make it standard, mandatory and on a more time efficient basis.

With respect to the actual motion that is before the House and on which we will be voting in just over 30 minutes, the motion itself is supportable. Of course legislation ought to be charter compliant. I would suggest that Bill C-30 is charter compliant. It is not perfect. It tries to balance Canadians' needs and the expectation of privacy versus the needs of police to provide security for citizens.

The government has taken the nearly unprecedented step of referring Bill C-30 to committee prior to second reading debate in the House so that Canadians can have an even more fulsome debate than normal trying to balance the rights of privacy versus the needs of national security. It is a good bill. It is not a perfect bill, but we are going to make it better.

On the wording of the motion, the motion is supportable.

• (1715)

[Translation]

The Deputy Speaker: It being 5:15 p.m., it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the business of supply.

The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And five or more members having risen:

The Deputy: Call in the members.

• (1755)

[English]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 135)

YEAS

Members

| | |
|-----------------------------|---|
| Ablonczy | Aglukkaq |
| Albas | Albrecht |
| Alexander | Allen (Welland) |
| Allen (Tobique—Mactaquac) | Allison |
| Ambler | Anderson |
| Andrews | Angus |
| Armstrong | Ashfield |
| Aspin | Atamanenko |
| Aubin | Ayala |
| Baird | Bateman |
| Bélanger | Bellavance |
| Bennett | Benoit |
| Benskin | Bernier |
| Bevington | Bezan |
| Blanchette | Blanchette-Lamothe |
| Blaney | Block |
| Borg | Boughen |
| Boulerice | Boutin-Sweet |
| Brahmi | Braid |
| Breitreuz | Brisson |
| Brosseau | Brown (Newmarket—Aurora) |
| Brown (Barrie) | Bruinooge |
| Butt | Calandra |
| Calkins | Cannan |
| Caron | Carrie |
| Cash | Charlton |
| Chicoine | Chisholm |
| Chisu | Chong |
| Choquette | Chow |
| Christopherson | Clarke |
| Cleary | Clement |
| Coderre | Comartin |
| Côté | Cotler |
| Crowder | Cuzner |
| Daniel | Davidson |
| Davies (Vancouver Kingsway) | Davies (Vancouver East) |
| Day | Dechert |
| Del Mastro | Devolin |
| Dion | Dionne Labelle |
| Donnelly | Doré Lefebvre |
| Dreeshen | Dubé |
| Duncan (Etobicoke North) | Duncan (Edmonton—Strathcona) |
| Dusseauit | Dykstra |
| Eyking | Fantino |
| Fast | Findlay (Delta—Richmond East) |
| Finley (Haldimand—Norfolk) | Flaherty |
| Foote | Freeman |
| Fry | Galipeau |
| Gallant | Garneau |
| Garrison | Genest-Jourdain |
| Giguère | Gill |
| Glover | Godin |
| Goguen | Goldring |
| Goodale | Goodyear |
| Gosal | Gourde |
| Gravelle | Grewal |
| Grogulé | Harris (Scarborough Southwest) |
| Harris (St. John's East) | Harris (Cariboo—Prince George) |
| Hassainia | Hawn |
| Hayes | Hiebert |
| Hillyer | Hoback |
| Hoepfner | Holder |
| Hsu | Hughes |
| Hyer | Jacob |
| James | Jean |
| Julian | Kamp (Pitt Meadows—Maple Ridge—Mission) |
| Karygiannis | Keddy (South Shore—St. Margaret's) |
| Kellway | Kenney (Calgary Southeast) |
| Kent | Kerr |
| Komarnicki | Kramp (Prince Edward—Hastings) |
| Lake | Lamoureux |
| Lapointe | Larose |
| Latendresse | Lauzon |
| Laverdière | LeBlanc (Beauséjour) |
| LeBlanc (LaSalle—Émard) | Leef |
| Leitch | Lemieux |
| Leslie | Leung |
| Liu | Lobb |

Business of Supply

| | |
|---|---|
| Lukiwski | Lunney |
| MacAulay | MacKay (Central Nova) |
| MacKenzie | Mai |
| Marston | Martin |
| May | Mayes |
| McCallum | McColeman |
| McGuinty | McKay (Scarborough—Guildwood) |
| McLeod | Menegakis |
| Menzies | Merrifield |
| Michaud | Miller |
| Moore (Abitibi—Témiscamingue) | Moore (Fundy Royal) |
| Morin (Chicoutimi—Le Fjord) | Morin (Notre-Dame-de-Grâce—Lachine) |
| Morin (Laurentides—Labelle) | Morin (Saint-Hyacinthe—Bagot) |
| Mourani | Murray |
| Nantel | Nicholls |
| Nicholson | Norlock |
| Nunez-Melo | O'Connor |
| Obhrai | Oda |
| Oliver | Pacetti |
| Paradis | Patry |
| Payne | Péclet |
| Penashue | Perreault |
| Pilon | Plamondon |
| Poilievre | Preston |
| Quach | Rae |
| Rafferty | Raith |
| Rajotte | Rathgeber |
| Raynault | Regan |
| Reid | Rempel |
| Richards | Richardson |
| Rickford | Ritz |
| Rousseau | Sandhu |
| Savoie | Saxton |
| Scarpaleggia | Schellenberger |
| Seeback | Sgro |
| Shea | Shipley |
| Shory sor) | Simms (Bonavista—Gander—Grand Falls—Wind- |
| Sims (Newton—North Delta) | Sitsabaiesan |
| Smith | Sopuck |
| Sorenson | St-Denis |
| Stanton | Stewart |
| Stoffer | Storseth |
| Strahl | Sullivan |
| Sweet | Thibeault |
| Tilson | Toet |
| Toews | Toone |
| Tremblay | Trost |
| Trottier | Truppe |
| Turmel | Tweed |
| Uppal | Valcourt |
| Valeriotte | Van Kesteren |
| Van Loan | Vellacott |
| Wallace | Warawa |
| Warkentin | Watson |
| Weston (West Vancouver—Sunshine Coast—Sea to Sky Country) | Williamson |
| Weston (Saint John) | Woodworth |
| Wilks | Young (Oakville) |
| Wong | Zimmer— 274 |
| Yelich | |
| Young (Vancouver South) | |

NAYS

PAIRED

Nil

Nil

The Speaker: I declare the motion carried.

It being 5:59 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

*Private Members' Business***PRIVATE MEMBERS' BUSINESS**

● (1800)

[English]

WORLD AUTISM AWARENESS DAY ACT

Mr. Harold Albrecht (Kitchener—Conestoga, CPC) moved that Bill S-206, An Act respecting World Autism Awareness Day, be read the second time and referred to a committee.

He said: Mr. Speaker, I appreciate this time today to speak to the issue of autism in light of Bill S-206, an act respecting world autism awareness day. It is good for us in the House to have the opportunity to discuss this health issue that affects people all over the world. This bill was tabled in the other place by Senator Munson and I am pleased to support the bill.

This government recognizes that autism spectrum disorders, referred to as autism or ASD, represent a serious health and social issue affecting many Canadian families and individuals from all walks of life. In just a few short decades so much has changed regarding our awareness and understanding of autism.

Regarding Bill S-211, the predecessor bill to Bill S-206, I stated in the House that when I joined the Waterloo County School Board as a trustee in 1978, one of our superintendents mentioned the word "autism". To be honest, I had not even heard the word before that time. I certainly did not understand it. I remember how our officials grappled to address the needs of the children and their families who were facing the challenges of dealing with autism. Since that time, it is obvious that we have come a long way in addressing this issue, but that we also still have a long way to go.

Today, our government is pleased to have the opportunity to express our support for Bill S-206, an act respecting world autism awareness day. Since I have the honour of sponsoring the bill in the House of Commons and therefore being the first speaker, I will briefly review some of the very basic and elementary facts about autism.

Autism is a complex, life-long, neurobiological condition that is part of a group of disorders known as autism spectrum disorder, or ASD. Autism affects a person's ability to communicate and relate to others. It is characterized by repetitive behaviours and the need for strict routines. Symptoms can range from mild to severe. Autism can impair the development of speech and an individual's ability to relate to people, making it hard for them to make friends and to be socially accepted.

Autism impacts the way individuals react to what is happening around them. They are often oversensitive to certain stimuli, such as noise or being touched, and they can have difficulty adapting to new situations or any activity out of the ordinary. For those with milder symptoms, they will appear like any other individual, but still often seem very socially awkward. They may have puzzling behaviours in otherwise normal situations making it difficult for others to understand or know how to react to them. I want to stress that no one person with autism is the same as another. Each has varying abilities, skills and needs like all of us. Each individual is unique and must be viewed, recognized and treated as such.

Right now we do not know how to prevent autism, nor is there a cure or any single treatment. This represents a significant challenge to health care providers, to families and to policy-makers. So, where are we on this issue? We find there are many important questions to be addressed. What are the best methods for a diagnosis? How many Canadians have autism? What are the causes of autism and how can we prevent it? Why are boys four times more likely to be diagnosed with autism than girls? What are the best treatments and intervention? How can we best support individuals with ASD and their families?

Although there are many unknowns, I do not want to sound pessimistic. There has been much progress over the past decades. There have been many advances. As one example, we know that the earlier the diagnosis is made, the earlier the interventions can begin in order to maximize the benefits and outcomes. Diagnosing ASD is not easy because of the complexity of the condition and the range of the autism spectrum. There is no simple biomedical test. We need a team of specially trained professionals observing and assessing specific behaviours. These professionals will use a variety of different screening tools that assess development and the level of disability.

Currently, most children with autism are diagnosed within the first three years of life. However, we know that research is helping to improve the diagnostic tools such that some of the signs of autism can now be detected as early as 12 to 18 months of age. This makes it possible to intervene much earlier, thus leading to better outcomes.

Diagnosing autism is difficult when so much is still unknown about its causes. It is commonly believed that there are likely many causes including: environmental, biological and genetic factors.

● (1805)

Regarding treatment, it is commonly understood that there is no single intervention for all patients. Current interventions focus on specific aspects of the disability, such as developing communication and social skills. Research into this area continues and our understanding is increasing.

Current data indicates that autism is the third most commonly reported chronic condition among children under the age of four, after asthma or severe allergies and attention deficit disorder. However, these are the numbers diagnosed and reported, not numbers of children actually affected by autism. With so many unknowns, it is important to build on our knowledge and evidence about ASD. We can then apply this information to improve diagnosis and treatment and to raise awareness among Canadians. To ensure that we have sound scientific knowledge of ASD, the Government of Canada is focusing efforts on surveillance and on using the data to provide useful information to families and health care providers.

Private Members' Business

Let me provide a few more details. First, surveillance is the systematic collection of data about health conditions, disorders and illnesses in a population, including trends over time. Information from surveillance is used to inform and direct public health action. Establishing a surveillance system is not an easy task but it is an essential one if we are truly to understand the magnitude of any health issue. To be effective, surveillance must be built on a foundation of agreed-upon and achievable objectives. Case definitions, surveillance standards, data collection tools and a framework need to be developed to ensure that data collection, analysis and reporting provide reliable and timely information.

The standing committee on social affairs, science and technology from the other place recognized the importance of surveillance for autism diagnosis in its report entitled "The Enquiry on the Funding for the Treatment of Autism. Pay Now or Pay Later. Autism Families In Crisis". That report called for a national surveillance of autism and recommended that key stakeholders be consulted.

This government is already taking action in this area. I am pleased to report that the Public Health Agency of Canada is currently consulting with provincial and territorial representatives to determine current priorities, practices, data availability and plans related to the surveillance of ASD and other developmental disorders. An expert advisory committee is being created to guide the development of this new surveillance system. The first meeting of this committee is scheduled for March 2012. This expert advisory committee will review the information collected from the provinces and territories to determine the best way to capture information on ASD across Canada. Over the next year, the Public Health Agency of Canada, through the expert advisory committee, will continue working with provincial and territorial partners, national stakeholders and experts in health, education and social community services to design, develop and implement pilot projects across the country. This will enhance national surveillance of autism and other developmental disorders in Canada.

This work will bring us that much closer to answering that most important question of how many. It will also go a long way to providing vital information to support policy and program development across the country. Knowing the magnitude of the problem and the issues around it will help governments and communities identify how best to direct resources to improve the lives of those living with autism. Over the next year, the Public Health Agency of Canada, working with the expert advisory committee, will develop a framework and national standards for surveillance and will identify pilot sites for a surveillance system. These activities build on previous investments by the federal government in the research and surveillance of autism. It is crucial work that will bring together key players to help overcome the challenges of autism in Canada.

Finally, we cannot underestimate the power of scientific evidence when it is translated into useful information for raising awareness and taking action. Much effort is being focused on early diagnosis and early intervention for children. While this is a laudable and right thing to do, we must not forget the teens and adults with autism. While many adults with this condition lead successful lives, others will need ongoing support. This latter group needs our special attention, as little is known about the best ways to support them and their families. By working with our partners to raise awareness of

what it is like to live with autism, we can support the adolescents and adults of today and tomorrow to reach their full potential and take their place in our communities.

● (1810)

Individuals with autism and their families want what everyone wants, to fulfill their aspirations and flourish with the support of their family, friends and society as a whole. All too often, however, they and their families face the stigma and lack of understanding of the challenges they face and the support they need in order to reach their full potential.

Families can feel that they are on their own. They might not know which way to turn or where to seek the best advice. However, through their personal advocacy efforts, individuals affected by autism and their families have shown us how resilient they are. People affected by this condition can and do succeed with the right support. It is important that these individuals and their families know that the federal government is working with its partners and other stakeholders to support the autism community by enhancing the evidence base and increasing awareness.

Many times over the last six years since I have served here in Parliament, and again today, my friend and colleague, the member for Edmonton—Mill Woods—Beaumont has shared his very personal journey with this House. He has demonstrated how a family deals effectively with the enormous challenges faced by those dealing with autism. It has been a real honour, not only for me and my colleagues on this side of the House but for all members, to have met Jaden, to see the fantastic enjoyment that he gets from life and to experience the joy that he gives to each of us as members.

I am amazed at the perseverance and tenacity that is needed by every family and community that deals with autism on a daily basis. It is clear that we need to do all that we can to raise awareness and work toward effective support and solutions. Through public dialogue on autism spectrum disorder, and through our support for activities to increase knowledge, we are helping to increase awareness not only of the challenges faced by those with autism and their families, but also of the potential of these individuals.

I am grateful for the opportunity today to speak on autism and to share the ongoing work that is taking place to support Canadians.

[*Translation*]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, World Autism Awareness Day is a step in the right direction, but I think other steps must follow in terms of funding and awareness.

Private Members' Business

I would like to know whether my colleague believes the two bills introduced by the hon. member for Sudbury, namely Bill C-218—which would ensure that the cost of applied behavioural analysis and intensive behavioural intervention for autistic persons is covered by the health care insurance plan of every province—and Bill C-219—which provides for the establishment of a national strategy in order to coordinate service delivery for autistic persons—are steps in the right direction to continue the work being done on this disease. I would also like to know whether he then intends to recommend to his Conservative colleagues that they support these two private member's bills.

[English]

Mr. Harold Albrecht: Mr. Speaker, I admit that I am not intimately familiar with the bills that my colleague is referring to. However, let me say that our intention in promoting this bill is to create and increase awareness surrounding autism and the challenges that it causes.

If there are issues that are included in the bills that have been referenced that relate to provincial authority, obviously the federal government cannot mandate to the provinces how they would implement their care for autism or its needs. Further, as members will know, a private member's bill cannot commit the government to the additional expenditure of funds. But as it relates to a national framework or a national strategy, there are ways that this could be implemented within the health department. I would certainly like to look at that further before I would commit myself either way.

[Translation]

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, I commend my colleague for his speech and for taking the important initiative to bring this bill before the House of Commons. Senator Munson has often talked about the importance of this issue. I hope the House will support this initiative.

•(1815)

[English]

I just have one question. I am wondering if our colleague has reflected on it in preparing to introduce this bill. Although anecdotal and not based on any scientific information, I have the sense that there is an increase in the number of cases where autism has been diagnosed. In New Brunswick, three or four of my friends have children who have been diagnosed with Asperger syndrome or autism spectrum disorder. Is my colleague of the view that it is because there is a greater awareness and more medical research? Or are there reasons to think that the number of people being diagnosed is increasing, and there might be other factors leading to an increase of this very difficult condition?

Mr. Harold Albrecht: Mr. Speaker, I certainly am no expert in terms of increases that have occurred. As I mentioned in my speech though, back in 1978, which was not that long ago, honestly, I did not even know what autism meant. Here we are a few years later, and we have so much more information on it.

Obviously, there are a couple of factors at play. There may in fact be an increase in the number of incidences of autism. That is probably true. I think another factor that often comes into play, not just with autism, but with many of the medical issues that we face today, is that we have far better diagnostic tools. Our medical

practitioners are more aware of these early signs and can actually help us identify earlier. Therefore, there is probably a two pronged answer to that question.

I do not profess to be an expert on autism. I think part of our job here as parliamentarians is not to be medical experts but to get the medical experts to the table and to raise awareness with the public, so that we as individual members, and Canadians, are more aware of the challenges that families who are dealing with this are facing on a daily basis.

Mr. Blaine Calkins (Wetaskiwin, CPC): Mr. Speaker, I want to thank my colleague from Kitchener—Conestoga for bringing this issue forward. He is the epitome of what members of Parliament should be. When people back home look at the House, he has always conducted himself with dignity and grace in the execution of his duties. I thank him for his continued service to the people he represents and, obviously, for the service he is providing here for all Canadians.

He had an eloquent speech. What was his personal inspiration in choosing this as part of his private member's business? Could he enlighten the House on any groups or agencies that have contacted him and supported him that would help further my ability to research this particular issue in my support of my colleague?

Mr. Harold Albrecht: Mr. Speaker, I thank my colleague for his very kind remarks.

I stated in the outset of my speech today that this initiative owes its momentum to the work of Senator Munson in the other place. It is his work that has brought this bill to the attention of the House on a number of occasions. I was more than pleased to be the sponsor here in the House of Commons.

Every member of Parliament has the honour of presenting a private member's bill. In addition, they have up to one Senate bill that they can sponsor in the House. When I was approached to take this on, it was an honour for me to do it. To be honest, that is partly because of my connection with my colleague, the member for Edmonton—Mill Woods—Beaumont.

[Translation]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, it is a pleasure for me to speak about this particular issue. When the debate centres on health issues or a bill concerning a health issue, it is always a wonderful opportunity for me, as a nurse, to speak in the House on the subject. We must understand that, unfortunately, autism is a widespread and common condition, a grave condition not only for the person affected, but also for the family and friends of the individual. It is an illness that unfortunately has no cure.

It is a neurological disorder that affects millions of Canadian families, especially children. Autism affects how the brain works and results in behavioural disorders that are more or less severe, depending on the case, an inability to have normal social interactions and communication, and repetitive and very structured behaviours. Symptoms vary in severity from one person to the next and can change over time. There can be a small to moderate improvement depending on the behavioural therapy and assistance provided to the child from a young age, although the symptoms never go away.

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It is estimated that 1 in 100 children is affected, which makes autism the most common neurological illness in children. It is more prevalent than childhood cancer, AIDS and diabetes combined. It is estimated that autism affects 35 million people around the world. In Canada, 48,000 children and 144,000 adults have autism. If we factor in family members, friends and people in the circle of those affected, the number of Canadians who have to cope with the consequences of this condition on a daily basis is very high.

At present, we do not know what causes autism, even though some factors or statistical congruences point to certain things. The research is focusing on certain genetic, biological and environmental factors. However, to date, researchers have been unable to determine the causes with certainty or ascertain whether there is a way to treat or prevent this condition. Thus, it truly is an important Canadian health issue and it should definitely be a major national concern.

The symptoms include the lack or absence of socialization and communication. This is manifested in trouble communicating and delayed development of language, which can be more or less serious depending on the severity of symptoms. It should be understood that autistic children are not like other children. Autistic children will not understand other children. They will not understand their interests. They will not understand their behaviour, their games. It is very difficult for autistic children to interact with other children because they do not understand them.

There are also other symptoms. In fact, these children can have severe crises, become agitated, go silent, and act in ways that are incomprehensible to everyone but themselves. It makes family and social life very difficult.

Here is a concrete example. When a 3 year-old child has a severe crisis and becomes violent, the parents are able to cope. However, when a young man of 16, weighing 250 pounds, has a crisis and his mother intervenes, it is much more serious. Parents sometimes get hurt. The child injures the parent, and the parent does not understand why. This has a major impact on families. I wanted to share this concrete example because I believe it is important to understand what parents go through.

There is another important point that needs to be made. Most children without autism—normal children, if I can call them that—do not understand autistic children or the way they behave. It is very hard for them to understand why the next door neighbour, their friend, behaves in a particular way. Consequently, most children are not inclined to socialize with autistic children. This is but another example of a breakdown in the autistic child's ability to socialize, communicate and interact.

I have spoken about the implications of having an autistic child and how difficult it is for families to cope. Consequently, these families tend to isolate themselves.

● (1820)

Communication with the outside world is almost nonexistent because everything has to be managed to the nth degree. It involves constant care and the parents have a lot of trouble coping. Parents often tend to live in a little bubble. There is so much to do at home that they do not have time to see their friends, to unwind and to think of other things. Their life tends to revolve around the illness.

When the diagnosis is made, the family's life changes forevermore. When the pediatrician, psychologist or psychiatrist assessing the child diagnoses her with autism, it is understood that the child will have to be looked after for the rest of her life. Even when the child reaches adulthood, she will still require help and support. A family member will have to provide care for the rest of the autistic person's life. This places a huge burden on families.

Let me give a concrete example. When a child starts yelling and flailing about at the supermarket, or when a parent wants to take a child shopping, or to a friend's place, or to see the doctor, and the child throws a tantrum, the parent does something about it. Usually, after one or two attempts—if the parents are capable—the situation is resolved and the child has understood. It is not like that with an autistic child. The crises are unpredictable, and it is impossible to know when they will occur. Moreover, they could occur anywhere.

No one within earshot understands what is going on, nor do they understand why the child is acting out. To outsiders, it seems that the parent of an autistic child has no control and no idea what to do with the child. It is extremely hard to cope with these kinds of situations. Every outing is an adventure and it is impossible to know how the child is going to behave. Everything must be planned to the nth degree. Playing things by ear is not an option; everything must be structured to ensure the best possible outcomes and the least negative consequences for the child. It is extremely hard to find that structure, hence parents' social isolation.

In most cases, when both parents work, life becomes virtually unmanageable. One parent has to stop working and look after the child because it is too big a task. It is no secret that looking after an autistic child requires very specific skills. Unfortunately, I do not think that caregivers are breaking down the doors to go and help the parents of autistic children, because it is really difficult.

The implications for parents, brothers and sisters include burnout, a feeling of isolation, and uncertainty about the future of the child. They have no idea whether the child will be capable of performing a particular task or if the child will one day enjoy some degree of autonomy. There is also a form of discrimination insofar as the other children do not receive the same attention. Things can get really tough, and some parents even commit suicide or attempt to do so. Looking after an autistic child is no mean feat.

This bill proposes a World Autism Awareness Day. No one will vote against the bill because it is a good piece of legislation. It must be passed. Even if the World Autism Awareness Day is instituted, we must go further and take action to encourage research, access to care, support, financial, psychological and family assistance, as well as education and work life skills for people living with autism.

I would ask people to not make do with simply passing this bill. We need to walk the talk and take serious steps to truly relieve what I believe is an excessive burden on families.

I call on my colleagues to support this bill and to follow up with action.

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• (1825)

[English]

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I am pleased to speak in support of this private member's bill by the member for Kitchener—Conestoga. Here I would also refer to the fact that the bill originated in the other place and was brought forward by Senator Jim Munson.

On December 18, 2007, the United Nations General Assembly adopted resolution 62/139 that would recognize April 2 of each year as World Autism Awareness Day. One hundred and ninety-two United Nations representatives agreed that World Autism Awareness Day would draw the attention of people around the world to this neurological disorder.

As we have heard colleagues say, much about the disorder is a mystery to the general public. Any way to raise awareness and understanding of the disorder, the developmental disabilities and the behavioural issues that occur with this disorder, is going to be very important.

We do know that 1 in 150 Canadian children is diagnosed with some form of the autism spectrum disorder. The number of new cases, we think, is increasing anywhere from 10% to 17% a year. Boys are four times more susceptible than girls.

Autism spectrum disorder is a neurological disorder resulting in a developmental disability that affects communication, social understanding, behaviour, activities and interests. As with any spectrum disorder, we are looking at a range from mild to severe and moderate or in-between levels. We are talking about very different levels of issues and problems with these young children.

It is the most common neurological disorder among children. There is no cure, but there are methods of dealing with the disorder through recognition of early symptoms and getting testing done. We know that it can be recognized in children as young as six to twelve months old.

Once a child is diagnosed, it is important to get the necessary health team in place. This is a complex team made up of physicians, specialists, therapists, psychologists and teachers who are trained to understand the complexity of autism.

One problem that we have in Canada, which we must raise awareness about, is the unequal access across the country to spectrum disorder care. Some provinces provide it but some do not. There is an inability to deal with this issue across the country in a similar way. Here we know that Canada Health Act tells us that we need to have accessibility no matter where one lives and regardless of one's ability to pay. Therefore, it is unacceptable that Canadians do not have the same access to care regardless of where they live and regardless of their socio-economic status.

While we know that many people can afford to pay for the care, to get the teachers and to pay for the psychologists, we also know that in some instances the problem is the following. The Canada Health Act deals with physicians and hospitals, but because many children with autism spectrum disorder do not have to be in a hospital or do not have to be treated by a physician only, psychologists, therapists, or other kinds of help not covered under medicare or the Canada

Health Act are not paid by medicare and people then have to pay out of their pockets. There are many families who cannot afford this. Therefore, the ability to have access to care based on the ability to pay is a real problem for many of these families.

The Autism Society of Canada is calling on the federal government to take a leadership role. What we see here today is a private member's bill that speaks to the issue of a day of awareness.

Awareness is not enough; we need to know what that awareness will lead to. As soon as we are aware of something in the country, especially something that deals with children, we need to think of the fact that Canada is a signatory to the United Nations Convention on the Rights of the Child and that children should have the right to access the care they need when they need it. Recognizing and being aware of the day will lead us into thinking what we are going to do about it. How will the federal government take a leadership role in coordination across the country so we do not have a disparity in terms of people's ability to access care based on the province they are living in?

Among the things that the Autism Society of Canada is suggesting is that we increase funding for provinces and territories to provide critical treatment as defined under the Canada Health Act, even though many of the caregivers are not actually defined within the Canada Health Act, and that we also provide education, professional training and the required supports for Canadians with autism spectrum disorder.

• (1830)

The Public Health Agency of Canada, as we heard earlier, is going to look at this from a national pan-Canadian priority. It will look at surveillance, reporting and how we gather data. Do we know for sure that there is an increase of 10% to 17%? Are we diagnosing appropriately? Are we able to track how many people have been diagnosed or missed because they happen to be on the mild end of the spectrum disorder? This is the kind of information we need to gather. This is something the Public Health Agency of Canada can do, not only surveillance and reporting but setting national standards for treatment, such as what constitutes treatment for this disorder and how we deliver the services appropriately to children across the country.

We need to look therefore at allocating significant funds targeted for autism spectrum disorder research and to find out more about how the Canadian Institutes of Health Research can determine cause, early detection and ways to deal with treatment. As we have heard, improving financial and other supports to individuals is key. A lot of this is not covered under the Canada Health Act. Caregivers are not covered under the act. This is part of what we have talked about with the Canada health accord: how we expand the way we care for people with chronic disease; and how we manage these diseases so people have the ability to live with dignity within our society and be given the best opportunities to realize their potential. This is a core piece of what we are talking about.

We need to look at ways to improve financial and other supports to individuals who cannot afford it, especially through the federal tax and labour systems. As we know, for many families, one parent has to stay at home, give up a job and the family loses a significant amount of income. Therefore, we need to look at that kind of assistance. In many instances, even if one parent can stay at home to look after a child, there will be stress on that family member and there will be a need for some kind of respite care. We need to look at that kind of built-in way of helping families cope.

One thing we need to talk about is how to develop a national strategy on autism spectrum disorder. This bill seeks to raise awareness and understanding, especially among children of this disorder. As they see their playmates or those who should be their playmates behaving in a very disruptive manner or strangely sometimes, young kids need to understand. We have seen this happen in the past. We have helped young children understand persons with other physical and mental disabilities. People now take for granted young people with other mental disabilities being in their classrooms. They learn to live with them, understand them, make allowances for them and bring them into the system of education and care.

What we hope to try to do in many ways is normalize and integrate young children into society with this disorder. Helping kids understand the behaviour of other kids is a key part of it, as well as training teachers and helping them understand early diagnosis and helping parents learn what to look for in a young child and to pick it up very early.

Given that all members of the House seem to support this private member's bill, we need to do what is required, which is better screening, early intervention, accurate and timely diagnosis, equal access to care across Canada, educational needs and supporting adults and seniors with ASD and their caregivers.

• (1835)

Ms. Lois Brown (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, today I rise before hon. members to discuss a health issue of great importance to Canadian families, autism spectrum disorder, or ASD. This is an issue that affects individuals and families across Canada, regardless of social or economic circumstances. ASD is a lifelong challenge for those who have it and for their caregivers.

The range of autistic disorders fall on a spectrum, with symptoms ranging from mild to severe. These symptoms often include repetitive behaviour and difficulties with social interaction, communication and learning. There is no standard type or typical person with ASD. Each one is unique. It is important to also realize that because they are at different places on the spectrum, individuals with autism vary widely in their needs, skills and abilities.

In recent years, our knowledge about ASD has increased tremendously. For instance, we now understand the importance of early intervention, treatment and support. While diagnosis remains a challenge because of the complexity and range of autism disorders, research in early diagnostic tools has improved and has shed light on the first signs of autism.

Currently, most children with ASD are diagnosed within the first three years of life. However, because symptoms vary along the

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spectrum and between individuals, some children, such as those with Asperger Syndrome, are often not diagnosed until they reach school age.

It is clear that autism spectrum disorder is an especially complex topic, with multiple causes, varying effects and ripples of impact that spread through our society. To date, significant research has been done to determine the origins of ASD. There has been a great deal of meaningful progress, but there remains much that we cannot yet explain. More research is needed to gain a better understanding of this complicated condition, and we need to understand the rates and trends of these conditions.

That is why our government is taking action. We are working to improve scientific understanding of autism, to enhance surveillance of all ASDs in Canada, to accelerate the translation of new knowledge into better treatments and care and to raise awareness and public understanding of ASD.

To begin with, we recognize that strengthening the knowledge base is the first essential step. We need to improve our understanding of autism so we can know how it is caused, how it affects the individual and the relative effects of different treatments. Building this understanding makes it possible for people with autism to get the best care possible based on the latest evidence. It also helps those with autism to make the most informed choices.

Recognizing the need for more information on autism and its causes, the Government of Canada supports a number of activities to promote the enhancement of knowledge and to build awareness and understanding of disorders such as autism.

Through the Public Health Agency of Canada, we are developing a national surveillance system to collect basic data to better understand how many Canadians are living with ASDs. This system will support policy and program development, as well as research.

This government is also encouraging high-quality scientific research, while supporting the sharing of best practices and communication among partners, stakeholders and the population at large. Activities in this regard will improve our knowledge about autism to ensure that future action by provincial and territorial governments, caregivers and families will be well informed.

With respect to scientific health research, the Government of Canada has made significant investments in autism-focused research projects through the Canadian Institutes of Health Research, the CIHR.

One of CIHR's main priorities, as stated in CIHR's current strategic plan, is to promote health and to reduce the burden of chronic disease and mental illness. Autism-related research is an important component of CIHR's work on this priority.

The Canadian Institutes of Health Research has invested \$39.5 million to autism-related research since 2000.

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● (1840)

Work in the area of autism spectrum disorder at the CIHR is led by one of its 13 institutes, the Institute of Neurosciences, Mental Health and Addiction. This institute leads efforts to support autism-related research and is working with partners in the autism community to set research priorities and coordinate action. The institute also works to accelerate the speed at which knowledge is translated into improved help for those Canadians with autism and their families.

I would like to take this opportunity to highlight some of the groundbreaking projects this government is supporting.

An excellent example is CIHR-funded research led by Dr. Susan Bryson, Dr. Eric Fombonne, and Dr. Peter Szatmari at McMaster University. These dedicated researchers are working to understand the different development pathways followed by children with autism spectrum disorder. They also seek to identify predictors of good outcomes.

The answers to the questions they are investigating can be used to develop new intervention programs. That means better lives for those living with autism and their families. This project has the potential to fill important evidence gaps on the developmental pathways and treatment of children with ASD.

In Halifax, the IWK Health Centre, another CIHR-funded study is investigating the effectiveness of early intervention behavioural intervention programs for children with autism. Led by Dr. Isabel Smith, this research promises Canadians much needed information that will guide policy and facilitate more effective service delivery.

At York University, Dr. Adrienne Perry and her team are conducting studies to address outstanding questions regarding outcomes for children with severe development disabilities, including autism, and their families.

The study titled, "Great Outcomes for Kids Impacted by Severe Development Disabilities", is funded under CIHR's emerging team grant program for a three year period. The answers to these researchers' questions will have important implications for policy and service allocation.

These are three examples of excellent projects with the promise for concrete improvement to the lives of Canadians living with autism. These are important endeavours. They serve to advance current autism research in Canada, to build international collaboration and to strengthen autism research capacity for today and tomorrow.

Additional investments are targeted at encouraging the translation of research findings into better health services and health outcomes. While this is achieved to some degree through funding for ASD research, CIHR programs also support research on health services and knowledge translation more generally.

For example, CIHR's Institute of Health Services and Policy Research is designed to advance research and knowledge translation initiatives to improve the way health care services are organized, regulated, managed, financed, paid for, used and delivered. In this way, new information resulting from research can be translated into improved health and quality of life for all Canadians.

Furthermore, CIHR has worked with Health Canada and with the Public Health Agency of Canada to support the dissemination of autism information. An early example of these efforts is the National Autism Research Symposium.

The purpose of the symposium was to provide an opportunity for governments, community members, researchers and those affected by autism spectrum disorder to network and identify gaps in the available scientific evidence. Identifying the missing pieces is the first step toward developing evidence-based treatment.

The symposium served an important role of building linkages between different stakeholders and became the road map for many of the actions on ASD that I am discussing today.

As I mentioned earlier, increasing the knowledge base and accelerating the translation of new knowledge into better treatments and care is only part of our efforts. We also need to increase awareness of this challenging health issue.

To this end, in 2009 the Minister of Health declared that Canada would join jurisdictions around the world in recognizing April 2 as World Autism Awareness Day. In doing so, our government made a lasting contribution to ensuring that Canadians were aware of the struggle faced by those affected by autism. In addition, October is internationally recognized as Autism Awareness Month.

I am thankful for the opportunity to speak to this complex issue. I would also like to express thanks to the hon. members of the other place for their support on these measures.

● (1845)

[*Translation*]

Mrs. Sana Hassainia (Verchères—Les Patriotes, NDP): Mr. Speaker, I am pleased to rise in the House today to salute this initiative, which has been brought forward again by our distinguished colleague, the hon. member for Sackville—Eastern Shore. He first introduced a bill on World Autism Awareness Day in 2005. Six long years later, it looks as though people with autism and the families of children with autism spectrum disorder will finally get the recognition they so greatly deserve.

For interest groups working in the field, an annual day would be a date around which activities could be organized and would provide the groups with the motivation to focus their efforts around a day to work with parents and people with autism spectrum disorder.

Autism is the most common brain disorder among children since one in every 110 children has some form of autism. There are an estimated 35 million people living with autism throughout the world. Although detailed epidemiological data are rare, in Canada, approximately 48,000 children and 144,000 adults suffer from some form of the disorder. Furthermore, the rate of autism has increased each year for no apparent reason. It is estimated that the rate of autism increased by 600% over the past 20 years.

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It is important to understand the reasons behind this dramatic growth, but it is also important to help Canadians gain a better understanding of autism. There are a number of types of autism but, generally speaking, autistic disorders are marked by difficulty with social interaction. Some forms of autism do not completely limit the individual's ability to interact with others; however, other forms of the disorder cause individuals to show no interest whatsoever in other people.

People with autism generally have a great deal of difficulty engaging in and maintaining a conversation. The disorder makes communication extremely difficult. Forty per cent of autistic children will not learn to speak without intensive and early intervention. This type of intervention requires resources that must be made available to the families that need them. Unfortunately, the government is doing almost nothing to help people with autism. The recognition of World Autism Awareness Day is important, but it is really just the beginning.

Members on this side of the House have suggested numerous measures to support families that are already making countless sacrifices for a relative with autism. For example, the treatments that autistic individuals depend on to promote their social development should be covered by public health insurance. These treatments can have a significant impact on the lives of individuals with an autistic disorder. Countless experts have said that if autism is diagnosed early enough—before the age of two—and if the family has the necessary tools to support the child, the child may be able to attend school normally without requiring special assistance.

Such measures can have a significant impact, and that is why the government should develop a national strategy to coordinate services for people with autism. Canadian families affected by autism living in different parts of the country do not all have the same access to health and social services. Currently, there is no comprehensive national strategy to help Canadians with autism. As a result, help for people with autism is available primarily from provincial governments, health promotion organizations and families.

Some people with autism function relatively well and are independent, while others need substantial social and educational support. For years, the Conservatives have failed to show leadership on a number of important health issues, including funding for autism research and services in that area. Rather than have an awareness day, why not implement a national strategy to offer more help to people with autism and their families?

Government support for World Autism Awareness Day does not give provincial governments any funding to carry out effective, evidence-based preschool interventions, to provide autism training to teachers and teacher aides, or to provide appropriate residences and treatments for young people and adults with autism.

Frankly, I am disappointed that this is not the first time we have had to rise in the House to talk about an issue that we all seem to agree on. This bill has been introduced and reintroduced repeatedly since 2005. Maybe it is just because I am new here, but am I the only one who finds it odd that a bill everyone agrees on has to be debated for six years before seeing the light of day?

I understand that the procedure is what it is, that we have had consecutive minority governments in this House, and that a bill must pass through several steps before it becomes law. However, should it really take six years just to give the parents of autistic children and people with autism spectrum disorder the recognition they deserve, if only for one day a year?

This government has no problem rushing through a bill to spend billions of dollars to toss young offenders in prison, no matter how minor the crime. This government wastes no time destroying the data from the firearms registry, ignoring the interests of Quebec taxpayers who paid for the registry for years and want to keep it. But when it comes time to commend the courage and determination of parents of kids with autism spectrum disorder, for once will the government hurry up and help pass this bill once and for all?

● (1850)

Fortunately, civil society did not wait all this time to offer this recognition, albeit only symbolic, to the people in question. For instance, the Autism Society of Canada already celebrates World Autism Awareness Day in April. The NDP has also been recognizing World Autism Awareness Day for some time now; we did not wait for the government to get on board. We hope the bill will pass this time and we will finally be able to make this gesture, however symbolic, to support Canadian families and community organizations that help those with autism disorders.

Despite the importance of this gesture, it nevertheless remains merely symbolic. No government resources will be earmarked to support families and organizations. No resources will be made available to organizations that can help us understand why autism has become so much more common over the past 20 years. We are all well aware of this government's aversion to research, but considering such a strange phenomenon of such scope and with such a serious impact on the people affected, it is high time more action was taken.

It is unfortunate to note that this government has chosen to help its friends, to reward those close to power, to walk away from helping the families of autistic children and has failed to make appropriate investments in the health system by increasing provincial transfers or helping community organizations in their work. It has also backed away from funding research in general, as well as autism research.

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We are hoping that the situation will change. We are hoping that this government will finally assume its responsibilities and help those in need. We hope that it will respect Canadians' values of solidarity and show respect for the devoted families looking after autistic children. We hope that, after six years, this bill will finally pass and that it will be just the first step towards greater recognition of the sacrifices and the passion of parents, community workers and volunteers who look after those with autism.

Although we deplore the fact that this bill lacks consistency and does not provide resources for families in need, we nevertheless salute the awareness that it will raise. It is a sign of things to come that gives hope to all these families and volunteers and the people affected by autism spectrum disorder.

Therefore, we salute this bill, and I am proud to say today that it was brought forward by a member of the NDP. I hope that it will finally be passed by the members of the House.

• (1855)

The Acting Speaker (Mr. Bruce Stanton): Before I give the floor to the hon. Parliamentary Secretary to the Minister of Public Works and Government Services, I must inform him that I will have to interrupt him at 6:59 p.m., when the time allowed for Private Members' Business expires.

The hon. Parliamentary Secretary to the Minister of Public Works and Government Services.

Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services, for Official Languages and for the Economic Development Agency for the Regions of Quebec, CPC): Mr. Speaker, I appreciate this opportunity today to speak to the issue of autism in light of Bill S-206 by the hon. Senator Jim Munson, to institute a World Autism Awareness Day.

This bill draws attention to a major problem that affects all layers of society, from Canadians with autism, to their families, their friends or their caregivers.

The government has designated April 2 as World Autism Awareness Day to mark the importance of better understanding this disease and its repercussions on Canadian families.

It is essential that we become aware of the major challenges facing people with autism, that we understand the exceptional devotion of the caregivers and that we recognize the remarkable work of those who contribute to enhancing our scientific knowledge about the diagnosis and treatment of this disease.

I am going to pick up on what others have said and emphasize that, although autism is often considered a problem that affects children, we must not forget the Canadian adolescents and adults who have not benefited from early diagnosis and quick treatment.

Teenagers are all too aware of their limitations and differences, which can make them feel marginalized, vulnerable and isolated.

Easy access to reliable information can make all the difference in how families react to the situation.

If Canadians know which treatments have been deemed effective and can get results from the most recent studies on what works and

what does not, they will be able to understand and choose the treatments that best suit their needs.

The federal government wants Canadians to have access to the same high-quality, evidence-based information on autism.

The Acting Speaker (Mr. Bruce Stanton): The hon. parliamentary secretary will have seven and a half minutes when the House resumes debate on the motion.

[*English*]

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.

[*Translation*]

POVERTY

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, I would like to begin by thanking the member who will be answering my question.

Child poverty in Canada should be a top priority for this government if we want to maintain a healthy, well-educated and prosperous society.

When I pointed out to this House that a motion had been adopted unanimously to put an end to child poverty in Canada, I also asked the government—which, let us not forget, is accountable for its commitments to Canadians—what it had done to improve the plight of all those children who still live in poverty.

The answer I received was that thanks to the Conservatives, the average Canadian family now spends \$3,000 less per year in taxes. However, everybody knows that the poorest families in Canada already pay virtually no tax. One cannot but conclude therefore that these tax measures proposed by the government are not reaching their targets, because they are not serving the clientele that is in the greatest need.

Moreover, to obtain some tax credits, one must be able to cover costs in advance in order to receive a credit for the fiscal year. But who—especially the poor—can wait a year to receive a tax refund, when thousands of Canadian families barely have enough to feed their children at the end of the month?

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The most recent figures on child poverty are damning. Approximately one Canadian child in 10 and their families live in poverty. 2010 was a record year for the number of users of food banks in Canada since 1997, and 38% of food bank clients were children although children only account for 22% of the population. According to a report by UNICEF, Canada is a poor performer among OECD countries when it comes to infant mortality rates and is ranked 22nd out of 31 countries. In total, approximately 640,000 children still live in poverty in Canada. The child poverty rate among aboriginals, immigrants and visible minorities is more than twice the general average.

In light of these data, one can be forgiven for wondering why the government does not take concrete and immediate steps to ensure the healthy development of the next generation of Canadians. In my opinion, what is still more worrisome is the incidence of poverty among children.

Despite the hard work of thousands of community groups that often work with limited financial resources, we are currently observing developmental delays, health problems, more stays with foster families, more unsanitary housing conditions, an increased dropout rate, mental health problems among parents, sexual abuse, verbal and physical abuse, and other problems. Poor children are more likely to experience these unacceptable situations than other children.

Child poverty creates a series of societal problems that undermine the health and well-being of the population, and have an extremely harmful effect on the country's economy.

Many experts throughout the world agree—as does the NDP—that the solution to a chronic problem of this magnitude is found close to the source, and we strongly believe that properly introduced measures could end child poverty in Canada.

First, a national child poverty reduction strategy that includes specific objectives must be put in place. A thorough review of all allocations and tax measures for the development and well-being of children must also be conducted to ensure that these measures meet the needs of the population, including families with low and very low incomes.

Other assistance and programs must be provided to give additional support to households that need it most. Finally, concrete measures that stimulate the creation of decent jobs must be put in place. Parents who are in the workforce and who have decent, stable jobs will be able to help their children escape poverty.

In 1989, Canada promised to end child poverty before the year 2000, but failed miserably in its task.

Can the government provide a clear answer with regard to its strategy and the measures it intends to implement to end child poverty in a country as rich as Canada?

● (1900)

[*English*]

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I am pleased to respond to the member

for Charlesbourg—Haute-Saint-Charles on the state of Canadian children and families.

Child poverty rates have been cut by almost half since 1996. That represents a solid incremental change for the better. It comes about not by accident but by focusing on the family as a building block of Canadian society. In 2011-12, the federal government is providing over \$6 billion in support of early childhood development and child care through transfers to the provinces and territories.

● (1905)

[*Translation*]

This is the biggest investment of its kind in Canadian history.

[*English*]

The Canada child tax benefit, the national child benefit supplement, the universal child care benefit and the child tax credit all support families with children. About 3.3 million families with 5.8 million children receive the Canada child tax benefit. This includes over 1.5 million families with 2.7 million children who receive the national child benefit supplement.

The universal child care benefit provides Canadian families with \$100 a month for every child under the age of six to assist in the cost of whatever form of child care they choose. This benefit provides over \$2.6 billion annually to 1.5 million families for over 2 million children.

[*Translation*]

This direct financial support enables parents to choose the child care option that best meets their family's needs. It is available to all parents, whether they are part of the income-earning labour force or whether they stay home with their kids, whether they live in a small town, a rural community or an urban centre.

[*English*]

For the average family the universal child care benefit, together with the child care expense deduction, offset well over one third of the costs of non-parental child care. The combined impact of these measures is even greater for single parent families. The universal child care benefit has lifted an estimated 24,000 families with about 55,000 children out of low income.

Our government is committed to supporting Canadian families and individuals facing a variety of circumstances. Every action we have taken is to help Canadians and their families become independent and to help them contribute to the economy and their communities. Our investments reflect this commitment and we will continue to make investments that make positive differences in the lives of Canadians and their families.

[*Translation*]

Mrs. Anne-Marie Day: Mr. Speaker, I would like to correct the member. These statistics are from the 2011 Report Card on Child and Family Poverty in Canada.

The rate of poverty has declined not by half, but from 9.9% to 9.5% in 2009. Over 10 years, it has declined by about 2%.

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Families living in poverty include those who are in the workforce, earning minimum wage and working in atypical employment situations. They work for several different employers, they work split shifts, and they have to deal with labour market demands that can be very difficult for them. We really have to help families.

I would like to know how the government plans to go about doing more.

[English]

Ms. Kellie Leitch: Mr. Speaker, actions taken since 2006 to support families leave the average Canadian family of four with over \$3,000 savings per year in taxes. Budget 2007 introduced the child tax credit, which provides tax relief for each individual under the age of 18. Budgets 2009 and 2010 included additional investments for Canadian families, including improvements to child benefits.

Budget 2010 improved taxation for the universal child care benefit to ensure that single parent families receive tax treatment comparable to two parent families. It also allows parents with joint custody to split the child benefit equally throughout the year when a child lives with both households. Budget 2010 enhanced the registered disability savings plan.

In 2011, about 1.5 million working families are expected to benefit from the working income tax benefit.

Our government is working on behalf of Canadian families. I would only hope that the NDP members, who voted against every single one of these initiatives, would think otherwise in the future.

SEARCH AND RESCUE

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, I stand tonight to again address a most serious issue, in fact, what could be called a crisis situation that we are facing in Newfoundland and Labrador with the closure of the maritime rescue sub-centre in St. John's. People who have ever worked or travelled on the ocean know only too well how important it is to have that safety net and to know that if they need help it is there for them.

The decision the government has taken to close the MRSC in St. John's means that not only will 12 employees be out of work, which is a serious enough issue as it is, but safety will be impacted here. It means that people who have come to rely on the expertise at the MRSC in St. John's will no longer be able to avail themselves of that expertise and that local knowledge of the Newfoundland coastline. It is a serious issue.

We have employees who have been making the case very well, explaining what they do. There are open invitations to the federal Minister of Fisheries and Oceans and to Minister Penashue who is a regional minister for Newfoundland and Labrador but their invitations have been ignored. Neither of those Conservative ministers have visited the maritime rescue sub-centre to see first-hand how important the work that it does is and how crucial it is that the work continue. Why they will not visit and find out for themselves is beyond me and beyond anyone else who really would like to show them how important the centre is and the work that is carried out there. Regrettably, both have chosen not to go.

The Minister of Transport, Infrastructure and Communities has not been there. That invitation has been issued to anyone from the

Conservative government to go and see this operation and find out how important it is. We need to believe that if they knew and saw first-hand the importance of the centre and the lives that it has saved over the years, that they would have a change of heart and realize that this centre should continue to operate.

We know what happened with Jason Hamilton in Nova Scotia when he spoke out and said that it was not the right thing to do. He was reprimanded for speaking his mind. That is not something that should happen when people are expressing a view that is contrary to the government, when trying to get a point across and trying to inform the government that a decision it is taking is not the right decision. It is not the right decision because it impacts on the lives of people.

What is important here is ensuring that when people travel on the ocean they know they have someone who is looking out for them. It is a difficult environment as it is. Those who fish and those who work on the oil rigs are working in the most volatile environment and they need to know that when they are out there someone is looking out for their safety if they need to be saved. They do not need to worry about whether someone will be there for them.

I will reiterate my question, which I have asked time and again. Will the government reconsider its decision to close the maritime rescue sub-centre recognizing how important it is and recognizing that it will not be saving \$1 million by closing the centre? What is \$1 million when we are talking about the cost of a life and about ensuring that when people are on the ocean, if they require the services of a maritime rescue sub-centre, people with local knowledge and expertise, that really should be the priority?

• (1910)

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans and for the Asia-Pacific Gateway, CPC): Mr. Speaker, I appreciate the opportunity to respond to the issue raised by my persistent colleague, the member of Parliament for Random—Burin—St. George's, regarding the consolidation of the rescue sub-centres in St. John's and Quebec City with the joint rescue coordination centres in Halifax and Trenton. As she said and knows very well, both the minister and I have responded to this many times.

We want to remind the member that Canada remains steadfast in its dedication to the safety of all Canadians from coast to coast to coast. We are a national and international leader in marine safety and the Canadian Coast Guard's search and rescue program is among the best in the world, and we are proud of it. We are delivering on the Canadian Coast Guard's mandate by ensuring that the safety and security of all Canadians is maintained unaltered throughout these challenging economic times.

Fisheries and Oceans Canada is providing a system that coordinates timely search and rescue response. We frequently review this system to identify lessons learned for the future. This enables us to continually improve upon this valuable service that we provide to Canadians and to international mariners in Canadian waters. The co-location of both air and maritime personnel in the same centre will facilitate the coordination of responses to maritime search and rescue incidents.

The decision to consolidate the two maritime rescue sub-centres into joint rescue coordination centres located in Halifax and Trenton resulted from the Government of Canada's strategic review exercise. This exercise provided us with the opportunity to deliver our services to Canadians in a more efficient and effective way. The decision was closely reviewed, and it was determined that search and rescue coordination services could be delivered in a more efficient and effective manner with no impact, and that I stress, on service delivery or safety.

I can assure the House that we are taking the implementation of this decision very seriously. Since the government's announcement, a project team and governance committee, composed of members the Canadian Coast Guard and Department of National Defence, have been set up to address a whole array of operational, human resource, infrastructure and technology requirements. Each of these requirements has been addressed in our implementation plan, which lays the groundwork for a successful transition.

As I have previously said, the decision to consolidate the rescue sub-centres will have no effect on the placement of air and maritime response assets. The locations of Canadian Coast Guard vessels are strategically selected to optimize search and rescue responses, and we will continue to evaluate our response coverage and ensure that the necessary knowledge and expertise is preserved. Our maritime search and rescue coordinators are highly trained professionals and any new coordinators will go through extensive formal and on-the-job training, as is the current practice.

As we have always said, the completion of maritime rescue sub-centre consolidation will be determined based on the maintenance of public safety. By working with our primary search and rescue partner, the Department of National Defence, we will ensure that all calls for maritime search and rescue assistance will be answered, that all existing search and rescue service standards will be maintained, that maritime expertise and necessary knowledge will be preserved and that services will be available in both official languages. The excellent service standard of maritime search and rescue that Canadians have come to expect, and indeed depend on, from their government will continue.

• (1915)

Ms. Judy Foote: Mr. Speaker, there is no question at all about the people who work in search and rescue and at the Canadian Coast Guard. With the resources they have available to them, they do their

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very best. The problem is that the government is not recognizing that they do not have enough resources. We have already seen documentary after documentary showing that our response time in terms of search and rescue is not good, that we need more support. These people who work so hard need more support.

When my hon. colleague talks about ensuring that we have qualified personnel, I would respond that what is happening now is that because employees are not moving from St. John's to Halifax, the officials are having to find other employees to hire at the joint rescue centre in Halifax and have downgraded their qualifications. Therefore, the search and rescue coordinators who will actually be hired for Halifax will not be as qualified because officials cannot find people with the necessary qualifications.

I ask the member how can he say that he is living up to the standards that we need and expect in terms of search and rescue?

Mr. Randy Kamp: Mr. Speaker, my colleague's response raises some questions of my own.

I would like to know if she agrees that a responsible government should conduct a strategic review from time to time to see if every dollar is being spent in the most effective and efficient way. I think she would agree. When that review is conducted, officials are asked to look at whether the services are being delivered in the best way. If they say they think things could be changed by consolidating the centres to get better coordination, efficiency and effectiveness and to have all the assets in place just as before, would she not agree with me that it would be irresponsible of the Government of Canada to say no, it is not going to take that advice? We have taken the advice and we are confident that we are going to continue to deliver the services in an excellent way.

• (1920)

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Avalon is not present to raise the matter for which adjournment notice had been given. Accordingly, the notice is deemed withdrawn.

[*Translation*]

The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7:20 p.m.)

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