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Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Monday, October 20, 2014

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1105)

[*English*]

CARE FOR VETERANS

Hon. Laurie Hawn (Edmonton Centre, CPC) moved:

That, in the opinion of the House, the government should examine all possible options to ensure a fully unified "continuum of care" approach is in place to serve Canada's men and women in uniform and veterans, so as to: (*a*) eliminate all unnecessary bureaucratic processes, both within and between departments, related to service delivery; (*b*) eliminate duplication and overlap in the delivery of available services and supports; (*c*) further improve care and support, particularly for seriously injured veterans; (*d*) provide continuous support for veterans' families during and after service; and (*e*) strengthen the connections between the Canadian Armed Forces, the Department of National Defence and Veterans Affairs Canada.

He said: Mr. Speaker, it is an honour to rise today to kick off debate on private member's Motion No. 532.

This motion will address issues of importance in the effective delivery of services to Canada's veterans. The measures proposed in Motion No. 532 are complementary to the 14 substantial recommendations deemed most important by the Standing Committee on Veterans Affairs, which were tabled in June in a report entitled "The New Veterans Charter: Moving Forward".

That report was unanimous, a rare event here in Parliament. Everyone on all sides worked very hard to make it so, and everyone was prepared to put a little water in their wine to move the yardsticks ahead in a substantial way for our veterans.

I will address what Motion No. 532 says, describe how it relates to the committee report, and discuss the government response and the way ahead.

Serving our veterans has been a stated objective of every government of Canada, and our government is no exception. This objective has always been, and will always be, a work in progress. No matter what any government does, there will always be more that we would like to do and there will always be those who will find fault. That is because everyone loves veterans for what they have done and for who they are, and that is the way it should be.

Canada's development as an independent country with a unique identity stems in no small measure from its achievements in times of war and in other less dangerous but nonetheless important missions. The Department of Veterans Affairs exists to repay the nation's debt of gratitude toward those whose courageous efforts have given us this legacy and have contributed to our growth as a nation.

VAC's mandate stems from laws and regulations. The Minister of Veterans Affairs is charged with, *inter alia*, the following responsibilities:

> ...the care, treatment or re-establishment in civil life of any person who served in the Canadian Forces or merchant navy or the naval, army or air forces or merchant navies of Her Majesty, of any person who has otherwise engaged in pursuits relating to war, and of any other person designated

and

> ...the care of dependants or survivors of any person referred to...

The department meets its responsibilities through its various programs. These include programs for disability pensions, veterans allowances, pension advocacy, health care, and commemoration.

They provide compensation for hardships arising from disabilities and lost economic opportunities, innovative health and social services, professional legal assistance, and recognition of the achievements and sacrifices of Canadians during periods of war and conflict.

The mission of Veterans Affairs Canada is to provide exemplary client-centred services and benefits that honour the sacrifice and achievements of our veterans and clients and that respond to the needs of veterans, other clients, and their families.

I want to go back to what is a key phrase in the quote of the minister's responsibilities, and that is "re-establishment in civil life".

This is the key concept in the overall philosophy of service to veterans by the department. The aim of veterans' programs is not lifelong financial dependence, unless that is the only option; the aim of the programs is to give veterans every support possible to help those who cannot or do not wish to continue to serve in the military the tools they need to succeed in carving out a good future on their own terms.

Motion No. 532 proposes five things. It says that in the opinion of the House, the government should examine all possible options to ensure a fully unified "continuum of care" approach is in place to serve Canada's men and women in uniform and veterans, so as to do five things: first, eliminate all unnecessary bureaucratic processes, both within and between departments, related to service delivery; second, eliminate duplication and overlap in the delivery of available services and supports; third, further improve care and support, particularly for seriously injured veterans; fourth, provide continuous support for veterans' families during and after service; and fifth, strengthen the connections between the Canadian Armed Forces, the Department of National Defence, and Veterans Affairs Canada.

The veterans affairs committee identified three core themes in its recent study. First was the care and support of the most seriously disabled, the second was support for families, and the and third was improving how Veterans Affairs Canada delivers the programs, services, and benefits under the new veterans charter.

Committee members unanimously agreed that the principles of the new veterans charter should be upheld and that these principles foster an approach that is well suited to today's veterans. This does not mean that improvements cannot be made; however, the legitimate criticisms of various aspects of the new veterans charter should not overshadow the fact that it is a solid foundation upon which to help veterans transition to civilian life when a service-related medical condition prevents them from continuing their military career.

While implementing the recommendations in this report would not solve everything, the committee believes that the recommendations represent a major step forward and express more fully Canadians' solemn commitment to veterans and their families.

The committee also hopes that this report will help to foster an improved relationship of trust that must exist among veterans, Canadians, the parliamentarians representing them, and the Government of Canada that must earn their confidence.

The story we heard over and over again at committee was that in too many cases when someone left the Canadian Armed Forces, he or she spent time in a no man's land before getting connected to the services of Veterans Affairs. This gap led to many difficulties of financial, physical, and psychological natures and made it much harder to transition to a stable and productive civilian life.

Private member's Motion No. 532 addresses some of those challenges directly and is in lockstep with the first recommendation of the committee report, which, in abbreviated form, says that military members seriously disabled as a result of service will not be medically released until the individual is in a stable medical condition, medical records have been given to the individual and transferred to Veterans Affairs Canada, applications for services and benefits have been adjudicated, the file has been assigned to a case manager who has already established contact, and supporting health care and rehabilitation professionals have been identified and their responsibilities defined in the area where the veteran is planning to live.

Recommendation 1 also states that an internal committee should be struck by Veterans Affairs Canada and the Canadian Armed Forces to develop an interchangeable and unified list of service conditions to ensure that the service-related condition identified by the Canadian Armed Forces that led to the veteran's medical release will be recognized by Veterans Affairs Canada for adjudication purposes and that a follow-up protocol should be established for all military members who have been released for medical reasons.

I think members can see how this blends nicely with private member's Motion No. 532 in a continuum of service that this act would provide.

Overall, the philosophy of the report and of private member's Motion No. 532 is to ensure that the provisions of the various acts and the veterans bill of rights shall be liberally construed and interpreted to the end that the recognized solemn obligation of the people and Government of Canada to provide compensation to those members of the forces who have been disabled or have died as a result of military service, and to their dependants, may be fulfilled.

There are many other substantial recommendations in the report, and I will abbreviate them.

One is that the most seriously disabled veterans receive financial benefits for life, of which an appropriate portion should be transferable to their spouse in the event of death.

Another is that the earnings loss benefit be non-taxable and set at 85% of net income, up to a net income threshold of $70,000, and that it be adjusted annually to the consumer price index.

Another recommendation is that all veterans with service-related disabilities, and their families, be entitled to the same benefits and support whether they are regular force or reserve.

Another is that military family resource centres be available to veterans and their families to provide additional support in their transition to civilian life.

Another is that access to psychosocial and vocational rehabilitation services be given to spouses or common-law partners, that access to psychological counselling be also given to parents and children of veterans, and that financial support be provided to family members of seriously disabled veterans acting as primary caregivers.

Another recommendation is that VAC undertake a comprehensive review of the amount of the disability award to more adequately reflect awards in civil liability cases for personal injuries, and improve support for financial counselling throughout the process.

Another is that the Canadian Armed Forces and Veterans Affairs Canada together, as quickly as possible, eliminate overlap between the service income security insurance plan, or SISIP, programs and those provided by Veterans Affairs Canada.

A further recommendation is that eligible vocational rehabilitation training programs be allowed greater flexibility.

Another is that VAC establish a more rigorous case manager training program, review the case manager-to-veteran ratio, and provide necessary resources for its adjustment.

Another is that VAC and DND build on existing collaborative efforts to provide adequate resources for research and understanding of known and emerging manifestations of operational stress injuries.

Another is that VAC consider moving towards a payment system with one comprehensive and clear monthly payment, while ensuring the net benefit to the veteran is not reduced.

Another is that VAC and DND table their official response within 120 days and also table a report outlining the progress made on implementing the recommendations by January 30, 2015.

The first milestone has been met, and I know that there is some very concentrated and intense effort going toward meeting the second milestone in a manner that will give veterans confidence that the government has listened and is acting, because we have and we are.

Contrary to some misleading and outright false comments by some hon. members and some people with axes that they just will not stop grinding, the government has not rejected any of the recommendations of the report. It is, in fact, quite the contrary. Building on these enhancements to the new veterans charter, the government is pleased to indicate that it agrees with the spirit and intent of the vast majority of the committee's recommendations. Many of these recommendations involve potentially complex changes to some veterans programming, and the implications of any potential changes must, therefore, be carefully assessed. Any government would have to do the same thing.

Therefore, the government plans to address the recommendations made in the report using a phased approach, and private member's Motion No. 532 will be helpful in guiding that process.

● (1110)

The first stage is to address those recommendations that can be quickly achieved within existing authorities and budgets of Veterans Affairs Canada and the Department of National Defence, and which will improve the continuum of service provided to veterans and their families when they leave the Canadian Armed Forces.

The more complex recommendations require further interdepartmental work, budgetary analysis, and coordination with a wide range of federal departments, as well as with the Veterans Ombudsman and veterans' groups. These recommendations will be considered in a second phase.

This is the only approach that makes common sense. There is no magic wand that any government could wave to bypass legislated requirements for ensuring that processes with taxpayers' money are followed. It just does not happen that way. Anyone with any grasp of the complexities of the financial and regulatory realities of government will understand that this is true.

I know and understand why people want everything fixed instantly, but that is just not realistically or practically possible. What we need is steady and measurable progress to achieve our objectives, and that is what we will see. I know that people want to play politics in this place and that's what this place is all about, but surely this is one area where we can all come together to make a great many of the changes for which people have been advocating.

There are many people and organizations dedicated to improving how we look after our veterans. I am one of those people and our government is one of those organizations. Everyone across the floor is that kind of person as well.

We are joined by members of the opposition parties and many stakeholder organizations such as the Royal Canadian Legion, ANAVETS, True Patriot Love, Veterans Transition Network, Wounded Warriors, military unit foundations and many more. By working together to pursue progress, we will succeed at what I have already said will probably always be a work-in-progress. There will always be new circumstances and new challenges as Canada continues to play an important role in world affairs. That is no more apparent than in what is happening in the Middle East, in Iraq and Syria, and so on.

We should not let anyone's image of the perfect be the enemy of the very good.

I proudly served in a regular force uniform for over 30 years and in an honorary capacity for another five years. I am one of the almost 700,000 veterans in Canada, but I am not one of the approximately 200,000 clients of Veterans Affairs Canada because I currently have no issues that require assistance. At some point, I probably will have need of some service or benefit, and I have every confidence that I will be supported by the people whom I know are dedicated to providing the best service possible.

I would like to go further than Motion No. 532 in terms of the integration of Veterans Affairs Canada and the Canadian Armed Forces and Department of National Defence. I would personally like to see an in-depth study of the possibility of merging the departments under one roof. I can understand why that may be a bridge too far for some right now, but I think that this could be an area for further study in a future Parliament.

Until that time, I firmly believe that private member's Motion No. 532 is a substantial step in the right direction in conjunction with other measures I have described, and I urge all honourable members to lend it their support.

● (1115)

[*Translation*]

Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP): Mr. Speaker, I would like to thank the hon. member for Edmonton Centre for moving this motion. It is another opportunity to talk about our veterans, who feel strongly—feel certain even, because it is certain—that, at times, this government is abandoning them, especially those who are seriously injured.

I would also like to comment on something my colleague said. He mentioned that members of the opposition are playing political games. It is not so much playing games as critiquing the work of the minister, who is all too often slow to acknowledge that the new charter does not fulfill all of our veterans' needs.

Coming back to the motion, I would like to thank my colleague for moving it. I also want to thank him for his service in the Canadian Forces. Could the member talk about whether he considered including RCMP members in this motion, so that they, too, can have access to this continuum of care that he is proposing for our veterans?

[*English*]

Hon. Laurie Hawn: Mr. Speaker, my hon. colleague and I worked well together on the veterans affairs committee.

There is impression and then there is reality. Impression is easy to foster and easy to blow up in the face of reality. That is all I will say about that. We have done a lot more than we are given credit for, and that will continue.

With respect to politics, I am not trying to pick on the politics in this place. It is just a reality. This place is about politics, and that is just what we do. However, we can get beyond that, as we did with the committee report, as we did with the study. We got beyond politics in that committee with the 10 people we had, and we came up with a great report. That is what we can do when we get beyond the politics, which is a function of this place and will always be a function of this place. That is just the way it is.

With respect to the RCMP, that is a valid question. The challenge we have in doing that is that the way Veterans Affairs interacts with the Department of National Defence and the Canadian Forces is quite different than the way they interact with the RCMP. Doing some things within the sphere of Veterans Affairs Canada, the Department of National Defence and the Canadian Armed Forces would not apply in quite the same way to the RCMP. It is a valid point, and that is something that could be looked at in another piece of legislation or another motion.

● (1120)

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, I, too, want to acknowledge the efforts of the member for Edmonton Centre on the Standing Committee on Veterans Affairs. We have worked collaboratively and effectively. We do not play politics with issues like this. We do try to get beyond politics and while I have no particular axe to grind, it is not enough to say that we all love our veterans. We have to show them. We have to show a commitment to our sacred covenant.

Yes, the gears of government turn slowly, but the government has known for years the problems our veterans are facing right now. It is not a recent phenomenon or recent awareness. The Conservatives closed nine veterans offices across the country at a cost of $5 million. They spent $4 million on self-promoting advertising on a program that only costs about $200,000 for transitional services. That is $4 million on advertising versus $5 million to keep a veterans office open.

I want to know from the member why the minister has kicked the can down the road yet again. There were unanimous proposals and recommendations that we thought would tie him in because of the unanimity, but he has kicked the can down the road again. Please do not give me that it takes time for government to transition.

Hon. Laurie Hawn: Mr. Speaker, I thank my hon. colleague for the question, but it does disturb me because he and the Liberal Party know better. They have been in power before and it is not kicking the can down the road. There are legislated requirements for how government spends money. Regardless of what it is spent on, regardless of the obvious merit of that money, there is a process that has to be followed. Any government in power has to follow the same process. This government did not invent that. It has been there for decades and decades. It involves Treasury Board, involves work between departments, involves the Finance Department and the member behind the member who raised the question knows that full well as a former finance minister.

Veterans issues have been around basically forever. It is no different than it was under the Pension Act. There were all kinds of complaints under the Pension Act that were valid. We are making progress and moving forward. It does not happen overnight and the member knows that. I am a little disappointed in the tone of his question. We will continue to work together. We will continue to make progress, but it is going to take time. People need a little patience. I am not talking about that member grinding an axe; I am talking about other people who do not live in this House.

[*Translation*]

Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP): Mr. Speaker, I am clearly quite pleased to be speaking to the motion moved by the hon. member for Edmonton Centre. This motion calls on the government to ensure that a continuum of care is put in place to help our veterans.

Unfortunately, since they came to power, the Conservatives have not done very much to improve our veterans' quality of life. My colleague was very involved in the Standing Committee on Veterans Affairs' study of the new charter. I want to thank him for his work. There was a unanimous report calling on the Minister of Veterans Affairs to make changes to improve life for our veterans. Certain concessions had to be made so that it would be unanimous.

During the study, which took place over the course of 14 meetings, 54 witnesses appeared. The vast majority of them said that they had had enough of all of the reports that kept piling up over the years but never amounted to anything. No improvements have been made to the new charter, which is supposed to be a living document. Since 2006, one single change—and a pretty minor one considering all of the problems that have cropped up—has been made. That is not good enough at all. Following the report, the minister waited as long as possible to respond, then said that he planned to study the issues again.

Veterans have had enough. They want us to take action now. They do not want to keep talking about all of these problems. People know what the problems are. They have been identified umpteen times already. We need a solution right now. Over the years, a budget shortfall developed and the government made many cuts to Veterans Affairs Canada to balance the budget. Now there is a budget surplus. It was unacceptable for the government to cut Veterans Affairs Canada's budget back then, and it is indecent to start accumulating a surplus at our veterans' expense now. People are calling on the minister to stop studying the issue and come up with real solutions to help these veterans, especially the seriously injured who are coping with all kinds of problems.

The minister responded favourably to the report's conclusions. Now it is time for him to take action and introduce legislation. We believe he is simply trying to stall for time. More time is being given to study this to see how this new charter can be appropriately improved. That is fine with me, but the problems have been well known for quite some time. We cannot wait any longer. Veterans can no longer wait for better care. The minister needs to come before the House with an action plan immediately. He must not wait until next year's budget before allocating new money to improve veterans' allowances. We are aware of the problems. They have been illustrated once again with this study, with all the situations the ombudsman has described and with the other reports. The minister needs to come up with a solution and with concrete improvements for this new charter, but now, not next year.

Anyone who paid attention to the news last week knows that we are heading into an election year. Is the minister waiting for the budget and then the election campaign? That appears to be the case. Will there be enough time for the budget to go through all the necessary stages and be implemented to improve the lives of our veterans? People should not have to wait any longer. The government cannot continue amassing surpluses on the backs of our veterans, as it has been doing for the past few days and weeks. We know what the problems are; now we need to come up with solutions.

I urge the minister to have a closer look at this issue and come up with a report to improve the new charter. That is my main message today.

Another thing I noted about the government response is that it proposes two phases.

● (1125)

This response suggests that the government is going to keep our veterans waiting for weeks, even months. If the election is called, the bill will not have gone through all the stages. We cannot let another day go by without helping our veterans, especially those who are seriously injured. They have to have better support from Veterans Affairs Canada, and simply adopting a motion is not going to cut it. I commend the hon. member for moving this motion, but if the minister implemented the recommendations that have been made, then we would have solutions that would help our veterans immensely. That would be preferable, since it is already too late in my books.

Here we are debating the motion by the hon. member for Edmonton Centre. I find it ironic, given the Conservative government's refusal to propose a solution to immediately address the most critical problems. It prefers to wait and stall for time. Worse yet, the government is going to vote in favour of this motion and will likely wait for weeks before doing anything with it. We do not need any more motions like this. We absolutely need a bill from the minister that will change the new veterans charter and implement the recommendations made in the report on the review of the charter.

I am pleased to say that we will support this motion because we think it is important to let the government know how important it is to improve care for veterans. After more than 20 years of Liberal and Conservative cuts to the budgets of National Defence and Veterans Affairs Canada, the NDP is the only party left with any credibility and the will to live up to the sacred obligation to improve the quality of life of our veterans.

The motion talks about a continuum of care for our veterans. The fact that our veterans feel abandoned by the Canadian Armed Forces after they leave the military is a major problem. That is why a continuum of care approach is important. The member for Edmonton Centre is absolutely right about the fact that the transfer of responsibility for veterans from the Canadian Armed Forces to Veterans Affairs Canada must be as smooth as possible. Our veterans should not feel abandoned after having given so much in service to our country. That is why the Standing Committee on Veterans Affairs recommended that veterans not be released from the Canadian Armed Forces until arrangements have been made to get them all the help and care they need.

The Veterans Review and Appeal Board can also be a hindrance to obtaining care. The board sometimes errs when determining whether a veteran has a service-related disability. Those veterans are then unable to receive care until the board recognizes that they have such a disability.

I would also like to address the issue of families, who seem to be ignored, particularly in the new veterans charter. This charter does not really provide for family-centred care. That is obviously a problem. Families need all kinds of support. They are not entitled to full access to Veterans Affairs Canada programs without going through the veteran. Veterans have to request psychological help for their family members. Otherwise, they cannot get it.

Families also do not have access to military family resource centres. Many families feel abandoned when veterans make the transition to civilian life. Most families are exhausted, do not sleep enough and do not have time for personal activities. Not surprisingly, most of them indicated during the study of this issue that their health has been significantly affected. This has a major impact on interpersonal relationships and on the family.

Furthermore, RCMP veterans seem to have been left out of this motion when they should also have access to this continuum of care.

● (1130)

The member mentioned that he was not really open to this possibility. I think that is completely disgraceful.

[*English*]

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, I am pleased to rise to speak to Motion No. 532 put forward by the hon. member for Edmonton Centre. When it comes to this subject matter, the credentials of the sponsor of this motion are impeccable. It is truly an honour to serve with him on the Standing Committee on Veterans Affairs, and I genuinely mean that.

The motion, which calls on the government to examine all possible options to ensure that a fully unified continuum of care is available to our women and men in the Canadian Armed Forces and our veterans, is good. It is self-evident to me and to many other members of this House that the elimination of unnecessary or redundant inter-departmental and intra-departmental practices surrounding the delivery of services, assistance to families, and other programming, is necessary for us to deal fairly with the men and women who have sacrificed so much. In fact, I would go even further than it being necessary; I would say it is fundamental to fulfilling our sacred obligation.

It was another Conservative, our then prime minister Sir Robert Borden, who promised Canadians returning from the battlefields of the First World War that there existed a social covenant between the government and veterans. What former prime minister Borden understood, and what this motion underscores, is that the women and men serving in the Canadian Armed Forces serve with the knowledge that they are called upon to accept unlimited liability. There were hundreds of thousands who paid the full limit of that liability with their lives.

When they return from theatre, if they return, these men and women should expect their government to honour their side of the bargain and provide the necessary resources for physical or emotional rehabilitation, further education and skills translation, or adequate, sufficient, and accessible compensation for their disabilities.

While the current government has instructed its lawyers in British Columbia to argue that this covenant is merely a political promise to get votes rather than it being an inalienable right, Liberals believe not only that our sacred obligation is real, but that we must abide by it. In fact, Liberals from across the country gathered in February to pass a resolution to that effect.

We believe that where Canadians have served their country honourably as members of the Canadian Armed Forces, their service requires a personal commitment to put one's life on the line on behalf of their fellow Canadians. Moreover, this service is not only borne by members of the Canadian Armed Forces but also their families. We will live up to Canada's sacred obligation to our Armed Forces and veterans by allowing them and their loved ones to maintain a quality of life worthy of their sacrifice.

Unfortunately, the current Conservative government has wandered away from similar commitments.

To start, the Conservatives have cut hundreds of millions of dollars from Veterans Affairs Canada, tying the hands of the department when it comes to delivering the benefits and supports that veterans rely on. Even more egregiously, the current government has closed nine regional Veterans Affairs offices, making it more difficult for veterans to access these benefits and services in their communities. It is unconscionable that veterans, some of them seniors, might have to drive hours outside of their communities to receive face-to-face help. Conservatives have claimed that veterans can still attend nearby Service Canada centres for services, but front-line staff at Service Canada are not trained to specifically help veterans, and case workers are currently burdened with a four-to-one caseload ratio.

Take for instance the case of veterans in Glace Bay, in the riding of my colleague the honourable member for Cape Breton—Canso. Since the government shut down the Veterans Affairs Canada office in Sydney, volunteer service officers at the Royal Canadian Legion have been working tirelessly in an effort to fill the void created for veterans in the region. Whereas the VAC staff, formerly located in the Sydney office, knew the forms, the veterans, and the benefits to which these veterans might be entitled, the volunteers at the Legion, well intentioned though they are, simply do not have the expertise or training or resources to cope with the workload that the government should be doing.

None of this should take away from the motion before us. I believe that the honourable member, like so many Canadians, also sees gaps in the treatment and availability of resources, which is why he presented this inspired motion.

The motion calls specifically for five things to occur to ensure a fully unified continuum of care: (a) that all unnecessary bureaucratic practices, both within and between departments related to service delivery are eliminated; (b) that all duplication and overlap in the delivery of available services and supports are eliminated; (c) that care and support, in particular for seriously injured veterans be improved; (d) that continuous support is provided to veterans' families during and after their service; and, (e) that connections between the Canadian Armed Forces, the Department of National Defence, and Veterans Affairs Canada get stronger.

● (1135)

However, the fact this motion has been brought at all proves that the Conservative government is failing many of our veterans.

Many of these obstacles were highlighted clearly in the testimony before the Standing Committee on Veterans Affairs by Corporal Mark Fuchko, who when asked upon his return by the parliamentary secretary for Veterans Affairs to elaborate about his experience dealing with the Department of National Defence and Veterans Affairs Canada, answered the following:

> When I first came home, I was not the first amputee from the war in Afghanistan and I constantly ran into hurdles that really affected my quality of life and my family's as well. Things like aids to daily living were almost impossible to obtain. Just to get my house accessible took over a year. That was a really long drawn-out nightmare. I'm not the only one who actually experienced that. There seemed to be kind of a battle with what was covered and what was not and who would cover what. That was quite a challenge, and it seems to me that there was a lot of overlap, but people weren't necessarily sure if Veterans Affairs or the military was going to cover it, and things like lead time, house modifications, and stuff like that were a real challenge for sure. I would say that probably the one common thing is housing, especially for the severely disabled.
>
> The military originally took this on but there is a whole group of caveats that make it difficult for the delivery of this in a timely fashion. For example, some people find themselves severely disabled coming back to houses that they can't physically occupy just because their houses are not wheelchair friendly, wheelchair safe. They essentially require a whole new house to live in.

I ask the House for its indulgence for that lengthy quote because I believe it demonstrates the current experience of Canadian Armed Forces members and veterans so clearly.

Corporal Fuchko lost both legs in Afghanistan. He should not have to fight with individual departments so he can get the bare minimum of living accommodations suitable to his new reality. It is unconscionable, and from the testimony we heard at committee, not an experience that is exclusive to him.

We would support any measure to facilitate this system, instead of presenting veterans and Canadian Armed Forces members with a maze upon their return.

The family is another vital element, if not the cornerstone upon which many of these benefits should be built. In his testimony before committee, former senator, retired Lieutenant-General Roméo Dallaire, highlighted the enhanced roles that families play in deployments and rehabilitation. He said:

> ...by the time we come back from those missions, we see a family who has also lived the missions. The families are now living the missions with the members. It is not a separated exercise. It is a marriage.

As with Jenny Migneault, the wife of a veteran who suffers from post-traumatic stress disorder, her advocacy highlights that beyond the medical professionals and past the bureaucrats, there are wives, husbands, and children, among other loved ones, who are shouldering the burden of service in the Canadian Armed Forces but without any of the resources or support.

It is each of these people, and hundreds of thousands more, to whom we owe the obligation to break down the obstacles that currently exist. To them, we owe the passage of this motion. However, more than that, they deserve that this motion receives real and concerted consideration by the Conservative government. They do not deserve the same consideration that saw the Minister of Veterans Affairs respond to 14 unanimous recommendations from the Standing Committee on Veterans Affairs that examined the new veterans charter by kicking them down the road to a yet to be determined date, with no concrete action. They deserve the consideration requisite to the severity and significance of the sacrifice made by our men and women of the Canadian Armed Forces, yesterday, today, and tomorrow.

I thank the hon. member for Edmonton Centre for raising this important motion and for his advocacy on behalf of the Canadian Armed Forces and veterans. I hope we can all do the right thing by not only passing this motion but by acting on it now.

● (1140)

Mr. Erin O'Toole (Parliamentary Secretary to the Minister of International Trade, CPC): Mr. Speaker, it is my distinct honour to stand today to speak to this important motion, M-532, which really touches on a number of things our government has already been moving forward in terms of improving and removing unnecessary bureaucracy from veterans care.

My colleague's proposal really is to develop a continuum of care, something that recognizes that care will evolve and that there is an important handover for our veterans, which I will speak to in my remarks.

I thank my friend and colleague, the MP for Edmonton Centre. Often in dialogue across the country we hear, can a single MP get much done? Pierre Trudeau's famous quote about MPs being nobodies 30 metres from Parliament Hill is a fallacy. If people are members of this House and they care about an issue, they can advance it remarkably. One does not have to be the leader of a party. One does not have to be a minister. One just has to be a passionate advocate.

That is what we have in my friend, the MP from Edmonton Centre, a passionate advocate for the men and women of the Canadian Armed Forces, and a passionate advocate with decades of experience working with veterans.

He noted in his remarks to this House that he is just one of the 600,000 to 700,000 veterans in Canada, but his is an important voice, because he is here in Parliament. I consider myself his understudy in many ways. We represent the Royal Canadian Air Force caucus here in the House of Commons. We are a pilot and a navigator who are aircrew who fly and tease each other relentlessly. We are here working on issues of mutual concern, namely our men and women who serve this country.

What has been discussed a little bit in this House but has never been thoroughly explored in the way it should be is how we can serve veterans within this continuum of care my friend from Edmonton Centre has suggested in a way that recognizes that those 600,000 to 700,000 Canadians are vastly different.

We heard my friend from Guelph talk about the offices and things like that again. Veterans are not a unified force who all access services the same way. We have in Canada right now war veterans in their 20s from the Afghanistan conflict. We also have veterans in their 90s. In fact, my colleague from Edmonton Centre and I met a 101-year-old veteran in Normandy who travelled with the Canadian contingent to recognize the anniversary in France. The 101-year-old veteran parked his walker and walked down to Juno Beach. It was remarkable. Does the 101-year-old veteran access services the same way the 25-year-old veteran does? No, he does not.

Veterans Affairs has tried to realize that, apart from some of the dialogue we hear in Ottawa from so-called advocates who do not even understand how veterans are served, there are 15,000 veterans in their twenties who have signed up for what is called the My VAC account. They can manage their own accounts online. They want to. People from that generation have never had banking chequebooks that they have taken into a branch. Veterans Affairs has worked on apps and on online accounts, because we have thousands of veterans who want to access and learn about their benefits that way.

We also still have veterans in their 80s and 90s who need assistance, and the vast majority of those do not go to stand-alone bricks and mortar Veterans Affairs offices. For decades they have been helped by veterans service officers at Legions, a fact that a Liberal critic did not even appear to know when we were talking about how veterans access services. The Legion was empowered by an act of Parliament in 1925 to help veterans access their services. That is part of its mandate.

My veterans service officer for Branch 178, which I belong to, has personally helped over 500 veterans or their partners access benefits. Service officers are not paid, but their training and expenses are paid for by the poppy fund. A lot of MPs in this House did not appear to know what the poppy fund went to. That is where it goes, directly.

● (1145)

In a few weeks, Canadians will start wearing their poppies with pride. They know that the vast majority of those funds go directly to veterans support.

Of the 600,000 to 700,000 veterans in Canada, 130,000 have case files of some sort at Veterans Affairs. Of that, only 7,500 have an assigned case manager. A case manager is assigned based on an assessment of a variety of needs, including the complexity of the case, the services or support the veteran has or does not have at home, and ongoing illnesses or addiction issues. All of these things are assessed, and a case manager is assigned.

Our most complex cases number in the 7,500 to 8,000 range. We are providing in-home support for some of these veterans. A case manager can visit these veterans in their homes. Thanks to our changes, veterans can now visit up to 700 Service Canada and related offices, including joint personnel support units and mental health centres, to access the same level of service they can also get from a veterans services officer. They can also use the phone and the My VAC online account. We need to serve our veterans in a variety of ways, and we do.

Too often there is discussion about money and it is said that we can never do enough for our veterans. I agree, but let us speak about those numbers for a moment. Today $4.7 billion more is being spent on veterans than when we came into office. The vast majority of that relates to direct benefits for soldiers who were injured in the Afghanistan conflict. We have made sure that they are constantly reviewed and improved. A supplement has been introduced for the permanent impairment class so that those veterans who will have a very difficult time transitioning out of uniform into civilian employment are being provided for with additional payments.

The veterans affairs committee, in a good show of solidarity and of removing politics, came up with 14 recommendations on how to improve the new veterans charter. Many of those recommendations have already been acted on. Most important of these is the fact that a veteran will first stabilize and be assigned a proper VAC file manager before being released from the Canadian Forces. That is an important improvement. Another improvement is that certain benefits, particularly related to mental health, will be extended to families. In the coming weeks and months, more of those 14 recommendations will be acted on. I hope that all members of the committee, including a couple who spoke in the House before me, try to keep the politics removed from this.

Interestingly, the new veterans charter was created by the last Liberal government but was implemented by the Conservative government. It needs to be a living document that is improved upon. It was improved a few years ago with the permanent impairment allowance supplement. Now it is being improved to address some of the shortcomings of the new veterans charter.

My friend from Edmonton Centre talked about the concept of a continuum of care. He would like to one day see all of these services housed under one administrative department. I agree wholeheartedly with him. This is not a partisan issue. Retired Senator Dallaire, the lieutenant-general my colleague from Guelph spoke about, supports this same approach, in principle.

I will tell the House why it makes sense, and hopefully it is not a bridge too far. I enrolled in the Canadian Forces at 18. I was recruited. There is a department in the forces for recruiting. When I left, I was transferred to a different department. I left the uniform, and suddenly I was no longer part of the DND or Canadian Forces bureaucracy. I was transferred to a new one. That is not how they do it in the United Kingdom, where veterans services are part of defence services under the Ministry of Defence.

In giving speeches across the country I have met veterans from the Devil's Brigade, World War II, and Korea who have complained about problems that were caused when they left the uniform and their records were transferred to Veterans Affairs. That gap needs to be closed. People should not fall through the cracks.

I hope that the motion today about a continuum of care, brought forward by my friend from Edmonton Centre, starts this dialogue so that we can reduce the number of people who may be falling through the cracks now. Hopefully, in the future, we will see all of this in one ministry so that from enrolment and recruitment to retirement and becoming a veteran it is all in one family.

● (1150)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I am proud to rise to speak to Motion No. 532, from the member for Edmonton Centre, as I did on the motion by my colleague, the member for Châteauguay—Saint-Constant, debated earlier this year. That motion called for immediate action to address the mental health crisis facing our soldiers and veterans due to the closing of veterans offices.

I am surprised by the comments by the MP for Durham. His comments appear to contradict the findings of the standing committee and the very motion by the member for Edmonton Centre calling for further action. I would certainly agree that this is not a partisan issue and that all members in this place are proud to stand and speak on behalf of our Canadian veterans.

Motion No. 532, tabled by the member for Edmonton Centre, calls on the government to examine all possible options for a fully unified continuum of care for the men and women in uniform and veterans. He calls for the elimination of all unnecessary bureaucratic processes; the elimination of duplication and overlap; further improvements in care and support, particularly for seriously injured veterans; continued support for veterans' families; and strengthened connections between the Canadian Armed Forces, the Department of National Defence, and Veterans Affairs Canada.

This motion, in perhaps a less specific way, appears to mirror the official opposition calls, as stated unanimously in June 2004 by the Standing Committee on Veterans Affairs, for specified enhancements to the veterans charter and repeated calls by injured veterans for more long-term supportive services.

While I commend the member for Edmonton Centre, a retired and honoured armed forces member, for tabling this motion and for calling for greater action in support of Canadian war veterans, it is unclear if he is now mirroring the opposition's calls for action by the government.

These questions arise: Is the member similarly decrying the wasted taxpayer dollars spent in forcing our veterans into a five-year court battle to end the clawback of the service income security insurance plan, or SISIP, benefits? Is he also now joining the opposition in supporting the RCMP call for the government to drop its court proceedings contesting the claim by the RCMP disabled veterans to end the clawback of their benefits? Third, is the member perhaps now regretting this past February having voted against the motion by the member for Châteauguay—Saint-Constant calling for more government support for veterans and military mental health services? That motion stated:

> That, in the opinion of the House, the men and women who bravely serve Canada in the armed forces should be able to count on the government for support in their time of need, and that the government should demonstrate this support by (a) immediately addressing the mental health crisis facing Canadian soldiers and veterans...(b) reversing its decision to close veterans' offices; and (c) prioritizing and concluding the over 50 outstanding boards of inquiry on military suicides....

I was proud to stand in support of that motion by my colleague. It is clear that the member for Edmonton Centre is proud of his role in the armed forces. Can we hope that he is now publicly joining our call for the government to support the government's sacred and fiduciary duty to our veterans, contrary to the position presented on behalf of the government in the Equitas court case?

It is unclear if the intent of Motion No. 532 clause (c), which says, "further improve care and support, particularly for seriously injured veterans", is intended to also include mental health conditions. We can hope so. If so, it is encouraging that the member is now speaking in support of calls for greater federal support for veterans suffering mental conditions as a result of their service and for suicide prevention interventions. It is also encouraging that the member has brought forward this motion seeking greater action on a continuum of care for our veterans. Action is needed, and it is needed now, to strengthen the veterans charter, as recommended by the standing committee.

I fully support and stand behind the member's call to eliminate any unnecessary bureaucratic processes put in the way of timely access to veterans' benefits and supports. For those already suffering physical or mental challenges, the support should be front and centre and readily available in the community to facilitate a timely response. Certainly toll-free phone service is neither sufficient nor appropriate.

I would remind the House that we, on this side of the House, have stood repeatedly to call on the government to invest more time on support and services for those who are suffering mental distress and to prevent any further suicides.

● (1155)

Increased financial support is needed and is needed now. The government response to look into this is not an acceptable response. On this side of the House, we appreciate that the member has brought forward this motion. However, I am troubled that the member's response to some of the questions posed to him are that it would have to happen in a phased manner. Yet, here we are with the government projecting that there will be a surplus. Surely, this matter should be front and centre and somewhere high on the list of priorities for increasing services.

The veterans charter is a step forward, but based on actual experience and the significant frustrations experienced by veterans, further actions are now required, as clarified by the Standing Committee on Veterans Affairs.

The member for Edmonton Centre has called for phased improvements. We would say that the ball is in the government's court. It can bring forward changes and move forward bureaucratically both within the reassembling of the various agencies and between Veterans Affairs and the armed forces. It can also make services available in a more timely fashion in our veteran communities.

The New Democrat calls for improved health support to our veterans are not new. In 2006, we called for the immediate elimination of the unfair reduction of the veterans disability pension benefit from the SISIP benefits.

Sadly, the government opposed this action. Here we are almost a decade later and this action was finally only taken in response to a court order and the expenditure of resources by our proud veterans. We are asking for an immediate response to the critical needs of our injured veterans, not reform over time.

As per the standing committee, we must address the personal injuries of soldiers before they depart or are dismissed from the forces to civilian life. As many members have said, it is important to merge the veterans and military services and benefits as recommended by the committee but in an expeditious manner.

There is a clear covenant and undertaking that when Canadian men and women serve in our armed forces and are sent off to war, we will ensure their care on their return, whether for physical injuries or mental disabilities, including PTSD.

Canadians expect that the federal government will ensure that full benefits and services are provided in a timely manner as physical disability is often accompanied by emotional and mental health challenges.

I can share that a very close friend and neighbour of mine, not through war service, lost one leg below the knee and then a second. It was an extremely difficult time both with respect to the physical recovery as well as adjusting to life in a new and different way.

Our members of the armed forces tend to be the most physically fit, energetic and determined of Canadians. That is why they step forward to serve. When they suddenly face a mental or physical disability, it is incredibly challenging for them and the family then bears the brunt of that.

I am proud to say that the city of Edmonton has brought forward fantastic health and other services to assist those who are returning and facing physical disabilities. I am proud that we have the services available for veterans housing.

However, it is important that the government steps up to ensure that when members of the armed forces return from serving, they are given every care, consideration and support, so that they can move forward and adjust to society, not just at retirement when they go into a retirement home but at the height of their young lives.

● (1200)

The Deputy Speaker: 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.

GOVERNMENT ORDERS

[*English*]

DIGITAL PRIVACY ACT

(Bill S-4. On the Order: Government Orders)

June 17, 2014—Second reading and reference to the Standing Committee on Industry, Science and Technology of Bill S-4, An Act to amend the Personal Information Protection and Electronic Documents Act and to make a consequential amendment to another Act—the Minister of Industry.

Hon. Bernard Valcourt (for the Minister of Industry) moved that Bill S-4, An Act to amend the Personal Information Protection and Electronic Documents Act and to make a consequential amendment to another Act, be referred forthwith to the Standing Committee on Industry, Science and Technology.

Hon. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, I am pleased to rise today to speak to Bill S-4, the digital privacy act.

The purpose of the digital privacy act would be to strengthen our private sector privacy laws and to increase protection for Canadians when they surf the web and shop online.

The digital privacy act would provide a foundation on which the government would hold businesses to account on behalf of consumers. It would establish a new framework and new rules for how private businesses handle, use, and collect the personal information of Canadians.

This past April, the Minister of Industry launched Digital Canada 150, a comprehensive plan for Canada to take full advantage of the digital economy. It is a plan that has clear goals for Canada to be a competitively connected country by the time we celebrate our 150th anniversary in 2017.

Our government understands that when Canadians shop online or make purchases with their credit cards, they want their information to be safe. That is why we introduced the digital privacy act which would improve Canada's private sector privacy laws.

It is the unfortunate reality, in today's digital age, that we need to be more and more wary of hackers and electronic data theft.

Just this past year, businesses like Target, Home Depot and Kmart in the United States, had the credit card information of millions of people lost to hackers.

It is surprising, but under our current rules, it is not mandatory for companies to disclose the theft of this information to their clients.

Under the digital privacy act, companies would now be required to tell their clients when their personal information has been lost or stolen.

In addition, businesses would now need to report these harmful breaches to the Privacy Commissioner. Further to this, companies would need to keep a record of all privacy breaches that have occurred within their organization and the Privacy Commissioner would now have the ability to request information on any of these breaches.

The digital privacy act would also set out hefty penalties for companies that deliberately break the rules and try to cover up a data breach. Organizations would face fines of up to $100,000 per client they fail to notify that the data breach has occurred.

Let me now outline a few more ways the bill would help protect Canadians.

The digital privacy act would introduce stronger rules to protect vulnerable Canadians, like children and seniors, when they surf the web.

Many websites are focused on children, like educational online playgrounds or learning websites. Many times these websites, for marketing purposes, ask to collect personal information from the person using the website.

Under the digital privacy act, we would establish stronger rules and clarify that the wording that these companies use to request personal information needs to be simple enough that a child, or any target audience, could understand.

This means that if the consent required is too difficult for a child to understand, the consent would not be valid.

In addition, the digital privacy act would introduce limited and targeted exceptions where personal information could be shared without an individual's consent.

An unfortunate factor in our society is financial abuse. Currently, banks and financial institutions do not have the ability to alert the appropriate authorities when they suspect a senior is a victim of financial abuse.

The digital privacy act would now give an exception to banks and financial institutions to be able to alert law enforcement when they suspect someone is a victim of financial abuse.

Finally, the digital privacy act would give the Privacy Commissioner new powers to help enforce the law and make companies accountable when the rules are broken.

The Privacy Commissioner would now be able to negotiate compliance agreements with organizations that break the law. This would keep organizations accountable to their commitments to correct privacy issues.

In addition, the commissioner would now have one year, instead of 45 days, to take organizations to court if they do not play by the rules.

The digital privacy act would also give the commissioner a new ability to name and shame organizations that are not co-operating either with an investigation or with their commitments to fix their privacy issues. This would also allow Canadians to become more knowledgeable about issues that affect their privacy.

As technology and the marketplace evolve, we need to be more and more aware of how we can protect ourselves and our information.

The digital privacy act is common sense legislation that would help update our private sector privacy laws and would hold organizations to account when they lose personal information.

The Privacy Commissioner would now have increased power to help enforce the law and would also hold companies to account when they do not play by the rules.

I look forward to the continued debate in this House and to when the bill is referred to the Standing Committee on Industry, Science and Technology where we will hear from expert witnesses as we continue to discuss how to best protect Canadians in our digital world.

I hope all hon. members will join me in supporting Bill S-4.

● (1205)

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I appreciated the parliamentary secretary's speech; however, today we are debating a motion to send Bill S-4 to committee before it is even debated in the House of Commons. That is a rather exceptional measure. This is the first time this measure has been used since 2011. However, the parliamentary secretary did not provide an adequate reason for why the government wants to speed this process up. I hope it is to fix the mistakes in the bill, and to fix the fact that this bill violates our privacy by allowing organizations to share personal information with each other, without a warrant and without consent.

Can the parliamentary secretary provide a better explanation of why the government wants to send this bill to committee? If it is to make changes, what kinds of changes does the government have in mind?

[*English*]

Hon. Mike Lake: Mr. Speaker, we have had the opportunity to discuss privacy issues in the past. As the member knows, the privacy legislation is very complex. By going down this road, we are giving parliamentarians and expert witnesses the opportunity to weigh in on this important legislation before the committee process, which is open to the public, open to comment, and to have a dialogue on how to best protect the privacy of Canadians moving into the future.

It is a unique process, but one that is designed to ensure that we get the best possible outcome in this piece of legislation.

● (1210)

[*Translation*]

Ms. Charmaine Borg: Mr. Speaker, no one else seems to be interested in the debate today. I hope that will change in the future.

I have another question. Time and time again, this government has outright refused all proposed amendments, changes or modifications to a bill. In committee, the government often does not even listen to what the witnesses have to say.

Can the parliamentary secretary confirm whether it is truly a gesture of good faith to study this bill in committee before it is passed at second reading? Will there finally be at least a basic amount of co-operation for once?

[*English*]

Hon. Mike Lake: Mr. Speaker, I am sure that while there may not be that many members taking part in the debate today, I am sure there are hundreds of thousands of Canadians watching this live on CPAC, riveted by the discussion.

Obviously, the entire process here is designed to ensure that we come up with the best piece of legislation possible. I look forward to the hon. member debating this at committee where she will have the opportunity to bring up any points that she deems relevant.

I am glad to meet with her at any time to have a conversation on how to come up with the best piece of legislation possible.

[*Translation*]

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, I thank the two previous speakers.

My colleague from Terrebonne—Blainville had some good questions for the parliamentary secretary. She even introduced Bill C-475, which proposed a number of provisions that can be found in Bill S-4.

Why did the Conservatives not vote in favour of the bill introduced by my colleague from Terrebonne—Blainville, even though several of the provisions in her bill are in Bill S-4, which they want to pass?

[*English*]

Hon. Mike Lake: Mr. Speaker, obviously, the hon. member oversimplifies the situation. We are talking about two different pieces of legislation. The government feels that this is the best way forward to get the most balanced result to the best benefit of Canadians possible.

My hon. colleague, across the way, has the opportunity to come before committee. As a member of the committee he can ask questions, move forward amendments and hopefully, we can work together to ensure that we have the soundest bill we can at the end.

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, the motion we are looking at today is unique in that it is the first of its kind in Parliament.

We have to wonder whether it is worth sending this bill to committee before it is passed at second reading, since that is not in keeping with the usual legislative process. While I have numerous concerns about Bill S-4, I still plan on supporting today's motion because I think that we can work together to improve the bill. However, that does not mean that I support the bill, and I must make that distinction.

As parliamentarians, we have been elected to work together and find effective solutions. That is what I am hoping to do today. I want to reach out to the government in the hopes of improving this bill because some of the elements are a step in the right direction.

As the hon. member for Chicoutimi—Le Fjord said, I introduced Bill C-475 in the House. That bill was designed to make significant changes to the Personal Information Protection and Electronic Documents Act, PIPEDA, to ensure it reflected the reality of the digital era. Unfortunately, the Conservatives voted against it. There could have been better protections in place, but we were unable to work together. This time around, I hope that will be possible.

It is extremely important that PIPEDA be updated, since it has not been updated since the very first iPod was introduced. Technology has evolved. Facebook did not even exist yet at the time. Things have really changed, and the law must reflect the current reality. This bill is a good first step, but it does not go far enough.

For instance, it is important to introduce a mandatory system for notifying users of data losses and data breaches. However, the model proposed by the government is subjective: organizations can decide whether the data breach is significant enough to report. In some situations, these organizations will not have the best means or knowledge to do this, especially the really small organizations. Is it really in their interest to disclose such data breaches? Probably not.

Bill C-475 proposed a model that was objective. That is one aspect that must absolutely be improved in order to better protect Canadians' privacy, and I hope this change can be made in committee.

It is important to implement a system that will ensure greater compliance with PIPEDA. With international digital mega-corporations in the picture, our laws are too frequently broken because there are currently no penalties. That is why we need a system of penalties to enforce corporate compliance with PIPEDA and Canadian privacy laws.

Unfortunately, Bill S-4 does not go far enough in this respect. It creates the option of putting together a committee that will act in good faith. Sometimes everyone acts in good faith and is happy, but that is not always how things work.

The commissioner has to be able to issue orders earlier in the process, but that is not what the government has proposed. That is what I proposed in Bill C-475, and that is another change that will have to be made to Bill S-4 before we can support it.

However, what really bothers me about this bill is the provision that would allow organizations to share personal information without a warrant and without the consent of the individual concerned. That is a huge problem. Even though this bill is called the digital privacy act, it contains a provision that could really interfere with the protection of privacy. I find that deeply contradictory.

● (1215)

It is also extremely important to point out that between the time that this bill was drafted and the debate today, the Supreme Court reiterated in its ruling that information such as data from Internet service providers on their clients, including their IP addresses, email addresses, names, telephone numbers, and so forth, are personal information and cannot be obtained without a warrant. Obviously, I am paraphrasing, but that is more or less what the Supreme Court ruled.

I have major reservations about the constitutionality of this provision of the bill. I asked the government to reassess it and withdraw it. Unfortunately, my request was not favourably received.

I think we could work together during review in committee on withdrawing this provision, which may violate the Canadian Constitution. I hope that is why the Conservatives want to send this bill to committee.

Obviously this is a Senate bill. During review in committee, a number of witnesses shared their concerns over this very provision. The Privacy Commissioner said the following in a brief:

> Allowing such disclosures to prevent potential fraud [as provided for in clauses 7 (3)(*a*.1) and 7(3)(*a*.2)] may open the door to widespread disclosures and routine sharing of personal information among organizations on the grounds that this information might be useful to prevent future fraud.

Indeed, the government wants to protect personal information, but allowing access to that information without a warrant, without consent, without any judicial oversight and without transparency is very problematic.

On many occasions, the government has used PIPEDA and its loopholes to call on Internet service providers and ask for Canadians' personal information. Why? We do not know. We do not even know exactly how many requests have been made, because this information is not available to the public. However, based on what the Privacy Commissioner revealed, we know that in a single year, government agencies made at least 1.2 million requests to Internet service providers to obtain personal information about their customers. That is a huge problem.

The government could have taken this opportunity to truly protect Canadians' privacy and to fix the loopholes in PIPEDA that allow this kind of information to be transmitted without legal oversight, without consent and without any transparency. It could have done that. I hope it will do so during the study in committee. That is very important. I am just making a suggestion.

We are debating the motion today. We are prepared to agree to study this bill before it passes at second reading, as is usually the case. I hope that this will be a gesture of good faith, and that the Conservatives will take this opportunity to fix the loopholes in PIPEDA and to eliminate the clause allowing organizations to share information without a warrant. We cannot support a bill that contains provisions that violate Canadians' privacy.

● (1220)

[*English*]

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I wonder if the hon. member has concerns about Bill C-13, the recent anti-bullying bill that was passed in the House, and the implications to Canadians' privacy when the two bills are combined.

[*Translation*]

Ms. Charmaine Borg: Mr. Speaker, that is a rather peculiar question coming from someone who supported Bill C-13 at third reading. Together, these two bills strengthen the parallel system for accessing personal information. Of course, there is the traditional system under which a warrant is needed to obtain personal information about someone. However, as a result of flaws in the Personal Information Protection and Electronic Documents Act, there is also a parallel system under which a government agency can simply pick up the phone, call an Internet service provider and ask for information about that company's clients. That is something that the government does not seem to want to correct. In fact, the government wants to do the opposite. It wants to increase its ability to do this sort of thing by giving itself legal immunity under Bill C-13 and by now allowing organizations to share Canadians' personal information among themselves without consent and without a warrant.

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, in the digital age, the Internet and communication and information systems are at the heart of our networked society. The ubiquitous interconnectivity and growing exchange of data thus create a host of new possibilities, some worse than others.

Since, like me, my colleague is part of the Internet generation, could she speak about the dangers associated with this interconnectivity and the security of personal information?

Ms. Charmaine Borg: Mr. Speaker, in the digital age, there are many new risks. I offer a computer security course for seniors at a seniors centre in my riding. This helps me to see just how concerned people are about the risks they face in the digital age. These individuals do not necessarily know what happens when they enter their personal information into the vortex of Facebook, Google or any other network. People often think about the two examples that I just mentioned, but this goes even further than that. Phishing emails are often sent to people who do not necessarily know how to distinguish between a phishing email and a legitimate email.

I want to share some key figures that show just how concerned people are about this issue. A total of 70% of Canadians feel less protected than they did 10 years ago, 97% of Canadians would like organizations to inform them in the event of a data breach, and 91% of Canadians say that they are concerned or extremely concerned about the protection of personal information. That is huge.

The NDP has taken action on this file. We introduced Bill C-475. On one opposition day, we moved a motion to close the gaps in the Personal Information Protection and Electronic Documents Act and to enhance the transparency of the parallel system for information sharing between Internet service providers and government agencies. We took action. Unfortunately, the government took an extremely long time to propose amendments to the Personal Information Protection and Electronic Documents Act and debate them. We are happy to be doing this today. Unfortunately, this is not an ideal bill. It needs to be improved.

● (1225)

Mr. Dany Morin: Mr. Speaker, I thank my colleague for her excellent response. Members of my party and I are aware that in some emergency situations, there has to be access to information without a warrant. The problem with sharing information that way is that it seems to happen more often than circumstances can justify. The government has to strike a balance between protecting privacy and security. Bill S-4 does not strike that balance.

Can my New Democratic colleague tell me about her concerns with respect to that failure to strike a balance?

Ms. Charmaine Borg: Mr. Speaker, I will be brief. It is important to strike a balance. Yes, there are emergency situations, but things should be handled case by case. What we are seeing now is an abuse of this whole parallel system in which a phone call to an Internet service provider is all it takes. The Supreme Court has taken action on this file. It ruled on the matter. Now the government has to abide by that ruling. I hope that is what the government will do during the committee's study of this bill.

[*English*]

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I am happy to be on my feet, adding a few comments on my concerns with Bill S-4.

I have to begin by saying that I am disappointed that the bill had to come from the Senate, rather than being introduced in the House as part of the ongoing committee work that we would have been doing. The government chose to have it introduced in the Senate and brought in through the back way.

On this side of the House, we will support sending the bill to committee. We have some very serious concerns when we combine the impact of Bills C-13 and S-4, but in order to ensure that we are being open and fair on this issue, that we understand it thoroughly, and that it does keep Canadians' interests in mind, we will support it going to committee. Hopefully, at that point, we will have sufficient time to get answers to the various questions of concern.

We are back discussing the Conservatives' type of approach, which is that one is either with them or against them. If we vote against the bill, it means that we are not interested in privacy rights, and if we vote for the bill, there is another side.

It is another one of those bills that continue to be very divisive in the House at a time when these are the kinds of privacy issues that we should be trying to work out together. I do hope that when we get to the industry committee, we have a good group there so that we can do some serious work in a non-partisan way. Maybe we can strengthen the bill in the end, by listening to some of the experts who have sincere concerns about it.

I do not mean to start out on a negative, but the truth is simple. We all need to be part of the debate today.

The way that the government looks at personal information, protection and privacy has already been subject to a Supreme Court ruling, and we have to give consideration to that. It is one thing to play partisan politics in the House and think that we are playing to the political base, but it is important that we listen to the rulings of the Supreme Court on privacy issues.

There are clearly those who have tried to make it sound like anyone who does not support the government is supportive of criminals. We have heard that before. However, the discussion is not as simple as that. The government's record on information protection has been embarrassingly negligent, so forgive me if I am not convinced that the recent scheme is worth passing without intense scrutiny.

We should all remember the matter of that lost hard drive, which held the social insurance numbers, medical records, birthdates, education levels, occupations and disability payment information of about 5,000 Canadians. That was lost. Perhaps the government wishes to plead incompetence on that side, or maybe it was an accident. We always like to be fair, so maybe it was an accident. Either way, the way that the government manages information needs extra study, which is why I am speaking on this today.

We are now looking at Bill S-4, but one cannot look at Bill S-4 without considering the implications of its companion legislation. Bill C-13, which is also before the House this week, would make it a crime to transmit pictures without consent, and it would remove barriers to getting unwanted pictures removed from the Internet. The stated intent of the bill is positive, but I have serious concerns with the provisions that would grant immunity to telecom companies that provide subscriber information to the police without even so much as a warrant.

I raise the issue, given that last April, Canada's interim privacy commissioner revealed that nine telecommunications companies received an average of 1.2 million requests from federal enforcement bodies for private customer information every year. That amounts to nearly 3,300 requests each and every day.

Those are shocking numbers, and it could be argued that the bill has, in effect, already been rendered unconstitutional by the Supreme Court. Last June, in an unrelated case, the court declared that law enforcement requires a warrant to get even basic subscriber data. Bill S-4 would allow private companies to share telecom subscriber data between themselves, something that would seem to contravene the Supreme Court's ruling.

How could that possibly be? Did the Senate miss this detail or did it fail to consider the implications of the Supreme Court's ruling? The truth is that the Senate passed Bill S-4 just days after the Supreme Court ruling, without even studying the implications. I guess the government is less concerned with that than pushing ahead with both Bill C-13 and Bill S-4. It is a lack of respect for the Supreme Court as well as Parliament.

● (1230)

Put simply, the legislation represents a paradigm shift in the way we deal with the release of private information. Traditionally, privacy laws outline the rules and procedures needed to protect information and personal data, but in this case, the legislation sets out circumstances under which that material can be released. Clearly, the implications of this change have not been fully considered and should be explored by the committee prior to passing final judgment on the pros and cons of the measures contained within Bill S-4.

My party and I will be voting to send it to committee for what we would hope is a thorough examination. Liberals want to ensure that law enforcement officials have access to the information they require to keep us safe, but a blank cheque approach is inappropriate. A blank cheque approach has been ruled unconstitutional by the Supreme Court and promises limited success in advancing societal protections when considered holistically. Why not take the time to do this right?

In a world where crimes involving data theft, identity fraud and online stalking are on the rise, protecting data is crucial. Data is not simply information. It is a commodity, it is power, and it is the doorway into the private lives of so many people. Liberals are deeply concerned that the government's commitment to safeguarding the personal information and privacy of Canadians is less than absolute. I am not suggesting the government is malicious. I do not believe that, but I fear it just does not understand the implications of Bill S-4.

Notwithstanding certain faulty or short-sighted legislative measures introduced by the government in the past, Canada is facing a genuine paradigm shift with respect to privacy protection, but privacy protection cannot be taken lightly. Whether protecting personal information from unscrupulous business interests, Internet stalkers and identity thieves, or rogue states bent on economic espionage, information security is crucial.

With these concerns in mind and as a leap of faith and confidence that our committee will have a chance to thoroughly examine this, I will be voting in favour of sending the bill to committee for further study. However, in return, I am also asking the minister to allow the committee to do its work honestly and freely without the involvement of the leadership so that the committee is allowed to really examine it thoroughly to ensure that if this goes forward, it goes forward with what I would hope would be unanimous support in the House on something as important as Canada's privacy rights. I believe that is quite doable, because at the end of the day we have the same objectives, to ensure Canadian privacy laws are strong and that Canadians are protected.

● (1235)

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I would like to thank my Liberal colleague for her speech.

I am pleased that she raised some of her concerns about Bill S-4, in particular the negative impact it may have on the privacy of Canadians. All of the concerns that she mentioned were also raised by the Liberals during the debate on Bill C-13. However, in the end, the Liberals supported the government bill designed to spy on Canadians.

I would like to know if we can expect the same thing from the Liberals this time as well?

[*English*]

Hon. Judy Sgro: Unfortunately, Mr. Speaker, as is the case with much of the legislation that the government puts forward, it puts two or three good things in that we want to see happen, especially issues such as cyberbullying and so on, the issues that Canadians truly care a lot about, but it also throws in a bunch of other things that we equally have concerns about. It comes down to weighing the pros and cons of which parts are the better parts to deal with.

Cyberbullying is an important issue right now. It is in the headlines. It is important that we do everything we can to protect our young people from cyberbullying. Not passing Bill C-13 meant it would have taken another year or maybe two, by that time another election, and other young people would have continued to be exposed to some of those issues. We had to close our eyes, say a prayer, say half a loaf is better than none and that we would be able to protect some children from this. Taking one step forward is exactly what we had to do.

[*Translation*]

Ms. Charmaine Borg: Mr. Speaker, I would like to thank my colleague for her response.

She said that the Liberals hope to make a real difference by examining the motion in committee. In her speech, she also mentioned that it is somewhat difficult to trust this government when it comes to information protection. We have seen how little regard the various departments have for the privacy of Canadians. They have no issue with picking up the telephone and asking Internet service providers for personal information about their clients.

Is my colleague worried that instead of moving ahead and fixing the problems and flaws in this bill, the government is going to take a step backwards? I would like to hear her comments on that.

[*English*]

Hon. Judy Sgro: Mr. Speaker, we are concerned, as we were with Bill C-13, but hopefully we will do a thorough examination of it at committee. We will not support the legislation if we do not see some changes and some clarifications when it comes out of committee. I am much more hopeful. We have been able to do some good non-partisan work at the industry committee and I look forward to continuing to have that opportunity.

We must keep in mind that this is about protecting Canadians' privacy rights, especially given the Supreme Court of Canada's ruling that the Senate chose to ignore. I suspect that will be front and centre and it will be our job as opposition to continue to remind the government at committee that there is a Supreme Court ruling on Canadians' privacy rights and it should be reflected in the final recommendations that come back to the House.

● (1240)

[*Translation*]

Ms. Charmaine Borg: Mr. Speaker, I have one last question. We know that the Senate has already examined this bill. I do not like when bills come from the Senate, but that is how it is. The Liberal Party has Liberal senators or senators who are Liberals—who knows what to call them?

My question is this: did the Liberal Party senators try to improve this bill? They had the chance to do so. I am curious to know how hard the Liberal senators tried to improve this.

[*English*]

Hon. Judy Sgro: Mr. Speaker, some extensive work was done at committee but not enough.

I have a real problem with the Senate introducing bills that should have come through our committees, which would give our committees the time to discuss and work on these bills. I do not support bills coming through the Senate, or through what I call the back door. This is the first House that legislation should come to and it should be done at our committee level.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, as the member of Parliament for Renfrew—Nipissing—Pembroke, it is a pleasure to rise in the House today to speak in support of Bill S-4, the digital privacy act. Bill S-4 is an essential part of Digital Canada 150, our Conservative government's plan to confirm our leadership in Canada in the digital age.

Bill S-4 proposes a number of important changes to the Personal Information Protection and Electronic Documents Act, PIPEDA, that will strengthen the protection of Canadians' privacy. The digital privacy act would also set new rules on how personal information is collected, used, and disclosed. Most importantly, this legislation requires organizations to tell Canadians if their personal information has been compromised. Companies who fail to inform Canadians about privacy breaches would be subject to severe fines for breaking the rules.

The digital privacy act is a balanced approach that protects Canadians' personal information. It allows for information sharing when the law has been broken. This balanced approach confirms our Conservative government's respect for personal privacy.

Let us now address any misunderstanding by individuals who have not read our legislation, particularly when things are read into this bill that clearly do not exist, such as claims that this bill expands warrantless disclosure

When all parties in this House agreed to enact PIPEDA over a decade ago, we recognized that there were certain limited circumstances where an individual's right to privacy should be balanced to assist the public interest. For example, PIPEDA ensures that the right to freedom of expression is respected by allowing for information to be collected and used for journalistic or artistic purposes. Another example is that PIPEDA allows people to freely share information with their lawyer, even if it includes the personal information of another individual, to ensure the proper administration of justice.

PIPEDA allows private sector organizations to disclose individuals' personal information in order to conduct investigations that help protect Canadians from wrongdoing. This provision has always existed within PIPEDA. Bill S-4 does not expand this practice. Rather, our legislation would place tight rules and strict limits on when and how private organizations could share Canadians' personal information.

I would like to emphasize to the House the role of private organizations and how they can play an important role in creating a safe and secure society for Canadians. Consider, for example, self-regulating professional associations, like the College of Physicians and Surgeons of Ontario, the Law Society of Alberta, or the Association of Professional Engineers of Nova Scotia. These bodies have the legal authority to investigate their members and take disciplinary action where required. This may be because a physician is performing procedures that he or she is not qualified to perform; it may be because a lawyer is charging inappropriate fees to clients; or, it may be because an engineer is approving the drawings for a new building without actually reviewing them.

It is not difficult to see there is a real public interest in making sure that these professional associations have the ability to investigate complaints against their members and to ensure they are meeting high professional standards that benefit Canadian society. In order to do so, investigators must be able to obtain personal information that is protected under PIPEDA. For example, when investigating a complaint against a lawyer, the law society may request that the lawyer's firm provides access to his or her client lists, financial records, or calendar. All of these records could include personal information which normally could not be disclosed to investigators without the individual's consent.

● (1245)

Under PIPEDA as it now stands, investigators who want to access personal information without consent must be listed as an investigative body by Industry Canada. This involves coming forward to the department and justifying the need to access the information. This is an onerous process for organizations and for the government. For example, a simple name change by an investigative organization may lead to a year-long regulatory process before the change is reflected in the law.

During the first statutory review of PIPEDA, the House of Commons committee recommended that PIPEDA be amended to change the rules for private investigations and adopt a system that is consistent with both Alberta and British Columbia. Under these regimes, there is a general exception to consent for information sharing purposes of private sector investigations.

In essence, these provincial laws regulate the activity of private investigations rather than the organizations who conduct them. Bill S-4 would introduce similar rules to those that already exist in Alberta and British Columbia. By placing tight rules and stricter limits on when and how private organizations can share a Canadian's personal information, our government is complying with the recommendations made by the all-party committee.

Upon Bill S-4 being enacted, private organizations would be required to abide by four strict rules when sharing a Canadian's private information for the purposes of an investigation. It is important for Canadians to appreciate that despite these rules, private organization information sharing is voluntary. These rules only apply in the event that an organization agrees to disclose information for the purposes of an investigation. These rules are as follows:

First, the information can only be provided to another private organization, not the government and not law enforcement. Second, the information that is requested must be relevant to the investigation. For example, there is little reason that a social insurance number would be released for the purposes of investigating professional misconduct. Third, the investigation must pertain to a contravention of the law or breach of a contract. Finally, it must be reasonable to believe that seeking the consent of the individual to disclose the information would compromise the investigation.

To be clear, organizations that share information would continue to be subject to all other requirements of PIPEDA. The Privacy Commissioner and the Federal Court will continue to have oversight on this matter, and if an organization is found to be using the exemption provisions where it is not necessary, action would be taken by the commissioner or by the court.

The Conservative government always takes the privacy of all Canadians very seriously. Our fundamental beliefs, such as democracy, the right to own private property, and the right of freedom of association, are complementary. They are why we introduced the digital privacy act, to protect Canadians' private information in the digital age.

I look forward to the remainder of the debate and working with the opposition for all Canadians on how we can best protect individuals in the digital world.

● (1250)

[*Translation*]

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, the Conservatives have repeatedly shown how little respect they have for the Supreme Court of Canada. We have seen various examples of their contempt for our justice system.

Why do they not remove the parts of Bill S-4 that are likely to be considered unconstitutional in light of the Spencer decision?

[*English*]

Mrs. Cheryl Gallant: Mr. Speaker, unfortunately the statements made were false and totally unrelated.

Today in Ottawa we are celebrating Cyber Security Day. We have a unique situation, which hopefully will be the model for the rest of Canada, where two private sector companies, Fortinet and Willis College, are going together, with funding from the Canada job grant, so they can have a special program called the advanced network security professional diploma program to help Canadians protect themselves.

There are two types of Internet users: those who have been hacked, and those who know they have been hacked. This is why we need legislation to ensure that individuals' privacy is protected in this digital world.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I am sure we share equal concerns on some of these things.

Dr. Michael Geist, who is the Canada Research Chair in Internet and E-Commerce Law, certainly has flagged a few issues that we will have to deal with at committee, but the idea that many of these organizations can release Canadians' information if requested, without informing the individual that this information has been requested and is done in secret, cannot help but set off a few alarm bells. I wonder if my colleague is equally concerned that this is the case, as Dr. Geist has referred to, and will we have an opportunity at committee to look at how to tighten that up?

Mrs. Cheryl Gallant: Mr. Speaker indeed I enjoy working with my colleague across the way at the industry committee, probably one of the most interesting, non-partisan committees that the House of Commons enjoys.

I look forward to Dr. Michael Geist coming to committee, and it should be noted that overall he supports this act. I recognize the hon. member's concern, but I would like her to remember that it must be reasonable to believe that seeking the consent of the individual to disclose the information would compromise the investigation. That is the rationale for the gathering of information without a person's knowledge.

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, if the hon. member thinks that this legislation is so important, and I know nobody likes to be hacked, why is the bill coming from the Senate and not the government? Why are Conservatives bringing this bill to the House of Commons through the back door?

Mrs. Cheryl Gallant: Mr. Speaker, the important thing is that the bill is being brought forward. I certainly understand why the member opposite is concerned about where it came from, in that his party does not have any members in the Senate, although secretly they each harbour the desire to become a senator.

In the past we have had bills from the Senate come through the House of Commons. This is simply a more efficient way to go. The members of the House of Commons will have an opportunity, both in this debate as well as at committee, to put forth their concerns and contribute to any amendments to ensure that we get the bill right.

● (1255)

Mr. Dan Harris (Scarborough Southwest, NDP): Mr. Speaker, I will begin by refuting the claim by the member regarding New Democrats secretly harbouring these strange desires to become senators. For the entire 50-year history of the New Democratic Party, we have called for abolishment of the Senate.

We believe in Canadian society and we do not need to have a House for people who consider themselves above the rest of us, which is often what has happened. Certainly there are currently cases before the courts regarding Mike Duffy, Pamela Wallin, Patrick Brazeau, and Mac Harb. This is certainly not a group that any New Democrat wants to become a part of. It flies in the face of democracy.

As my colleague for Nickel Belt pointed out, if the bill is so important, why is it coming from the Senate rather than the government?

The Conservatives have formed government for nearly eight years now, and they are finally getting to this matter. Hacking is not new. Invasion of privacy is not new. Why were these changes not brought before us years ago?

I would also like to address the fact that the bill is being referred to committee before second reading. I actually applaud the government for this move, but my next question is to ask why this did not happen before. Why was this approach not taken regarding electoral reform? Why was this approach not taken regarding some first nations' issues that have come before the House so that we would have a broader scope of study within committee and an attempt at working together?

When the parliamentary secretary first rose to speak on the bill, he said that bringing the bill to committee before second reading would help to ensure that the best bill would be brought forward. I think it demonstrates that perhaps the current government is not always interested in bringing the best bill forward, because we are three years in, and this is the first time that the Conservatives have chosen this approach.

We have had numerous instances of bills being brought forward by the government and then being overturned by the Supreme Court of Canada. We potentially could have prevented that from happening had we taken this approach with other bills or had the government listened to opposition amendments and suggestions to make sure that the bills conformed with the law.

Traditionally, of course, adoption at second reading amounts to approval of the principle of the bill by the House. This can often restrict the committee's ability to make changes and amendments, which is something we would avoid with this bill. I hope that the industry committee takes the proper amount of time to study this issue before referring it back to the House. I certainly think the capacity is within the industry committee to do so. We have an opportunity to fix the parts of the bill before us that are lacking.

With regard to the rationale given by the member across the way for some intrusions into privacy, it is not so cut and dried. It is not a black-and-white issue. These are issues that need to be explored further, and the committee setting is the appropriate place to do that. The question is, will that in fact happen?

Most of us are surprised and a little confused as to why the government is taking this approach. The Conservatives have had many opportunities to use this approach in the past, but have never chosen to. It will be very interesting to follow the proceedings in the industry committee to see where this goes. Is it because government members want to make substantive changes that their brethren in the Senate missed, avoided, or did not put in?

Perhaps that is why the Conservatives are bringing it forward, but only time will tell. One of the very important lessons I have learned here is not to believe it until it happens, which can be said of so many different things we do in the House. There are a lot of rumours out there, but it would be good to try to stick to fact as much as possible.

Since the committee will have the opportunity to properly consider and make necessary changes to the bill, we are supporting the motion to send the bill back to committee. I think it makes a lot of sense, and it is an approach that should be used more often.

● (1300)

That this was done without a warrant raises questions. I would hate for court cases to be moving forward in which evidence might be thrown out because warrants were not obtained. The result would be an increased cost for the judicial procedure, and there is the potential as well for letting some criminals off the hook when they should be facing prosecution. We definitely need to beef up those aspects.

There is a provision within the bill that would make it easier for companies to share personal information without warrant or consent from clients and with no proper oversight mechanisms in place. Following a recent decision from the Supreme Court of Canada, this provision will most likely be considered unconstitutional.

The government must respect the Supreme Court ruling by withdrawing all clauses relating to warrantless disclosure of personal information from the bill. That is a very reasonable position. Canadians would expect that if law enforcement agencies are seeking people's personal information, they would have to follow a process, and obtaining warrants is a very important part of our system. It has to be proven that the information is needed before a warrant is obtained. That is a minimum standard when seeking this information. Currently, with these warrantless provisions, requests can be made without any oversight. That is troubling to many Canadians who are concerned about their privacy.

We are also concerned about many of the negative consequences that certain provisions in this bill might provide.

It is also interesting to note that the bill was largely inspired by Bill C-475, which was tabled in 2012 by my colleague, the member for Terrebonne—Blainville. Rather than wasting time and avoiding creating better protections for Canadians, the Conservatives should have simply supported the NDP's bill, which would have done more to protect Canadians' privacy.

Privacy has been a thorny, low-priority issue for the Conservatives, who have been incapable of adequately protecting Canadians' privacy. Their own departments have been responsible for allowing thousands of breaches of personal information while citing privacy considerations and decrying heavy-handed government.

The Minister of Industry argued that the long form census was intrusive to Canadians' privacy, and it was eliminated. However, the government sees nothing wrong with invading Canadians' private information without a warrant and without telling them. It is bizarre that these things would be happening and that nobody knows about them until it is too late.

Now I look forward to questions from colleagues.

● (1305)

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, with regard to the comments of the previous speaker that New Democrats want to be senators, as I guess is what she said, and that we are envious of senators, could the member elaborate on how many New Democrats he knows who want to be senators?

I do not know any myself. I have been around for a lot longer than you have and I have never met any, so could you tell us if you know of any?

The Acting Speaker (Mr. Barry Devolin): If the member is asking the Chair, the answer might be different from his colleague's answer. Could he direct his questions to the Chair rather than to his colleague?

The hon. member for Scarborough Southwest.

Mr. Dan Harris: Thank you, Mr. Speaker. That intervention gave me a bit of time to think about it, and to my knowledge, I do not remember ever meeting a member of the New Democratic Party who wanted to become a senator or who had that as their ambition in life.

The member said he has been around a fair bit longer than I have, but in political terms, maybe not so much. I might only be 35, but I will be celebrating my 20th anniversary as a member of the New Democratic Party just next spring.

It is something that is completely counter to what New Democrats believe in. We have never believed in having our own version of the House of Lords. We have never believed that people of privilege should be given even more privilege, and then not even really be held to account. There are terrible transparency and accountability issues within the Senate.

I do not think it is a part of our democratic institutions that we want to keep. Therefore, the answer is no. I have never met a New Democrat who wants to be a senator.

Mr. Claude Gravelle: Mr. Speaker, this young gentleman is so far behind me that he will never catch up in seniority. However, I would like to ask him the same question I asked the member for Renfrew—Nipissing—Pembroke. If this is such a good bill, why is it coming through the back door? Why was it not presented by the government?

Mr. Dan Harris: Mr. Speaker, I am pleased to know that my colleague is not interested in becoming a senator either.

It is perplexing that the bill is coming from the Senate. It is supposed to be such an important issue that the government should be dealing with it itself, yet it has let the Senate take the lead on it. Who knows why? Perhaps it is bringing it forward to committee before second reading because the Conservatives think the senators have done a really bad job with it and it needs a lot of work. We will certainly be asking this question repeatedly to members of the governing party over the course of the day to try to determine why they have let the Senate take the lead on this bill and why they have abdicated the responsibilities of government yet again.

Mr. John Carmichael (Don Valley West, CPC): Mr. Speaker, I am pleased to rise today to speak to Bill S-4, the digital privacy act. I support the bill.

The purpose of the digital privacy act is to strengthen the rules for the safeguarding of Canadians' personal information when they shop online or surf the web. The digital privacy act would amend the Personal Information Protection and Electronic Documents Act, more commonly known as PIPEDA, which provides a legal framework for how personal information must be handled in the context of commercial activities.

Last April, our Conservative government introduced the Digital Canada 150, an ambitious plan for Canada to take full advantage of the digital economy as we plan to celebrate our 150th anniversary in 2017. Digital Canada 150 has five pillars and 39 new initiatives that will allow Canada to be a leading nation in the digital domain. One of the most important pillars in Digital Canada 150 is the "protecting Canadians" pillar, which is what we are talking about today. The digital privacy act would introduce new amendments and stronger rules to help protect Canadians' personal information.

As we live in an increasingly digital age, the need to protect our personal information becomes stronger. We use credit cards to purchase items online. We use the Internet to browse websites that may ask us for our personal information, and so on. Just last month, Home Depot was the victim of a massive data breach. The information of 56 million debit and credit cardholders was stolen.

It is surprising that, under the current law, it is not mandatory for companies to disclose to their clients that they have been the victims of hackers or if they have lost personal information. That means that if someone's credit card information was stolen, under current laws, that person may never know his or her information was compromised. It may be surprising to some, but it is not currently mandatory that companies inform their clients if their personal information has been lost or stolen.

Under the digital privacy act, however, if a company fails to notify its clients of a data breach where their information has been compromised, it can face a fine of up to $100,000 for every client it fails to notify. In addition, companies are now required to keep a record of all data breaches, and all documents must be handed over to the Privacy Commissioner upon his or her request.

The digital privacy act would also put in place new provisions that would allow the limited disclosure of personal information when it is in the public interest. One such example is the unfortunate reality of financial abuse. As it stands now, banks and other financial institutions are prevented from reporting suspected financial abuse to the proper authorities. The digital privacy act would give the exception to allow banks to alert law enforcement when they suspect that a senior is being financially abused.

The Canadian Bankers Association has endorsed these amendments. It said:

> We were pleased to see that Bill S-4 includes amendments that would give banks and other organizations greater ability to assist their clients to avoid financial abuse.

As our society spends increasingly more time online and on the Internet, it is important that we have the proper safeguards in place for our children. Educational websites and virtual playgrounds are becoming more and more popular with young children. Sometimes, for marketing purposes, these websites will ask for the users' personal information. Under the digital privacy act, there is a clearer set of rules for when companies ask to collect personal information from a child. The request for information now must be written in a way that a child can understand. If the wording is too complicated for a child to understand, the consent is not valid.

The digital privacy act would also ensure that online privacy laws reflect the realities of business, such as allowing businesses to share employees' contact information and information necessary to manage an employment relationship. Businesses also need to be able to use the information employees produce at work as well as the information necessary to conduct due diligence during a business transaction such as a merger.

● (1310)

The digital privacy act also puts forward rules that align with provincial privacy laws. For organizations, it is important that consistent rules for the protection of personal information apply and that wherever they operate their businesses, their obligations would be the same. Consistent rules also provide individuals with confidence that wherever they conduct their business in Canada their information will benefit from the same level of protection. The bill before us takes steps to align our privacy rules with provincial laws.

The bill before us is a much needed update to privacy laws in Canada. It is a balanced approach that includes stronger rules to ensure companies are held to account, exceptions to allow for seniors to be protected from financial abuse, and new rules to ensure our children are protected online.

Now is the time for these measures to be passed into law through the passage of the Bill S-4. I hope hon. members will join me in supporting the digital privacy act.

● (1315)

Mr. Dan Harris (Scarborough Southwest, NDP): Mr. Speaker, I just want to ask the member the question that was asked of me with regard to why the bill came from the Senate rather than from the government itself. It is an important issue because we are talking about the privacy of Canadians. This would be an important update to the law and it is critical that we get it right.

Why did this legislation not come from the government rather than its brethren in the Senate? Perhaps as a member of the governing party my colleague might have some insight he could share.

Mr. John Carmichael: Mr. Speaker, we have had a lot of opportunity at committee to deal with issues such as this and to deal with them in a collegial way and in a way that ensures results and good legislation.

How the bill came to the House is fairly significant. There are several ways by which a bill can come to the House. It can come either through the Senate or directly through the House.

The important element today is that we are spending all of this day debating the elements of the bill. In my riding of Don Valley West, I have had the opportunity to hold many senior and elder abuse seminars where we focus on issues around digital fraud. I for one am very pleased to see the legislation coming to the House where we are going to debate it and send it to committee where the right solutions for future generations will come out.

[*Translation*]

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, Bill C-13 and Bill S-4 give access to personal information without a warrant or any oversight mechanism.

Why does the government want to allow snooping without a warrant by creating these deficiencies with no oversight to prevent abuses in the system?

[*English*]

Mr. John Carmichael: Mr. Speaker, the legislation would provide a tremendous amount of protection to consumers and to government to ensure that the right solutions and the right oversight are in place.

The digital privacy act would not force companies to hand over private information to the police, copyright trolls or anyone else. These new measures would place strict limits and tight restrictions on companies that lawfully share Canadians' private information for investigative purposes. Organization to organization information-sharing already exists in Alberta and British Columbia. These changes were recommended by the access to information and privacy committee in 2007 with the agreement of the Liberals and the NDP and these provisions are well entrenched in this new legislation.

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, I heard the hon. member justify the bill on the grounds that it would prevent fraud, but let me quote the Office of the Privacy Commissioner's submission to the Senate Standing Committee on Transport and Communications:

> Allowing such disclosures to prevent potential fraud may open the door to widespread disclosures and routine sharing of personal information among organizations on the grounds that this information might be useful to prevent future fraud.

That seems to blow a hole in the rationale that the member provided to us for the bill. I am wondering if he could respond to that.

● (1320)

Mr. John Carmichael: Mr. Speaker, the bill is a new generation from the original PIPEDA. It was back in 2001 that we found a solution to protecting private information. Today we are introducing a whole new series of guidelines. We have heard from the opposition and the third party that they are in support of this bill. I thank them for that and it is important that they do.

However, as to the member's comment with regard to the Privacy Commissioner, let me read a couple of quotes. I disagree with him clearly that, in fact, there are holes in the bill. The Privacy Commissioner stated that she welcomed proposals in the bill and that the bill contains "some very positive developments for the privacy rights of Canadians". That is very important. She further stated at the time, "I am pleased that the government...has addressed issues such as breach notification". The bill would clearly protect Canadians and provide new legislation to address technologies that have moved very quickly over the past 11 years.

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, I am happy to rise in the House today to speak to Bill S-4, An Act to amend the Personal Information Protection and Electronic Documents Act and to make a consequential amendment to another Act. As members know, today's debate turns not precisely on Bill S-4 but on a motion to refer the bill to committee before second reading.

The concerns that I will raise with respect to the bill itself, which go as far as to challenge the constitutionality of the bill, would likely be fatal to the bill at second reading, but we need not concern ourselves with that today. We need not arrive at a conclusion about how fatal these flaws are or how injurious they are to the bill.

The motion before us today would allow us to visit the scope and principle of the bill at committee and make, as required, amendments to those very principles and scope of the bill.

Today, I would argue that this motion warrants support, so that we have the flexibility to properly study, examine and propose amendments to the bill at committee before the principle and scope are set.

Let me set out a few reasons why this is particularly important in these circumstances and relating to this particular legislation.

First, let me address the issue of public opinion that sets the context in which this bill and more broadly the issue of privacy concerns exist.

According to a survey of Canadians on issues related to privacy protection conducted last year, 70% of Canadians feel less protected than they did 10 years ago; only 13% of Canadians believe that companies take their privacy seriously; 97% of Canadians say they would like organizations to let them know when breaches of personal information actually occur; 80% of Canadians say they would like the stiffest possible penalties to protect their personal information; and 91% of Canadian respondents were very or extremely concerned about the protection of privacy.

The current government cannot absolve itself from contributing to this level of public concern about privacy issues. It is not just a matter of legislative lethargy; that is, it is not just about the fact that we are well past the five year mark for the conduct of a mandatory review of the Personal Information Protection and Electronic Documents Act, an act that is by now well behind international standards and has failed to keep up with technological advancements in this digital age.

Part of the issue here is that the current government has itself repeatedly demonstrated insufficient care for the personal privacy of Canadians through its own conduct. I would point to the fact that in one year alone, under the current Prime Minister's watch, government agencies secretly made more than 1.2 million requests to telecommunications companies for personal information, without warrant or proper oversight.

It is a government with a seemingly insatiable appetite and perhaps an addiction to Canadians' personal information. It is a government that needs to be constrained by effective legislation that protects the privacy and personal information of Canadians. It is a government that has no credibility on this subject matter.

This is evident in the legislation that the Conservatives have defeated in this House. In 2012, our NDP digital issues critic, my colleague from Terrebonne—Blainville, put forward Bill C-475, a bill to amend the Personal Information Protection and Electronic Documents Act. It would have applied similar online data protection standards that exist in Quebec's personal information protection act. For example, Bill C-475 would have given the Office of the Privacy Commissioner of Canada the power to issue orders following an investigation. The Conservatives defeated that bill at second reading. They also defeated our NDP opposition day motion on May 5 last year. That motion simply called on the government to close loopholes in existing legislation that currently allowed the sharing of personal information without warrant.

The current government's disregard for private and personal information is also evident by the legislation that it has brought forward.

● (1325)

Bill C-13, the government's cyberbullying law, includes lawful access provisions that would expand warrantless disclosure of information to law enforcement by giving immunity from any liability for companies that hold the information of Canadians to disclose it without a warrant. This makes it more likely that companies would hand over information without a warrant as there are no risks that they would face criminal or civil penalties for such conduct.

There is a thread here that runs through the government's own efforts to access the personal and private information of Canadians through to their conduct and voting record in this place. It goes against the interests and concerns of Canadians and denies the wishes of Canadians for greater protection of their personal and private information.

In other words, the issue before us goes to the principles underlying this bill. They need to be examined and amended at committee. For example, while Bill S-4 would make it mandatory to declare the loss or breach of personal information for the organizations in the private sector and penalize organizations that do not fulfill this obligation, the proposed criteria for mandatory disclosure remains subjective. It would allow the organizations themselves to assess whether "it is reasonable in the circumstances to believe that the breach creates a real risk of significant harm to an individual".

More and most problematically still, Bill S-4 would add exceptions under which personal information may be collected, used or disclosed without an individual's consent. The bill would make it easier for organizations to share personal information with each other without the consent of individuals if the organizations are engaged in a process leading to a "prospective" business transaction. In other words, under certain circumstances, the bill allows personal information of one organization's clients to be shared with another organization without the consent or knowledge of those individuals.

Here we run into some significant problems with this bill. The amendments proposed contradict the very foundation of the act they seek to amend and serve to defeat what the Supreme Court called in R. v. Spencer the act's "general prohibition on the disclosure of personal information without consent". As the Supreme Court said in that recent decision, "PIPEDA is a statute whose purpose is to increase the protection of personal information".

The Supreme Court, in R. v. Spencer, got to the heart of the issue here, understanding what the government has failed to understand about the issue of informational privacy in the digital age. It is worth quoting at length here. It stated:

> Informational privacy is often equated with secrecy or confidentiality, and also includes the related but wider notion of control over, access to and use of information. However, particularly important in the context of Internet usage is the understanding of privacy as anonymity. The identity of a person linked to their use of the Internet must be recognized as giving rise to a privacy interest beyond that inherent in the person's name, address and telephone number found in the subscriber information. Subscriber information, by tending to link particular kinds of information to identifiable individuals may implicate privacy interests relating to an individual's identity as the source, possessor or user of that information. Some degree of anonymity is a feature of much Internet activity and depending on the totality of the circumstances, anonymity may be the foundation of a privacy interest that engages constitutional protection against unreasonable search and seizure.

So, from subscriber information, the Supreme Court has connected that information through to search and seizure.

We have at least before us a major concern with the principles of this act, but seemingly too a bill that is simply unconstitutional. Leaving aside for the moment this latter issue, let me suggest by way of conclusion that if there is something in Bill S-4 that is salvageable, it can only be so if this bill moves to committee before this House sets in concrete the principles and scope of this bill, and limits the kinds of amendments that can arise out of committee post second reading.

● (1330)

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I thank my colleague for taking part in today's debate. He spoke at length about the Spencer decision and the impact it will have on this bill. I would like to know if he has heard from his constituents regarding privacy protection.

Does he think we should proceed with this bill as it stands, with the clause that allows organizations to share personal information with other organizations without a warrant and without consent? Does he think that this bill is constitutional is its current form?

[*English*]

Mr. Matthew Kellway: Mr. Speaker, I thank my colleague for that question. She has done a wonderful job as our critic on digital issues.

With respect to the first part of the question, indeed, constituents have talked to me about privacy concerns. When I read through the results of the survey during my speech, those numbers seem to reflect the kinds of responses I hear from my constituents about their concerns for the privacy of their information.

It is understandable because people understand and recognize what the Supreme Court said, that subscriber information is not just about a name and address. It takes one into all sorts of information. So that if that information is available to private companies, then those private companies are able to delve very deeply into the personal habits, conducts, and information of Canadians. I certainly am concerned about the constitutionality.

My read of the Spencer decision suggests that this bill would fail that test and that is one of the reasons that I support the bill going to committee before second reading in this House.

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, the member mentioned constitutionality and the Spencer decision, and how he felt that there may be a problem with the Constitution. I wonder if the member would explain that a little further, with regard to the Spencer decision.

Mr. Matthew Kellway: Mr. Speaker, I am happy to explain what I can about these matters. I am not a lawyer, but I did take the time to read through that decision and get a grasp for the Supreme Court's view of the importance of the anonymity of subscriber information, the importance of protecting subscriber information, and the importance of understanding that Canadians have a reasonable expectation that that subscriber information is going to remain private. If it is to be given away, it should be given away lawfully and under warrant for very particular reasons that would be approved by the courts, and that is not the case.

It is interesting that in the Spencer decision, in spite of the court's findings about the privacy information and all the rest of it, it is not the case that such protection of privacy obviously inhibits police for doing their job in protecting the safety and security of all Canadians.

● (1335)

[*Translation*]

Ms. Charmaine Borg: Mr. Speaker, I have another question for my colleague.

The government's bill is called the Digital Privacy Act. However, we now know that the Conservative government does not have the best record in the world when it comes to protecting privacy. It lost track of a significant amount of Canadians' personal information. It passed Bill C-13, which gives statutory immunity to Internet service providers who decide to voluntarily hand over personal information. There is no shortage of examples: government agencies made at least 1.2 million requests to Internet service providers in just one year.

Does the hon. member not have any misgivings about this? Will the government really make good changes during the review of this bill in committee?

[*English*]

Mr. Matthew Kellway: Mr. Speaker, I am concerned about what they will bring to committee, but the member rightly points out the government's own record and conduct on these things.

I think the best response, perhaps, is to quote Steve Anderson, the executive director of OpenMedia.ca, who said that the proposed bill appears to do little to tackle the foremost privacy issue of the day, the dragnet government surveillance of law-abiding Canadians and widespread government breaches of our sensitive information.

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Mr. Speaker, today it is my absolute pleasure to express my support for Bill S-4, the digital privacy act. When the industry minister released Digital Canada 150, our government's plan to guide Canada's digital future, he set out clear goals to put our country at the forefront of the digital economy.

One of the five pillars of this ambitious plan is "protecting Canadians". In order to realize the full benefits of the digital plan and the digital world, Canadians must have confidence that their online activities are secure and that their online privacy is protected through strong measures like the digital privacy act.

This government is taking concrete action to make sure that Canadians and their families are protected from online threats. Protecting Canadians online is particularly important when we consider the most vulnerable segments of our society. Indeed, as the Internet becomes present in virtually every aspect of our economy, and our children's homework, it is also becoming an essential element in our children's lives.

A recently released survey conducted last year by MediaSmarts, a charitable organization dedicated to digital and media literacy, revealed that in 2013, 99% of Canadian students were able to access the Internet outside of their school. When online, students play games, download music, television shows and movies, and socialize with their friends and family.

The survey reveals that over 30% of students in grades 4 to 6 have Facebook accounts, and that by grade 11, my daughter's year, 95% of students have an account. However, with this increased online presence comes increased risk. As we have seen, young people can unfortunately become targets of online intimidation and abuse. This government has acted to protect our children from cyberbullying and other similar threats.

In addition to responding to the very real and harmful threats related to cyberbullying, this government is also acting to protect the privacy of minors and other vulnerable individuals through proposed amendments to the digital privacy act.

In our modern digital economy, our children must be able to go online in a safe and secure way if they are to develop the skills they will need later to find jobs in the digital marketplace. The online world has the potential to provide considerable benefits for our children's education and development, and it can greatly enrich their social lives.

At the same time, going online can expose children to privacy risks. For example, minors can be subject to aggressive behavioural marketing tactics, or they could have their personal data collected and shared without truly understanding what is being done. There is the potential for long-term privacy consequences.

The digital privacy act includes an amendment to Canada's private sector privacy law to strengthen the requirements around the collection, use, and disclosure of personal information, which will increase the level of protection for vulnerable Canadians such as children. Specifically, the digital privacy act clarifies that when a company is seeking permission to collect, use, or disclose personal information from a specific group of individuals such as children, then the company must make sure that an average person, such as a child in that group, would be able to understand what is going to happen with the information.

An example is the best way to illustrate how the proposed amendment will work. Imagine, for example, an educational website that is designed primarily for elementary school children. Under the proposed amendment, any request by that website to collect, use, or disclose personal information would need to be worded in such a way that it is understandable by the average elementary school student. This not only includes making sure that the wording and language used in the request is age appropriate, but that the request itself is appropriate as well. If it is not reasonable to expect that the average elementary-aged child would understand the purpose and consequences of them clicking "okay", then under the digital privacy act the company would not have valid consent.

● (1340)

Minors under the age of majority are more vulnerable and require additional protections. At the same time, privacy protection for children must reflect their level of maturity and psychological development. It must respect that.

That is why our government has ensured that the flexibility inherent to the act which allows the application of contextual privacy protections is reflected in our proposed amendment. The ability of teenagers to understand what is being done with personal information and their ability to make decisions about what they will and will not agree to is completely different from what elementary school children are capable of.

As they age, minors become more able to make sound decisions about themselves and what is being done with their personal information. Therefore, a website directed, for example, to grade 12 students, should not explain what it intends to do with information and seek consent in the same way that an educational website for elementary school students would. The process is similar; the means are different.

The proposed amendment adjusts for this difference by focusing on what is reasonable to expect of the group of individuals being targeted by the company's product or service.

The former interim privacy commissioner strongly supported this proposed amendment when speaking to the Senate committee that was studying the bill last spring. This is what the Office of the Privacy Commissioner said in its written submission to that committee:

> We think this is an important and valuable amendment that will clarify PIPEDA's consent requirements. By requiring organizations to make a greater effort to explain why they are collecting personal information and how it will be used, this proposed amendment should help make consent more meaningful for all individuals, particularly for young people for whom the digital world is an integral part of their daily lives.

As an added protection, PIPEDA has always recognized that parents or other authorized representatives have the right to provide consent on behalf of an individual, including children. Indeed, the responsibility and commitment to protect the privacy of children and other vulnerable Canadians is absolutely a shared one. Parents, governments, educators, as well as charities in the private sector, all have a central role to play in protecting the online privacy of our children.

The government firmly believes that digital literacy and skills are at the core of what is needed for individuals to succeed in today's online economy. Understanding by parents, educators, and children of the relevance and importance of protecting online privacy is a central component of digital literacy.

The government supports the role that the Office of the Privacy Commissioner of Canada is playing in educating Canada's youth about the importance of online privacy and helping them to not only understand the impact that online services and applications can have on their privacy but also helping them make wise, smart decisions.

For example, the office of the commissioner created a graphic novel called *Social Smarts: Privacy, the Internet and You*. It was designed to help young Canadians better understand online privacy issues. They have also created tools to support parents and educators as they seek to protect children's online privacy. A discussion guide and privacy activity sheets have been developed to help them work with children to explore and understand privacy risks associated with social networking, mobile devices, texting, and online gaming.

The government is committed to protecting the privacy of Canadians. The digital privacy act takes concrete action to protect the most vulnerable members of our society, and that includes our children. At the same time, this legislation respects the growth of our children as they approach adulthood. It is measured and graduated because of that.

I hope all hon. members will join me in supporting this very important bill.

● (1345)

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, it is interesting that over 70% of Canadians feel that their personal information is less protected than it was 10 years ago. Today, over 90% of Canadians are very or extremely concerned about the protection of their privacy. It is in this context that the government is bringing forward a bill that would allow for an enormous exemption for the sharing of this information. It was put this way by Geoffrey White, counsel for the Public Interest Advocacy Centre: "The private sector exemption quite simply allows private sector spying on consumers without any due process whatsoever".

I wonder how the member reconciles public opinion on concern about the privacy of personal information and the inclusion of that private sector exemption in the bill.

Ms. Joyce Bateman: Mr. Speaker, I thank the hon. member for that question. It is an important one for us to answer. We are doing this because Canadians have asked us to do so.

As a long-time school trustee, not to mention being a mother of two children, I know how parents, educators, and our youth feel about privacy issues. This proposed act would address these issues in a responsible, measured, and may I say respectful, way, recognizing that an 18 year old or 17 year old is totally different from a nine year old.

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, during her speech, the member shared a few quotes from the Privacy Commissioner.

However, as is common practice with the Conservative government, she obviously forgot to mention some other things that the Privacy Commissioner said.

I have two quotes to share. The first quote states:

> First, we believe that the grounds for disclosing to another organization are overly broad and need to be circumscribed, for example, by defining or limiting the types of activities for which the personal information could be used.

The second quote states:

> Allowing such disclosures to prevent potential fraud [as provided for in paragraphs 7(3)(a.1) and 7(3)(a.2)] may open the door to widespread disclosures and routine sharing of personal information among organizations on the grounds that this information might be useful to prevent future fraud.

Does the member have anything to say about the negative points raised by the Privacy Commissioner? What is her government going to do to fix these problems in the bill?

● (1350)

Ms. Joyce Bateman: Mr. Speaker, I sincerely thank my colleague for her question.

We obviously have to clarify all of the quotes from the Privacy Commissioner. However, it is important to understand that we are working on developing partnerships and agreements among teachers, parents and young people.

This is not a group solution. It is a very important collaboration intended to protect young people and all Canadian citizens and taxpayers. Furthermore, this bill is designed to protect everyone's privacy.

[*English*]

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, it is my pleasure to address this motion by the government to have Bill S-4 go to committee before second reading, which is a rare event in the House. This is a procedure that was made possible for the first time in 1994 amendments. I believe it stemmed from the 1982 McGrath committee's report that said that committees should more often be used at the early stages of legislation to make sure that things are caught and that a wide variety of perspectives are taken into account in drafting legislation and, frankly, to make the role of MPs more meaningful than is often the case when a bill is studied only after second reading in committee.

As we know, in committee after second reading, and after hearing any amount of testimony from witnesses that could suggest serious problems with a bill, the amendments are often extremely constrained by the rule that they must fit within the principle of the bill. Quite often that means that the principle is understood by the chair or the legal staff advising the chair as simply the principle of a given provision, and therefore, an attempt to work more broadly than the narrow purpose of a given provision is often ruled out of order.

Beyond that, I have found so far in committees, since arriving in the House, that there seems be a reluctance at the moment, on the part of the advisers to chairs, to understand that bills can often have multiple purposes and not just a single purpose. Therefore, in the end, after second reading, committee work often really is an exercise in frustration, because a lot could be done to perfect a bill that is technically ruled out of order due to the fact that we have to work within the principle of the bill as voted at second reading.

It is great that this bill is going to committee before second reading. It will hopefully allow, in the spirit of what this procedure is all about, a full, frank hearing, from all kinds of witnesses, about the problems I hope the government understands are in this bill. I hope this is also the reason the minister has decided to send it to committee before second reading. There can be true dialogue and engagement among MPs, obviously with the government watching what is going on and giving its input through government MPs, so that this bill is taken apart and rewritten in the way this procedure would allow.

I myself stood in the House to move unanimous consent to have Bill C-23, what New Democrats called the unfair elections act and the government called the fair elections act, referred to committee before second reading, exactly for the reasons I have just given. There were so many obvious problems in the bill. Not sticking to the principle in the bill and working collegially across party lines would have benefited the study of that bill. In retrospect, New Democrats realize how true that was. Although we got serious amendments passed, with pressure from backbench members of the government suggesting changes that helped us in our efforts, that bill would be much better if it had gone to committee before second reading.

There is another procedure that, in the spirit of openness, I am hoping the minister might consider. To date, it has not been the practice of the government to table opinions about the constitutionality or charter compliance of a bill. Given the real concerns that exist with respect to warrantless access to information that is contained in this bill as kind of a compendium bill to Bill C-13, I would ask the minister to please consider, for once, having the Department of Justice table a written opinion on the constitutionality of this. Why does it think that the Spencer judgment coming out of the Supreme Court of Canada does not apply or, if it applies, that the bill is written in a way that justifies it under the charter?

So often in committee there is minimal to no good testimony from the civil service side on why, supposedly, the Minister of Justice has certified that a bill is in compliance with the charter. We know that the standard for the minister doing that is a very minimalist standard.

● (1355)

I will read from the Senate testimony on Bill S-4 from Michael Geist, of the University of Ottawa, to tell the House why having that additional procedure as part of the referral to committee before second reading would be useful. He says:

> Unpack the legalese and you find that organizations will be permitted to disclose personal information without consent (and without a court order) to any organization that is investigating a contractual breach or possible violation of any law. This applies both [to] past breaches or violations as well as potential future violations. Moreover, the disclosure occurs in secret without the knowledge of the affected person (who therefore cannot challenge the disclosure since they are not aware it is happening).

That is an extremely good summary of a core problem with the bill in terms of the fears it raises that it has gone too far. It would purportedly create an updated regime to protect privacy and in the process would potentially ram through new problems with respect to Canadians' privacy.

I would like to now, in my last couple of minutes, go over a few points that I hope come up in committee.

I wish to thank a constituent, Mr. John Wunderlich, an expert in privacy law, who worked with me on the weekend to better understand the bill. These are points that I hope do have discussed.

In paragraph 4(1)(b) of the act, the definition of who this would apply to would move from just employees to employees and applicants for employment. In that context, this leaves hanging the question of how much or how little this would apply to companies whose business is to conduct background checks. The committee should solicit feedback on this. In my view, the background check function in the employment sector is done far too often and too deeply and already constitutes a systemic privacy invasion in the employment sector. Therefore, this extension needs to be looked at.

The next thing is the definition of valid consent. While it is welcome, because it brings clarity, the committee should note whether the current systems asserting consent on the web actually provide meaningful information to web surfers about just how many entities will be given access to either some or all of their personal information. Right now, there is a real risk that so-called valid consent, as outlined in the bill, would actually piggyback on the systematic sharing of information that people have no idea is being shared. The act could become a smokescreen behind which individual profiles were built and shared across businesses.

I have already spoken about the potential for the warrantless invasion of privacy because of the fact that organizations could seek information from others when they are simply investigating breaches of agreement or fraud. We should keep in mind that when they are investigating fraud, it is not just in the criminal context. All of this involves civil questions as well. An example is fraudulent misrepresentation.

The "real risk of significant harm" test for companies in particular to decide whether they are going to inform the commissioner and at another stage inform persons of breaches of privacy is a problematic standard in the sense that it is actually very general, and it is probably too low. There should be a presumption for disclosure to the commissioner, and it should be left up to the commissioner to either determine, or assist the company in determining, whether this is significant enough to let the persons whose information was released know that it happened. At the moment, it is an entirely discretionary system, based on a very vague standard, which may mean that data will be breached without people actually knowing it and being able to take the measures necessary to protect themselves.

Those are only three of the more specific concerns that need to be looked at. There is a lot in the bill.

I have a final comment, and it may be a rather strange one. I am looking at my colleague across the way. The privacy legislation from Alberta should be looked at very closely as a reference point for whether the government has gotten certain things wrong. That province has gotten things right.

● (1400)

The Deputy Speaker: That will bring the debate to an end for now.

STATEMENTS BY MEMBERS

[*Translation*]

DESTINATIONS FOR ALL WORLD SUMMIT

Ms. Manon Perreault (Montcalm, Ind.): Mr. Speaker, the Destinations for All World Summit, a summit on accessible tourism, began yesterday in Montreal.

I would like to congratulate Kéroul and its president, André Leclerc, for the exceptional work they did organizing this major event on tourism for travellers with disabilities.

This summit will help expand and showcase accessible tourism, establish global partnerships and encourage more accessible infrastructure.

By bringing together the expertise of researchers and specialists, the Destinations for All World Summit will promote a better understanding of the specific needs of the client base and markets.

The ideas being shared will lay the foundation for many exciting projects that will spur economic growth and that will also allow those living with disabilities to travel with dignity.

I would like to thank the participants and the people of Kéroul for their dedication. Enjoy the Destinations for All World Summit.

* * *

[*English*]

PIPELINE TRAINING CENTRE

Mr. David Yurdiga (Fort McMurray—Athabasca, CPC): Mr. Speaker, the wealth of Alberta's oil sands is tied to the movement of Canadian petroleum products to global markets.

It is not surprising that an Alberta public college is breaking new ground in training for the petroleum transmission industry. Portage College is building Canada's first pipeline training centre and transmission process loop. Trainees literally build, operate, and repair a pipeline that simulates real-time operations and data.

Under the leadership of Dr. Trent Keough, the president of Portage College, and Ray Danyluk, chair of the board of governors, the college has been working with aboriginal communities and global transmission companies to design and operate its site and programs, thus developing opportunities for hands-on training for aspiring pipeline workers, spill response teams, welders, and heavy equipment operators.

We need to show the world how innovative Canada's petroleum and training sectors really are.

I would like to congratulate Portage College for its leadership in building Alberta's first pipeline training centre.

VISION CARE FOR SCHOOL-AGE CHILDREN

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Mr. Speaker, October is Children's Vision Month.

It is estimated that nearly 25% of school-age children have vision problems. Despite the economic, social, and health care advances that have occurred in our society, many preschool and school-age children are not receiving adequate professional eye and vision care, and there is a cost to this as well.

Untreated vision problems can lead to learning at a slower rate than other children, frustration with learning, a negative self-image, behaviour and discipline problems, possible need for special education and related services, higher risk for school dropout, and lifelong disadvantages and underachievement.

Canada needs a nationally coordinated plan of action for vision health. The Canadian Association of Optometrists recommends establishing a comprehensive eye examination for every Canadian child prior to entering school and a national public education campaign for parents and health professionals on early detection.

I hope all members will join me in supporting these recommendations.

* * *

DALAI LAMA

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Speaker, it is a great pleasure to welcome honorary Canadian citizen the Dalai Lama back to Canada.

On November 17, 1950, at the age of 15, Tenzin Gyatso was selected as the 14th Dalai Lama.

His message of peace and compassion has been recognized around the world. In 1989 he received the Nobel Peace Prize for his work and contribution in the struggle for the liberation of Tibet and the efforts for a peaceful resolution.

In September 2006, while in Vancouver, the Dalai Lama was presented with honorary Canadian citizenship by our government.

While here he will be sharing his message of compassion by speaking in the public school system. He will also be meeting with Canadian parliamentarians to discuss struggles Tibetan people face in their non-violent search for religious freedom and language rights.

The Dalai Lama is a true example to all of us of what it means to live a life of compassion and peace.

* * *

● (1405)

OUTSTANDING CONTRIBUTION TO PRINCE EDWARD ISLAND

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I rise to commend Mr. Sterling MacRae for his outstanding contribution to Prince Edward Island.

Of special note is Sterling's impressive service through his involvement with the local fire department. Sterling, after 57 years as a volunteer fireman at the New Glasgow Fire Department, has decided it is time to retire from active duty. Imagine that: 57 years. Having recently celebrated his 80th birthday, he will now be an auxiliary member.

Sterling is a seasoned farmer. In fact, I caught up to him on Friday heading out to combine soybeans. He is also founder and co-owner of New Glasgow Lobster Suppers, started when the District Junior Farmers Organization, of which Sterling was a member, first bought it for its meeting place. These days, New Glasgow Lobster Suppers is owned by two farming families, the Nicholsons and the MacRaes, and patrons from around the world continue to enjoy wonderful meals and hospitality there.

We thank Sterling for his volunteerism and his commitment to the safety of his friends, community, and neighbours.

We wish him and his wife Jean well.

* * *

DALAI LAMA

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, it is my pleasure to rise to welcome one of Canada's honorary citizens back to the soil of our great country today. His Holiness the Dalai Lama arrived in Vancouver about an hour ago.

It was an honour for me to move the unanimous motion in the House in 2006 to convey honorary citizenship on His Holiness and to have met him on a number of occasions since. This is because his teachings on enlightenment and empowerment are a lesson for all of us, and are reflective of the values of freedom, democracy, and human rights that we, as Canadians, cherish.

During this week in Vancouver, the Dalai Lama will be giving a series of talks and lectures, including a lecture at UBC in support of the Tibetan resettlement project and a session with CEOs of small businesses about ethics. On Friday some of the members of the House and of the upper chamber will meet with the Dalai Lama under the auspices of the Parliamentary Friends of Tibet.

We all know that the ongoing situation in Tibet is of grave concern to His Holiness as well as to my colleagues. I pray that their meeting will be fruitful and that future generations of Tibetans finally experience the hope and freedom that they have so long desired.

* * *

[*Translation*]

MARIE-KLAUDIA DUBÉ

Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP): Mr. Speaker, I would like to highlight the significant contribution that Marie-Klaudia Dubé, my riding assistant, has made to her community. On Wednesday, October 15, during the Héritage Saint-Bernard benefit gala, Ms. Dubé was honoured for her involvement with Les amis et riverains de la rivière Châteauguay, an organization that fights to protect the Châteauguay River.

Every year, Héritage Saint-Bernard honours an individual for their dedication to improving our environment, highlighting their work. Marie-Klaudia founded the ARRC in 2008 and has been the president of the organization since then. Every year, she organizes a major shoreline cleanup, finds funding to plant trees to prevent shoreline erosion, carries out prevention and awareness activities for residents, and much more. She is also a dedicated employee in my office where she works every day to help citizens who need help. She is currently fighting cancer. We wish her a full and speedy recovery so that she can continue to help improve the lives of her fellow citizens.

Thank you and congratulations, Marie-Klaudia. The community is eager to have you back.

* * *

[*English*]

ROSS GORMAN

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Mr. Speaker, I rise today with great sadness to announce the passing of a true community leader in my riding of Okanagan—Coquihalla.

Mr. Ross Gorman was a co-founder and owner of Gorman Bros. Lumber, an industry-leading, value-added lumber mill that employs 350 people in my riding. Gorman Bros. Lumber is unique. When the mill was threatened with a serious forest fire some years ago, it was Gorman Bros. employees who risked their own lives to save it.

Ross Gorman was more than a great leader who built family relationships with those that he worked with. Mr. Gorman gave back to his community, supporting the Okanagan Masters Swim Club, the cross-country ski club, and Westside minor hockey, among others. Mr. Gorman was also a strong supporter of the United Way and the West Kelowna Community Food Bank, providing help to countless families in their time of need.

I ask that all members of the House join with me in recognition of Mr. Ross Gorman, a leader in our community and in our country, who will be greatly remembered.

* * *

● (1410)

ANNIVERSARY OF MAPLE RIDGE

Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC): Mr. Speaker, I am pleased to rise today to celebrate the 140th anniversary of Maple Ridge, my hometown.

In September 1874, a group of settlers gathered at John McIver's farm and decided to incorporate as a municipality. The stunning view of maple trees running along the ridge on the edge of the McIver farm gave this new community its name, Maple Ridge. What began as a rural community with fewer than 50 families now has a population of almost 80,000, and it is one of the fastest-growing areas in the metro Vancouver region.

There is more good news. On September 12, 140 years to the day after its incorporation, Maple Ridge became a city. I want to congratulate Mayor Ernie Daykin and his council on this important achievement.

Maple Ridge has a blend of rural charm and urban sophistication. I am proud to say that I am from the city of Maple Ridge, which I think just might be the best place to live in Canada.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): Mr. Speaker, since January 2012, the Canadian Environmental Assessment Agency has been examining an open-pit mining project on the outskirts of Sept-Îles.

Because of its size, proximity to communities and possible repercussions, the Arnaud mining project is causing concerns. In a report published in early 2014, the Bureau d'audiences publiques sur l'environnement, or BAPE, said it is unacceptable in its current form.

The Canadian Environmental Assessment Agency has remained silent so far, much to the delight of some. It usually has 365 days to examine and report on a project. In this case, it is already nearly two years past that deadline.

What is preventing the federal scientists from completing their report? Why is the government taking so long to tell people the truth?

For the sake of transparency and probity, the Minister of the Environment must ensure that the notice of decision is issued diligently and that all the information related to this decision is communicated to the public.

* * *

[*English*]

TAXATION

Mr. Blake Richards (Wild Rose, CPC): Mr. Speaker, this weekend the Liberal leader put his foot in his mouth once again, admitting that if given the chance he would hike taxes on hard-working Canadian families so that he could spend billions of dollars on expanding government, which would return Canada to deficit and drive up the debt. Astonishingly, he believes Canadians actually want higher taxes. Only the Liberals could see putting money back into the pockets of hard-working Canadians and taking it out of the hands of big bureaucracy as somehow wrong.

Our government will balance the budget in 2015 and provide tax relief for Canadian families. Thanks to our low-tax plan, the average Canadian family already pays $3,400 less this year in taxes than under the previous Liberal governments, and now the Liberal leader wants to take that away from Canadians.

Only someone as out of touch with middle-class Canadians as the Liberal leader could possibly suggest removing tax cuts with the universal child care benefit.

Only our Conservative government can be trusted to balance the budget while reducing the tax burden on Canadian families.

[*Translation*]

PROSTATE CANCER

Mr. Matthew Dubé (Chambly—Borduas, NDP): Mr. Speaker, November is just around the corner, and a new Movember campaign of facial hair and virility is set to begin. This year, I am pleased once again to be the captain of our NDP team.

Movember is an opportunity to have fun while raising awareness about and collecting money for men's health. Last year, more than $33 million was raised in Canada alone.

[*English*]

It is not just about money, though. We cannot forget the invaluable conversations that men are now having about their health, thanks in large part to Movember. For New Democrats, participating in Movember campaigns over the years has been a privilege. Thinking of Jack Layton's famous mo and his own battle against prostate cancer serves as incredible inspiration.

For Jack and for all our fathers and brothers, it is a great pleasure that we once again flaunt our moustaches to raise money and awareness. I invite all my colleagues to join with us and help change the face of men's health. Let us mo.

* * *

● (1415)

SCIENCE AND TECHNOLOGY

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Mr. Speaker, it gives me great pleasure to stand in this House today at the start of National Science and Technology Week to recognize our highly talented Canadian scientists, who undertake the groundbreaking research that creates jobs and improves the quality of life for all Canadians.

Our government has made record investments in science, technology, and innovation. As demonstrated in our economic action plan 2014, we are positioning Canadian science to become world leading through legacy commitments such as the Canada First Research Excellence Fund. It is a $1.5 billion investment over the next decade to strengthen world-leading research at Canadian post-secondary institutions while ensuring long-term economic benefits accrue for all Canadians.

Our government understands the significant impact that science plays in our economy. We will continue to ensure that the maple leaf remains a leader on the world stage.

* * *

MAJOR ROBERT FIRLOTTE

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, two years ago I had the honour of presenting Major Robert Firlotte with the Queen's Diamond Jubilee Medal. Sadly, last month he passed away.

He entered the army as a private and left the army as a major. All of his promotions were battlefield promotions. I asked him how he did it. He said he was very strong and very fast, good attributes when someone is shooting at you.

He was deployed to Europe twice during World War II, with the Carleton and York New Brunswick Regiment and then with the 1st Canadian Parachute Battalion. He then went to Korea with the Queen's Own. In retirement, he served on the Living History Speakers Bureau at Legion 258, spoke at many citizenship ceremonies, and supported the building of the Juneau Beach Centre.

He may have been fast and he may have been strong, but ultimately he served us well and he will be remembered. I extend my condolences to his family and my deepest sympathies to his friends.

* * *

[*Translation*]

FINANCE

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Mr. Speaker, the leader of the Liberal Party openly admitted that he believes that raising taxes is the best policy for hard-working Canadians. The only thing he seems to have understood correctly is that our government wants to lower taxes and put money back in the pockets of those who deserve it. We are proud of that.

We created tax credits for small businesses, cut the GST down to 5%, brought in tax credits for children's fitness and artistic activities, introduced the tax-free savings account and made other cuts that, together, allow the average family to save $3,400 a year. We did all this while keeping Canada on track to balance the budget in 2015.

Unlike the former Liberal governments, we will continue to keep taxes low and stand up for Canadian families.

* * *

CANADA REVENUE AGENCY

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Speaker, last week we learned that a group of ornithologists was scrutinized by Revenue Canada, on the grounds that the group was not following the rules regarding political activities.

For most Canadians, a group of birdwatchers that informs its members about the Conservatives' disastrous environmental decisions is simply exercising its freedom of expression. For the Conservatives, this is an opportunity to make anyone with a different opinion pay.

To use the same rhetoric the Conservatives used during the firearms debate, why criminalize law-abiding duck watchers and other ornithologists?

Now we know that the Conservatives are willing to do anything to silence their opponents, even if it means using the Canada Revenue Agency as a scarecrow.

If the government keeps on infringing on fundamental freedoms and conducting witch hunts, it could see its wings clipped in the next election.

[*English*]

JAMES MICHAEL FLAHERTY BUILDING

Mrs. Tilly O'Neill Gordon (Miramichi, CPC): Mr. Speaker, last week, in memory of our friend and colleague, the Hon. Jim Flaherty, the Prime Minister announced the name of the newest Government of Canada building.

Jim was truly one of a kind, steadfast and bold. He introduced key tax relief measures, such as the tax-free savings account, the universal child care benefit and the registered disability savings plan. He put us on the path to a balanced budget.

In honour of Jim and as a tribute to his eight years of dedicated service to the people of Canada, the James Michael Flaherty Building will stand as a testament to his legacy and his memory.

For his many years here in Ottawa, Jim livened the House with his charming wit, his good humour and his lively spirit. It is with great pride that we mark this occasion, and I know I have the support of the House in wishing the Flaherty family the strength and the courage that Jim so effortlessly shared with all of us.

ORAL QUESTIONS

● (1420)

[*English*]

CANADA REVENUE AGENCY

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, when did the Prime Minister decide that bird watchers were enemies of the Canadian government?

Last week, we learned that it takes nothing more than a couple of letters asking ministers to be careful about the use of pesticides because it is killing the bee population in our country. Is this the epitome of the Prime Minister's social agenda that he is worried about anyone else talking about the birds and the bees?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, there are review processes in place for the Canada Revenue Agency that have been there for many years, long predating this government. These are not political decisions or political matters.

* * *

HEALTH

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, after weeks of delaying getting the Canadian-made Ebola vaccine to Africa, a prominent Canadian expert is calling on the Conservative government to cancel its licensing agreement with the American company contracted to continue development of the vaccine. He says that this small U.S. company just does not have the resources to manage such an urgently needed medicine.

Can the government confirm reports that the licence for this vaccine was sold for just $200,000? What action is the government taking to make sure this vaccine is in the hands of a company capable of getting it to those who so desperately need it right away?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I already informed the leader of the NDP some time ago that he had his facts wrong on this particular matter, and he continues to have them wrong.

The vaccine in question was invented by the Public Health Agency of Canada. In fact, the Government of Canada owns the rights. However, it was not a matter of rights that was delaying that vaccine being deployed. It was a decision by the World Health Organization. Obviously, we are pleased to see the WHO is now acting.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, it was indeed developed by them. The question was: is it true that the licence was sold for a mere $200,000? Everyone noticed, as usual, that the Prime Minister did not answer.

[*Translation*]

After weeks of delays and arguments over the intellectual property rights for the Ebola vaccine, the government finally sent between 800 and 1,000 doses to the World Health Organization in Geneva, Switzerland.

Can the government confirm that these vaccines will be distributed in Africa to help Africans?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, again, the leader of the NDP has his facts wrong.

The reality is that the vaccine was invented by the Public Health Agency of Canada. Canada owns the rights. It was a decision by the World Health Organization that delayed it from being deployed. We are pleased to see the WHO is taking action.

[*English*]

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, today we learned from *The Globe and Mail* that even after the Ebola epidemic had broken out in West Africa, even after the World Health Organization was pleading with governments all over the world to step forward and start helping to provide protective gear, the Conservative Minister of Health was auctioning off protective medical ware on a government discount website.

While people in Africa are dying by the thousands, why was the Conservative government getting rid of urgently needed medical supplies for a fraction of their value?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, in fact, the Government of Canada has been, on an ongoing basis, donating essential equipment to the fight against Ebola, some 2.5 million dollars' worth. That includes 1.5 million gloves, 2 million face shields, and 1.2 million isolation gowns. The first shipment has occurred and more shipments will be occurring.

● (1425)

[*Translation*]

EMPLOYMENT

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, the Prime Minister is getting ready to present an economic update and he has a choice to make: he can focus on creating quality jobs for the middle class or he can continue to give billion-dollar gifts to big business.

Is the Prime Minister going to choose jobs for the middle class or gifts for big business?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the government's choice is clear.

We have one of the best job creation records of all developed countries. We are working with the entire Canadian economic community, including Canadian families, to create jobs.

[*English*]

We have a very different philosophy on this side. We do not believe jobs are created by attacking business and by raising taxes; that is the NDP way. The fact that we are able to lower taxes is one of the reasons we have created 1.1 million net new jobs since the recession.

* * *

[*Translation*]

HEALTH

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, while Ebola is ravaging West Africa, the Ambassador of Sierra Leone to the United States and aid agencies are calling for personal protective equipment for health workers fighting this disease.

Despite this request, the Public Health Agency of Canada auctioned off $1.5 million worth of equipment for $30,000. Why did the government sell this equipment at a discount instead of sending it to the people who desperately need it?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as I just said, the reality is that Canada has donated essential equipment for the fight against Ebola, including 1.5 million pairs of gloves, 2 million face shields and 1.2 million isolation gowns.

We will continue to help workers around the world in the fight against Ebola.

[*English*]

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, the facts are clear. The World Health Organization asked Canada to provide personal protective equipment a full month before the government finally cut off the sale.

Why sell this equipment in the first place? Why the delay in stopping its sale for a month? When will the government get its act together on Ebola?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I have spoken to the Director-General of the World Health Organization.

I think it is acknowledged that Canada is one of the largest contributors in the world to the fight against Ebola. In terms of essential equipment, specifically that which the member mentioned, I will repeat the facts once more. It is 1.5 million gloves, 2 million face shields, 1.2 million isolation gowns.

This is important work. I believe this kind of fight against the pandemic is something, frankly, that should cross partisan lines. We will continue to focus Canadians' attention on the good work being done.

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, the government is failing to deliver what aid it actually does promise.

Only two shipments of personal protective equipment have actually been shipped to the World Health Organization in Geneva. However, it is unclear if these shipments of personal protective equipment have actually reached those parts of West Africa that need them the most.

It has been months, and this critical equipment has not reached health workers in Africa. They have asked for our help. Why have the Conservatives failed to respond?

Hon. Rona Ambrose (Minister of Health, CPC): Mr. Speaker, the member knows full well that Canada has been at the forefront of the Ebola response since April, providing funding, expertise and capacity-building on the ground. We have two highly specialized mobile labs in Sierra Leone with Public Health Agency officials who are working every day to diagnose Ebola, which is obviously fundamental to containment.

In terms of the equipment, the only delay we experienced was not being able to find any commercial operators that were willing to take our equipment over. I thank the Department of National Defence for providing a Hercules so that we could get those face shields over. They have been delivered.

* * *

MARINE SAFETY

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, on Friday, a Russian ship carrying more than 500 million litres of bunker fuel lost all power just off the coast of Haida Gwaii.

The Canadian Coast Guard vessel, the *Gordon Reid*, was hundreds of kilometres away, and it took almost 20 hours for it to reach the drifting ship. Thankfully, favourable winds helped keep the ship from running aground, and a private American tugboat eventually towed it to shore.

Is the minister comfortable with a marine safety plan that is based on a U.S. tugboat and blind luck in order to keep B.C.'s coast safe?

● (1430)

Hon. Gail Shea (Minister of Fisheries and Oceans, CPC): Mr. Speaker, luck had nothing to do with the situation.

The Russian ship lost power outside Canadian waters in very rough weather. The private sector provides towing service to the marine industry.

We are grateful that the Canadian Coast Guard was able to keep the situation under control in very difficult conditions until the tug arrived from Prince Rupert.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, if the government really wanted to show its gratitude to the Canadian Coast Guard maybe it would not have cut $20 million and 300 personnel from its budget.

Even after the *Gordon Reid* arrived, its tow cable snapped three times. The Russian ship was only about a third as big as the huge supertankers that northern gateway would bring to the very same waters off the west coast.

How can Conservatives, especially B.C. Conservatives, back their government's plan to put hundreds of oil supertankers off the B.C. coast when we do not even have the capacity to protect ourselves right now?

Hon. Gail Shea (Minister of Fisheries and Oceans, CPC): Mr. Speaker, this Russian ship lost power outside of Canadian waters. The Canadian Coast Guard responded and kept the situation under control, under very difficult conditions, until the tug arrived from Prince Rupert.

We as a government have committed $6.8 billion through the renewal of the Coast Guard fleet, which demonstrates our support for the safety and security of our marine industries and for our environment.

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CANADIAN HERITAGE

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, here is a riddle. How can we tell that the Conservatives know they will not be government in 2017?

The answer is that they are blowing through the anniversary budget for the 150th celebration of Confederation now, three years before festivities, but more significantly, before the coming election.

We have a government that says, "No money for veterans, no money for seniors, no money for child care", but has an endless bucket of taxpayers' money for self-promotion.

Would the government just stop this egregious abuse of taxpayers' trust?

Hon. Shelly Glover (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, that is just nonsense. We are proud of Canada. We are proud of the 150th anniversary that will be coming in 2017.

What the member is referring to is some recent advertising campaigns about the Charlottetown and Quebec conferences, which in fact are celebrating 150 years in 2014. We are proud of them. We are proud of Canada. It is a country strong, proud and free. It is too bad they do not appreciate it.

[*Translation*]

Mr. Mathieu Ravignat (Pontiac, NDP): Mr. Speaker, it is unbelievable that the Conservatives are spending millions of dollars on ads for an anniversary that is still three years away. Come on. They did not spend millions of dollars on ads today to announce the end of home mail delivery. There were no ads to announce the cuts to veterans' services, and there were certainly no ads to announce the elimination of jobs in the public service.

Instead of spending millions of dollars on their partisan advertising, why not invest in essential services for Canadians for once?

Hon. Shelly Glover (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as I just said, the current advertising campaign is highlighting the 150th anniversary of the Charlottetown and Quebec conferences.

Without those two conferences, there would be no Canada or Confederation to celebrate in 2017, so we are pleased to acknowledge the contributions of those two conferences, which in fact have their 150th anniversary in 2014. Why does the opposition not want to celebrate them?

* * *

CANADA REVENUE AGENCY

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, what the government has been doing does not fly.

While the Conservatives are attacking charities, the Canada Revenue Agency is cracking down on a group of birdwatchers because of their so-called political activities.

The definition of political activity is so vague that the Conservatives use it to clip the wings of their opponents.

Will the minister stop this witch hunt and leave the birdwatchers alone?

● (1435)

[*English*]

Hon. Kerry-Lynne D. Findlay (Minister of National Revenue, CPC): Mr. Speaker, it is well-known that CRA audits occur free of any political interference and motivation. Rules regarding charities are longstanding.

In 2012 alone, over $14 billion was tax receipted from approximately 86,000 charities. Charities must respect the law. The CRA has a legal responsibility to ensure that charitable dollars donated by charitable Canadians are used for charitable purposes.

Why is the NDP attempting to score cheap political points at the expense of professional public servants at the CRA?

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, the Conservatives' tough on crime agenda has now extended to birdwatchers. Yes, this is a group of birdwatchers celebrating their 80th anniversary.

Now, suddenly, the Conservatives have them in their sights. They are now subject to the Conservatives' crackdown on charities and subject to real threats of expensive and punishing tax audits.

Meanwhile, the real tax cheats are laughing all the way to their offshore banks.

When will the minister put a halt to her relentless campaign against charities and start focusing on the real tax cheats?

Hon. Kerry-Lynne D. Findlay (Minister of National Revenue, CPC): Mr. Speaker, the CRA is proud of what it has done to combat international tax evasion. We have unprecedented success, in terms of people coming forward on our voluntary disclosure program.

We, in fact, this year, are ahead of all of last year and will double those numbers. That shows that our drive to cut down on tax cheats and make them accountable is working.

With respect to charitable organizations, this is an arm's-length exercise through professional public servants.

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CONSUMER PROTECTION

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, today marks the beginning of small business week, the economic engines of our communities. Despite throne speech commitments by the Conservative government to crack down on credit card processing fees, one year later, small and medium-sized businesses are still being gouged.

The Minister of Finance will not get results by crossing his fingers and closing his eyes hoping for voluntary measures by this industry. Will the government finally agree to support the NDP's plan and bring down the cost of processing credit card fees?

Hon. Kevin Sorenson (Minister of State (Finance), CPC): Mr. Speaker, Canadians know that they are better off with this Conservative government. Canadian consumers deserve access to credit on fair and transparent terms.

That is why we have taken action to protect Canadians using credit cards by banning unsolicited credit card cheques, requiring clear and simple information, providing timely advance notice of rates and fee changes, limiting anti-consumer business practices, and ensuring prepaid cards never expire.

Canadians know they are better off with this Conservative government.

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, what Canadians know is that when it comes to protecting small businesses and consumers, the government has a failing record. Take pay-to-pay fees, for example. A year after promising to ban them, Canadians are still being charged to get their bills in the mail.

This $700 million cash grab targets seniors, those on fixed income, immigrants, and those with little to no access to the Internet. How much more are Canadians' pockets going to be picked before the government acts? Why are they still being charged these fees?

Hon. Ed Holder (Minister of State (Science and Technology), CPC): Mr. Speaker, Canadian consumers should not have to pay extra to receive paper bills. That member of the opposition knows it only too well.

That is why this government will introduce legislation shortly to end pay-to-pay billing practices in the telecommunications sector because what Canadians have been very clear on is that they expect lower prices and better services from our telecommunications providers. That is what we are going to do.

[*Translation*]

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Mr. Speaker, the Conservatives already promised in the budget and the throne speech that they would put an end to this unfair practice, where consumers have to pay to receive a paper copy of their bills. However, despite that promise, nothing has been done. Consumers are still getting fleeced by the banks and telecommunication companies. That is unacceptable.

When will the Conservatives rein in big businesses and protect consumers from pay-to-pay billing practices?

Hon. Ed Holder (Minister of State (Science and Technology), CPC): Mr. Speaker, the answer is the same. Canadian consumers should not have to pay extra to receive paper bills. That is why our government will introduce legislation to end pay-to-pay billing practices in the telecommunications sector.

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● (1440)

[*English*]

MARINE SAFETY

Hon. Lawrence MacAulay (Cardigan, Lib.): Mr. Speaker, the Russian container ship that drifted off the west coast raises serious concerns about the response capability of the Canadian Coast Guard. This serious situation was only under control when a U.S. tugboat arrived.

After scathing reports from the Auditor General and Environment Commissioner, and after cutting hundreds of millions of dollars and hundreds of vital employees, why has the Conservative government allowed our Coast Guard to degrade so severely? What steps are being taken to protect Canadians?

Hon. Gail Shea (Minister of Fisheries and Oceans, CPC): Mr. Speaker, yes, this was a very serious situation. This Russian ship lost power outside Canadian waters.

On the west coast, the private sector provides towing services to the marine industry, but we are very grateful to the men and women of the Canadian Coast Guard and the Department of National Defence. They were able to keep the situation under control in what were very difficult conditions.

This member should not be asking about the Canadian Coast Guard because he well remembers what happened during his tenure. For over a decade, they let the Coast Guard vessels sit tied up—

The Deputy Speaker: Order, please. The hon. member for Vancouver Quadra.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, the Coast Guard took more than 20 hours to reach the Russian cargo ship drifting in heavy seas right off the coast of Haida Gwaii. The Haida chief himself noted it was only luck that prevented a disaster, luck of offshore winds and luck of an American tugboat with the right equipment. However, it was close and the next time it could be an oil tanker.

A year ago, a federal panel noted there were major gaps in the government's oil spill response. The minister's excuse today was about new Coast Guard ships in the future, but talk is cheap. After nine years, not a single piece of steel has been cut.

When will the government fill these gaps?

Hon. Gail Shea (Minister of Fisheries and Oceans, CPC): Mr. Speaker, this was a private towing vessel that came to tow the vessel that was in trouble. I want to support and salute our men and women in the Canadian Coast Guard and our men and women in the Department of National Defence because they did all the work to keep this vessel safe until some help arrived.

Our government has provided unprecedented support of $6.8 billion to renew the Coast Guard fleet. This investment demonstrates our support for the safety and security of marine industries and for—

The Deputy Speaker: The hon. member for Avalon.

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MARINE SAFETY

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, the Atlantic Pilotage Authority is considering changing the interception point for ships entering Placentia Bay on the south coast of Newfoundland. The proposed change of this new point of interception has it 13 miles farther inshore to shallower waters and several small islands.

A study of Canada's bays concluded that Placentia Bay is one of the most dangerous bays in the country and is at the highest risk of a catastrophic oil spill. It will be only a matter of time.

Will the Minister of Transport put an immediate stop to this reckless change that puts the east coast at risk?

Mr. Jeff Watson (Parliamentary Secretary to the Minister of Transport, CPC): Mr. Speaker, I will take the specifics of the question to the minister and report back to the House, but when it comes to marine safety, specifically with respect to the transport of oil, obviously we know that ships are required, if they are transiting Canadian waters, to have an emergency response plan with a certified organization.

We have taken a number of initiatives under our world-class tanker safety system to further enhance both the prevention, the response and the liability of our regime.

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[*Translation*]

CANADA POST

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, today is a sad day. As of this morning, 11 communities have lost home mail delivery. Residents of cities such as Winnipeg, Charlemagne, Kanata and Rosemère will no longer have their mail delivered at home. That is completely unjustified and absurd. Moreover, because of the Conservatives' bad management, the end of home mail delivery is now before the courts. Who would have thought that people would one day have to go to court to maintain such an essential service as mail delivery?

Will the Conservatives finally listen to angry citizens and reverse this senseless decision?

● (1445)

[*English*]

Mr. Jeff Watson (Parliamentary Secretary to the Minister of Transport, CPC): Mr. Speaker, obviously, Canadians are using the mail service less than they did before. There were 1.2 billion fewer letters in 2013 since 2006. We expect Canada Post to operate in a way that is financially sustainable. It has a five-point plan it is taking action on.

Maybe the member should listen to the FCM which revisited this issue and by a two-thirds margin voted against reversing those changes at Canada Post.

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, Canadians are telling us that they want to keep this service, but the Conservatives are not listening. Door-to-door mail delivery service will end today for tens of thousands right across Canada. These cuts will unfairly impact the most vulnerable Canadians, including seniors and persons living with disabilities. People are indeed angry.

Why has the minister refused to tell Canada Post to go back to the drawing board and maintain door-to-door delivery for millions of households?

Mr. Jeff Watson (Parliamentary Secretary to the Minister of Transport, CPC): Mr. Speaker, the member well knows that Canada Post is an arm's-length crown corporation that is responsible for its operational decisions. It also has a legislative mandate to not be a financial burden to the taxpayers of this country. It has a serious and growing problem with 1.2 billion fewer letters being delivered than just a few years ago and deficits which the Conference Board of Canada suggests will reach $1 billion by 2020. It had to take urgent action. It has a five-point plan and it is implementing it.

NATIONAL DEFENCE

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, fully one-third of Canadian Armed Forces members feel that disclosing a mental health issue threatens to end their career. This speaks to continued problems in military mental health that the government has failed to adequately address. In the last five years, more than 1,000 soldiers have been medically discharged before they qualified for a pension. For those who come forward, wait times for assessment can take over 100 days and there are still 40 vacant military mental health positions.

More than nine months after the minister promised to act, where is the action?

Hon. Rob Nicholson (Minister of National Defence, CPC): Mr. Speaker, we have one of the highest ratios of mental health workers for soldiers in all of NATO, and we can all be very proud of that. We can be proud of the fact, again, that the government has invested considerable money, resources, and talent into this. We have doubled the number of health care workers in this area. We want to reach out to those men and women in the armed forces because it is the right thing to do.

[*Translation*]

Ms. Élaine Michaud (Portneuf—Jacques-Cartier, NDP): Mr. Speaker, a very disturbing new report shows that one-third of Canadian Armed Forces members feel it can be a bad career move to seek mental health help. Many military personnel are afraid of being discharged for medical reasons and losing their pension.

Is the Minister of National Defence aware of this situation? Does he plan to do something to ensure that our soldiers have unencumbered access to the mental health services they are entitled to?

[*English*]

Hon. Rob Nicholson (Minister of National Defence, CPC): Mr. Speaker, we have been taking action since we took office. This is why we have approximately 415 full-time mental health workers. This is why we have doubled the budget in this area. We want to make sure that the men and women in uniform have the support they need, and they will get that from this government and these armed forces.

* * *

PUBLIC SAFETY

Mr. Randy Hoback (Prince Albert, CPC): Mr. Speaker, there are unconfirmed reports of a possible terror attack against two members of the Canadian Armed Forces near Saint-Jean-sur-Richelieu.

Can the Prime Minister please update the House on this matter?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, we are aware of these reports and they are obviously extremely troubling. First and foremost, our thoughts and prayers are with the victims and their families. We are closely monitoring the situation, and we will make available all of the resources of the federal government.

[*Translation*]

Once again, we are aware of these very troubling reports. Our thoughts and prayers are with the victims and their families. We are keeping a close eye on the situation and will make all of the federal government's resources available.

* * *

THE ENVIRONMENT

Ms. Annick Papillon (Québec, NDP): Mr. Speaker, the Conservatives have gutted our environmental assessment process, and now the Port of Québec is conducting its own environmental impact assessment of its infrastructure projects, including its expansion project. That is ridiculous.

How can the government claim that this process is fair and transparent when the Québec Port Authority is assessing its own projects?

● (1450)

[*English*]

Mr. Peter Braid (Parliamentary Secretary for Infrastructure and Communities, CPC): Mr. Speaker, the new building Canada plan is open for business. It has been open for business for many months. As we know, provinces identify their infrastructure project priorities. We look forward to receiving those project priorities from provinces across the country, including Quebec. Many projects have already been received and have already been approved. We are working closely with municipalities and provinces to deliver Canada's largest and longest infrastructure plan in our nation's history.

[*Translation*]

Mr. Raymond Côté (Beauport—Limoilou, NDP): Mr. Speaker, I want to get back to the question, because it makes no sense that the Port of Québec is assessing the environmental impact of its own project.

The port has failed to deal with pollution problems. My bill would enable the Commissioner of the Environment to assess environmental plans submitted by Canadian port authorities. This would at least fill the gap when there is no credible process.

Why is the government refusing to have the Port of Québec expansion project undergo a credible assessment?

[*English*]

Mr. Jeff Watson (Parliamentary Secretary to the Minister of Transport, CPC): Mr. Speaker, the member will know that even though the Port of Québec is independent and arm's length in its operations, we have made it very clear to the Port of Québec that it should be working on consulting the local community. When it comes to its developmental projects, we know that it has involved and been working with its tenants as well to lower dust emissions in the port. We expect them to continue that work.

[*Translation*]

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Mr. Speaker, no one has any faith in the credibility of the Conservatives' environmental assessment process, aside from the Liberal leader, who continues to claim that the deck is not stacked in favour of the oil company in Cacouna.

A week ago, thousands of people demonstrated against the oil port project. Last Saturday, a number of volunteers help me consult hundreds of people in Cacouna.

Does the Minister of Fisheries and Oceans understand that this project violates all of the principles of sustainable development and that it certainly does not have the acceptance of the community to move forward?

[*English*]

Hon. Gail Shea (Minister of Fisheries and Oceans, CPC): Mr. Speaker, DFO allowed this exploratory work to go ahead because it was clear it would not result in harm to marine life.

DFO has a process, and we have scientists who are specifically devoted to marine mammals. One of our top priorities is the protection of our marine species. It is clear in our legislation and it is clear in our process. To date, there has not been an application for a project that has even come forward.

[*Translation*]

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, the thousands who demonstrated against the Cacouna oil terminal project just add to the many resolutions passed by the municipalities and the consensus of scientists studying the ecosystem of the belugas. The promoter has not been able to demonstrate the social acceptability of his project because it will only be used to export unprocessed oil.

Why does the minister insist on defending a bill that will result in job losses, does not have the requisite social acceptability, and constitutes an unacceptable environmental threat?

[*English*]

Hon. Gail Shea (Minister of Fisheries and Oceans, CPC): Mr. Speaker, as I have said time and time again, the current work that was allowed is only exploratory work. There has not been an application for a project yet, and when there is an application for a project, that will go through the proper review process.

* * *

HOUSING

Mr. Adam Vaughan (Trinity—Spadina, Lib.): Mr. Speaker, I have listened with interest during my first month in Parliament to the grossly inadequate housing announcements by the federal government across the way.

For Canada's largest city, Toronto, these agreements mean, wait for it, that 60 new units of affordable housing a year will now be built. At this rate, with Toronto's wait list at close to 90,000 people waiting for shelter, people are being told they would have to wait for 1,500 years to get housing.

Do the Conservatives really think this is a reasonable amount of time for a person waiting for a house, 1,500 years? Or, do they think they can fool Canadians by simply announcing $800 million over and over again?

Hon. Candice Bergen (Minister of State (Social Development), CPC): Mr. Speaker, I do appreciate the question. It has taken a very long time to get a question on housing from that new member.

I am very proud of what we have been able to accomplish in terms of supporting the provinces. That member might not realize, but there is life outside of Toronto.

Across Canada, provinces are investing in housing with the funds that we have provided. I have just made announcements across the country. We are very proud of our investments.

We will continue to support the provinces and cities across the country that know how to address their housing needs.

* * *

● (1455)

[*Translation*]

TAXATION

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, when budget 2013 was presented, credit unions and caisse populaires were surprised to see the government cut a 40-year-old measure that helped them build capital and be competitive with the big banks.

The Credit Union Central of Canada and Mouvement Desjardins are proposing that a new capital tax credit be included in the next budget in order to stimulate growth in the credit union and caisse populaires sector, and thereby help small businesses, especially where the big banks do not have a branch.

Will the government move ahead with this proposal?

[*English*]

Hon. Kevin Sorenson (Minister of State (Finance), CPC): Mr. Speaker, this government recognizes that credit unions are an important part of the financial sector and provide a competitive service to the banks. However, it is important that businesses compete on a level tax playing field.

Small credit unions will continue to have access to the small business tax rate on their first $500,000 of income like every other small business in Canada.

* * *

[*Translation*]

PUBLIC SAFETY

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, the investigation into the collapse of the Elliot Lake shopping mall shows that this tragedy could have been avoided.

The report also shows that, in such a situation, the work of urban search and rescue teams is essential. Nevertheless, in 2012, the Conservatives made cuts to this program, thereby limiting the ability of these teams to act.

Will the minister learn from the Elliot Lake tragedy and stop cutting programs that help ensure the safety and security of Canadians?

[*English*]

Ms. Roxanne James (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, CPC): Mr. Speaker, I thank the hon. member for that question. That was indeed a tragic event that did happen.

I will take that question under advisement to the minister.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, the tragedy that took the lives of Doloris Perizzolo and Lucie Aylwin at the Algo Centre Mall must never, ever be repeated.

Let me reiterate. The final report of the Elliot Lake inquiry underlined the critical importance of a quality heavy urban search and rescue response in such situations. Unfortunately rather than improve these services, in 2012 the Conservatives cut funding for the program that supports these units across the country.

Once again I ask, will the minister listen to this report and restore funding for heavy urban search and rescue? It is not about taking it under advisement; it is about taking action.

Ms. Roxanne James (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, CPC): Mr. Speaker, again, I would like to reiterate my comments that I made the first time.

I would also like to mention that our government works co-operatively with the provinces in these areas. It is our Conservative government that has consistently supported search and rescue first responders, RCMP, and all types of law enforcement agencies across the country, despite the opposition from those parties.

* * *

INTERNATIONAL TRADE

Mr. Larry Maguire (Brandon—Souris, CPC): Mr. Speaker, our government has always stood with the livestock industry in opposing the United States discriminatory country of origin labelling. After a successful WTO challenge by our government, the U.S. refused to alter its country of origin labelling to make it fair to our Canadian livestock producers. Canada was once again forced to put another challenge to the WTO.

Today, the WTO released its latest report. Could the Parliamentary Secretary to the Minister of Agriculture please inform the House of the latest decision of the World Trade Organization?

Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC): Mr. Speaker, I would like to thank my colleague from Brandon—Souris for his work on this important issue.

Today's WTO report reinforces Canada's long-standing position that the country of origin labelling is blatantly protectionist against Canadian meat products. We will continue to strive for a fair resolution, including seeking authorization to implement retaliatory measures on U.S. products if necessary.

Our government will continue to stand up for our farmers, ranchers, and workers against this type of discriminatory practice.

● (1500)

CANADA POST

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, Canadians know that it is this Prime Minister and this Conservative government who led the charge to get rid of door-to-door delivery. To make matters worse, we now have the government saying that Canadian companies are not even allowed to participate in the replacement of those community mailboxes.

The question is, why is the government not allowing Canadian companies to participate in the tendering process?

Mr. Jeff Watson (Parliamentary Secretary to the Minister of Transport, CPC): Mr. Speaker, this is from a member who thinks there is no crisis with respect to the plummeting rates of mail delivery in Canada. Canada Post does in fact have a significant problem facing it. The way Canadians are communicating has drastically changed in the digital age, and Canada Post is struggling to keep up.

When it comes to the implementation of its five-point plan, obviously Canada Post operates at arm's length from the government in how it executes that particular plan.

* * *

[*Translation*]

HOUSING

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, again today, the Conservatives are refusing to commit to renew the funding for social housing. They are carrying on the Liberal tradition of federal disengagement on this issue. In fact, this morning, FRAPRU held a demonstration in Montreal in front of the member for Papineau's office.

Will the Conservatives put an end to previous governments' years of indifference toward the poorly housed and commit right now to renewing the funding for social housing and helping low-income families?

[*English*]

Hon. Candice Bergen (Minister of State (Social Development), CPC): Mr. Speaker, this government has made unprecedented investments for the most vulnerable who are in need of housing, whether it is our homelessness partnering strategy with the focus on housing first, or our investment in affordable housing whereby we are combining and partnering with the provinces in terms of social housing and making sure that adequate housing is available.

While the NDP and the Liberals want to create big government programs, raise taxes, and vote against every good investment we make, we will continue to work with the provinces and get results for Canadians.

FOREIGN AFFAIRS

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Mr. Speaker, Canadians like Ernest Lang, Farid Rohani, and Majed El Shafie are concerned about the humanitarian situation in Iraq and Syria. They have arranged a public forum, on October 25, in Vancouver.

UNICEF's Anthony Lake recently praised Canada's efforts, noting "...investing in educating the minds and healing the hearts of Iraqi and Syrian children is both a humanitarian priority and a strategic imperative..."

David Morley, UNICEF Canada's president, said that Canada's contribution reflects the generosity of Canada in supporting some of the world's most vulnerable children.

Could the minister update the House on our contributions in the Middle East?

Hon. Christian Paradis (Minister of International Development and Minister for La Francophonie, CPC): Mr. Speaker, Canada has been a world leader in the response to the humanitarian crisis unfolding because of the brutal conduct of ISIL. In particular, we spearheaded the No Lost Generation initiative in Iraq.

[*Translation*]

I am pleased to inform the House that Canada is now the fifth largest contributor of humanitarian aid in this crisis. That is fifth overall, not per capita.

* * *

FISHERIES AND OCEANS

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, last Friday, the only French-language library at Fisheries and Oceans, which was at the Maurice Lamontagne Institute, shut down. This shows how little importance the Conservatives attach to scientific services in French. The Commissioner of Official Languages harshly criticized plans to dismantle the library and asked the government to reverse its decision. It was clear to the commissioner, as it is to us, that this closure flies in the face of the Official Languages Act. Why is the government ignoring the needs of francophone scientists and shirking its responsibilities regarding official languages?

[*English*]

Hon. Gail Shea (Minister of Fisheries and Oceans, CPC): Mr. Speaker, we are updating government with 21st century technology in order to be more responsible to Canadian taxpayers. Library users are asking for digital information, which is clear when our libraries average only between five and twelve in-person visitors a year. This is not an efficient way to deliver service to Canadians.

We have carefully reviewed the commissioner's report and we are confident that we are fulfilling our official language responsibilities. We do believe that the new library service model enhances the availability of French services across the country.

[*Translation*]

Mr. Jean-François Fortin (Haute-Gaspésie—La Mitis—Matane—Matapédia, Ind.): Mr. Speaker, the Minister of Fisheries and Oceans confirmed the MLI library closure, in violation of the Official Languages Act and against Commissioner Graham Fraser's advice. The government chose to break the law. Does the minister know that Dartmouth does not have the space or the budget to house the 61,000 items, that no staff has been added to make the collection accessible, that the cost of relocating those items is more than the savings achieved, and that the only documents to be digitized will be the department's documents, which have no copyright and make up only 10% of the collection? Does she realize that she is not telling the truth?

● (1505)

[*English*]

Hon. Gail Shea (Minister of Fisheries and Oceans, CPC): Mr. Speaker, 70% of DFO's French documents at the library have already been digitized, and the work will be done by the end of the year. That will make French scientific documentation more accessible than it has been in the past to people right across the country.

As I said, with five to twelve in-person visits in the run of a year, it is hardly an efficient way to deliver service to Canadians.

* * *

ABORIGINAL AFFAIRS

Mr. Dean Del Mastro (Peterborough, Cons. Ind.): Mr. Speaker, the government has smartly prioritized skills training in order to respond to critical labour shortages as well as to create more opportunities for individual Canadians. In this regard, first nations citizens across Canada have accessed the aboriginal skills, employment and training strategy as a way to improve their skills and contribute toward the Canadian economy.

I note that recently the Standing Committee on Human Resources and Skills Development recommended that the aboriginal skills and employment training program, or a similar program, be renewed for a minimum of five years, a suggestion I support.

Can the Minister of Aboriginal Affairs and Northern Development please comment on this program?

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, I thank the member for Peterborough for the question.

Indeed, the ASETS program is administered by Employment and Social Development Canada. I have just completed six months of consultations with first nations communities and employers on the renewal of the aboriginal skills and education training strategy. I look forward to an announcement in the months to come, but it clearly is our intention to renew and improve aboriginal skills development programs.

We have an enormous opportunity, if we can get this right, to address the underemployment of aboriginal Canadians and many of the labour shortages that we are facing. We intend to do exactly that through smart investments to help aboriginal Canadians get gainful employment.

* * *

CANADA REVENUE AGENCY

Mr. Bruce Hyer (Thunder Bay—Superior North, GP): Mr. Speaker, since 2012 the Conservatives have spent $13.5 million harassing charities that have been critical of their policies, especially environment, social justice, and anti-poverty groups. Now the government is wanting birdwatchers—yes, birdwatchers—in southern Ontario to stop their apparently partisan activities.

Does the Minister of Finance really think that spending millions of dollars to audit birdwatchers is a good use of taxpayers' money?

Hon. Kerry-Lynne D. Findlay (Minister of National Revenue, CPC): Mr. Speaker, frankly, that question, being as fact-free as it is, is for the birds.

The member should know that the CRA looks at charitable activities at arm's length. There is absolutely no political interference in this process. The rules regarding charities are very long-standing. In 2012 alone, as I have mentioned before, over $14 billion was receipted to over 86,000 charities.

Charities must respect the law, and it is the CRA's obligation to make sure that they do.

* * *

PRESENCE IN GALLERY

The Deputy Speaker: I draw the attention of hon. members to the presence in the gallery of the recipients of the 2014 Governor General's Awards in Commemoration of the Persons Case: Mary Elizabeth Atcheson, Louise Champoux-Paillé, Tracy Porteous, Chantal Thanh Laplante, and Emilie Nicolas.

Some hon. members: Hear, hear!

ROUTINE PROCEEDINGS

● (1510)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, pursuant to Standing Order 38(9), I have the honour to table, in both official languages, the government's responses to 23 petitions.

* * *

WAYS AND MEANS

NOTICE OF MOTION

Hon. Kevin Sorenson (Minister of State (Finance), CPC): Mr. Speaker, pursuant to Standing Order 83(1), I wish to table notice of a ways and means motion to implement certain provisions of the budget tabled in Parliament on February 11, 2014, and other measures.

Pursuant to Standing Order 83(2), I ask that an order of the day be designated for consideration of the motion.

* * *

REDRESS FOR VICTIMS OF INTERNATIONAL CRIMES ACT

Hon. Irwin Cotler (Mount Royal, Lib.) moved for leave to introduce Bill C-632, An Act to amend the State Immunity Act (genocide, crimes against humanity, war crimes or torture).

He said: Mr. Speaker, I rise to introduce legislation that would amend the State Immunity Act to allow Canadian victims of genocide, crimes against humanity, war crimes, or torture to seek justice in Canadian courts.

At present the act immunizes foreign states and their officials from civil suits in such cases. The current state of the law is such that Canadians can use Canadian courts to enforce commercial contracts with foreign governments but not to seek redress for heinous crimes such as torture.

Accordingly, the Supreme Court recently found that Iran could not be held accountable for the torture, sexual assault, and murder of Canadian journalist Zahra Kazemi. The court made it clear, however, that the power to remedy this injustice rests with Parliament, and I trust that hon. members will join together to exercise this responsibility.

When I last introduced this legislation in the 40th Parliament with the support of members of all parties, it never came to a vote. Given my place in the order of precedence, that risks being the case once again.

I therefore invite the government to adopt this legislation as its own so as to ensure that Canadian law no longer shields foreign states that commit horrific crimes against Canadians while securing justice for victims of such crimes.

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

* * *

[*Translation*]

COMMITTEES OF THE HOUSE

JUSTICE AND HUMAN RIGHTS

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved:

That the fourth report of the Standing Committee on Justice and Human Rights, presented on Tuesday, April 28, 2014, be concurred in.

He said: Mr. Speaker, the Statutory Review of Part XVII of the Criminal Code report says the following:

The 8 November 2012 order of reference from the House of Commons provided "[t]hat the Standing Committee on Justice and Human Rights be the committee for the purposes of section 533.1 of the *Criminal Code*." During the subsequent parliamentary session, an identical order of reference was adopted by the House of Commons on 16 October 2013.

Section 533.1, added to the *Criminal Code* ("the *Code*") upon passage of Bill C-13, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments) in 2008, reads as follows:

(1) Within three years after this section comes into force, a comprehensive review of the provisions and operation of this Part shall be undertaken by any committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established by the Senate or the House of Commons, or by both Houses of Parliament, as the case may be, for that purpose.

(2) The committee referred to in subsection (1) shall, within a year after a review is undertaken under that subsection or within any further time that may be authorized by the Senate, the House of Commons or both Houses of Parliament, as the case may be, submit a report on the review to Parliament, including a statement of any changes that the committee recommends.

The House of Commons Standing Committee on Justice and Human Rights ("the Committee") began its study of Part XVII of the Code (Language of Accused) on 27 May 2013. It held five meetings and heard witnesses from the Department of Justice, the Office of the Director of Public Prosecutions, the Fédération des associations de juristes d'expression française de common law (FAJEF), the Language Rights Support Program, lawyers Gérard Lévesque and Steven Slimovitch, law student Geneviève Lévesque and the Commissioner of Official Languages.

On 5 November 2013, the Committee wrote to all the provincial and territorial ministers of Justice asking for information on their experience administering Part XVII, including best practices and problems identified. They were also invited to give evidence. The Committee received seven replies, which, according to the ministers, is to serve as their evidence. These letters are appended to this report.

I am reading part of the report on the accused. This is important, because there was a review and five years have passed, but there are still problems with the right of the accused.

Despite a few regional issues and differences, these letters state that Part XVII of the Code is generally being administered without any major difficulty. However, there is still room for improvement.

This report outlines the main issues raised by the witnesses. It is not a comprehensive review of all issues pertaining to language rights in criminal law. That is why the Committee recommends that the Department of Justice continue working with the key actors and that a parliamentary committee follow up in five years with a review of Part XVII of the Code and its administration.

The background on part XVII is as follows:

Part XVII, enacted in 1978, gradually came into force, province by province, and finally throughout Canada in January 1990. In *Beaulac*, the Supreme Court of Canada found that equal access to designated courts in the official language of the accused is "a substantive right and not a procedural one that can be interfered with." It is Parliament's responsibility to determine the extent and scope of language rights under Part XVII. These rights are distinct from the right to make full answer and defence under section 7 of the *Canadian Charter of Rights and Freedoms* (the Charter).

Under Part XVII, on application by the accused, a judge will order that the accused be tried before a judge, or judge and jury, as the case may be, who speak the official language of Canada that is the language of the accused. If the accused speaks neither English nor French, a judge will order that he or she be tried before a judge, or judge and jury, who speak the official language of Canada in which the accused can best give testimony. Courts are also required to make interpreters available to assist the accused, counsel and witnesses.

● (1515)

Before Bill C-13 was introduced, studies by the Office of the Commissioner of Official Languages and an inquiry conducted by the Department of Justice identified barriers to full and equal access to the criminal justice system in the official language of the accused's choice. The amendments proposed by Bill C-13 were designed to help reduce these barriers and the problems of interpretation that had been identified.

Bill C-13 made various amendments to the Code, some of them related to provisions concerning the language of the accused. In particular, it stated that a bilingual trial might be warranted in the case of co-accused understanding different official languages. On 29 January 2008, the Senate passed Bill C-13, with, among other things, an amendment requiring a comprehensive review within three years of the provisions of Part XVII of the Code coming into force. It is this review that the Committee undertook.

The Senate also sought to amend the bill so that the presiding judge would remain responsible for personally informing the accused of his or her right to a trial in the official language of their choice. However, this amendment was not adopted. Bill C-13 received Royal Assent on 29 May 2008. Part XVII came into force on 1 October 2008.

...

2.1 OBLIGATION TO ADVISE THE ACCUSED OF HIS OR HER RIGHT (SUBS. 530(3) OF THE CODE)

Before the adoption of Bill C-13, the presiding judge was required to inform the accused of his or her right to a trial in the official language of their choice only where they were not represented by counsel. Bill C-13 removed this condition, meaning that the judge must now ensure that the accused is informed of this right in all cases. However, the judge is not obliged to inform the accused personally, but must *ensure* that the accused is informed of his or her right — by counsel, for example.

Therefore, the judge is responsible for making sure that the accused has been informed of his or her right to a trial in the language of their choice.

2.1.1 FAILURE TO ADVISE

The Committee heard that in practice, it is desirable to have some flexibility in how the accused is advised. It is the failure to advise the accused that is troubling. In some cases, subsection 530(3) seems to "fall between the cracks" and simply no notice is given. As noted by the Assistant Deputy Attorney General of Ontario, James Cornish, in his letter to the Committee, "[i]t appears, however, that this level of compliance with s. 530(3) has not been accomplished across the board in Ontario (…) [F]urther effort is still required (…)"

This is 2014, and we are still trying to inform judges. It should not be that hard to inform the accused of his or her language rights. This is 2014 and we are conducting studies. Even well-known lawyers tell us that in the criminal law process, people are not informed.

The lack of "active offer" was also identified in 2012 by the French Language Services Bench and Bar Advisory Committee to the Attorney General of Ontario and was reiterated by the witnesses who appeared before the Committee. The witnesses suggested several reasons behind this failure to advise, such as the fact that certain judges are not informed or trained in that regard.

The Department of Justice has its work cut out for it, or else people, or judges, simply do not want to get informed. It does not seem that complicated to me.

The report even says that judges should get a note so that they do not forget to inform the accused. This law has been around since the 1900s, and this is still a problem in a country like ours. Forty years after the passage of the Official Languages Act, we are still arguing with judges and training judges to inform the accused.

● (1520)

For example, just because someone's last name is Doucet does not mean that French is their mother tongue. It is a question of choice, but often the judge sees the last name and assumes the person is francophone.

I will explain why I chose to use the name "Doucet" in my example. One of my colleagues, the former union president at the Brunswick mine—once I left the position—had the last name Doucet, but he did not speak a word of French. Everyone spoke to him and wrote him letters in French, and he always responded by saying he did not speak French.

If the judge relies on a name like Doucet, Boivin or even Godin—there are some French-speaking Godins and some English-speaking ones—to determine whether the person is francophone or anglophone, he could be mistaken. In the justice system, it is important that people be able to express themselves in their own language. We cannot stress that enough. My bill about Supreme Court justices indicated that it is unusual that the justices sitting on the highest court are not bilingual. That shows how the government is still stuck on this. It agreed to make the Federal Court and the court of appeal bilingual. However, the government feels that the Supreme Court, the highest court in the country, does not need to be bilingual. That really worries me.

We have the report and the study. The study was positive. It worries me that even at the end of 2014, people are still asking questions about this and trying to convince judges to do what they are supposed to do in every province in the country and tell the accused that he has a right. It is the law. We are still trying to convince them. I do not think there should be any need to convince them. We should simply have to tell them that they represent justice and the law and that they have to follow the law or face the consequences.

I would like to compare this to the rules of the road again. If people drive faster than the speed limit, there are consequences. Nobody tells the offender that they hope he will soon learn to drive at the speed limit. I have never seen a police officer stop someone and tell him that he can do it another 50 times so that he can learn to drive at the speed limit or that even though he was driving 300 kilometres per hour, he still has time to learn.

The time has come for the Minister of Justice to step up and send a clear message to all judges about this.

The minister responded to the committee. To respond to the committee in a positive way is one thing, but what really matters is action, what happens on the ground. The act was passed in the 1990s, and we are still having problems on the ground today. I invite the minister to follow up with his department to make sure that when the next study is done, this will no longer be a problem. Our country's two official languages will have been accepted very respectfully and will be promoted. When both languages are promoted and respected, I can guarantee that the two populations will get along better than they do now. Furthermore, this has to come from above, from our leaders, our governments and the Supreme Court, for instance. This has to come from above and be practised on the ground. I guarantee that everyone will get along better at that point. As long as people know that bilingualism is not being embraced by those higher up, they will continue to fight one another down below.

As Antonine Maillet said, when the two ships left Europe, one came from France and the other from England. When they arrived in Canada, they fired their cannons at each other. One side won. We know that; it is why we are a minority. However, there were two founding peoples, the francophones and anglophones, along with our first nations. We are still fighting about official languages in Canada today. Some other countries have four, five or six languages. Parents tell their children that being able to speak several languages is a gift. Here we are still telling our children not to speak English or not to speak French. Both sides are guilty. I am not taking sides here. That is why I am sincerely saying that this must come from above, from the leadership, from governments and the Supreme Court, in order to demonstrate that learning both languages is not a sin.

I have children and I encouraged them to learn both languages. If they can learn a third, they should do so.

● (1525)

This is part of our history, when the two founding peoples came to Canada. We must build our country together respectfully. We are not asking anglophones to be francophones or vice versa. We are only asking that the two peoples be served in the official language of our country.

I am asking the minister to act immediately.

[*English*]

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I know the hon. member feels very passionate about this subject matter. We could tell from the way he delivered the speech and the colour of his complexion as he was talking about it.

I sat through all of the justice committee hearings on this particular study. I recall that he might have shown up for part of one meeting. It is really too bad, since he is so interested, that he was not able to attend more of the meetings.

The committee prepared a report, which it tabled in the House. My recollection was that it was unanimously supported by all parties represented in the committee, including his. I wonder if he spoke to the NDP justice critic and his other colleagues from the NDP who were on the justice committee. Could he tell the House how they felt about the committee's report and whether they agreed with it?

● (1530)

[*Translation*]

Mr. Yvon Godin: Mr. Speaker, I thank my colleague for the question.

I would have liked to attend more than one or two meetings, but they were held at the same time as those of the Standing Committee on Official Languages. As deputy chair of that committee, I cannot be in two places at once. I had confidence in my NDP colleagues on the committee, and we talked about the discussions at the Standing Committee on Justice and Human Rights.

My colleague wants to know whether my colleagues approve of this report, but I already talked about that in my speech. Indeed, the minister provides a response to the report, but these recommendations have to be put into action on the ground.

I am therefore calling on the minister and his department to follow up and ensure that Canada's judges inform the accused of all their rights before their trials begin. It is not the responsibility of the accused, who is already before a judge, a situation in which I would never want to find myself. It is the responsibility of the judge to kindly inform the accused of his rights and ask him whether he wants to be heard in French or English. That is why I am respectfully asking the minister to do his job. This is 2014 and there are still problems.

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, I thank my colleague from Acadie—Bathurst for his speech. It is clear that he is passionate about bilingualism.

He said it was important to follow up on the report and ensure that this translates into tangible action on the ground. I agree with him on that.

[*English*]

However, one thing that we heard at committee from someone who practices criminal law on a daily basis is that while these rights are enshrined, and while it is the duty of parliamentarians to review the application of this section of the code, in reality what we commonly see in criminal proceedings is that when a defence lawyer goes to the accused and says, "You have the right to a trial in either language and to testify in either language; do you want to proceed in your maternal tongue or in Canada's other official language?", the answer is commonly, "I do not care; whichever gets me out of here the quickest".

Keeping in mind the member's emphasis on what is happening on the ground, does this reality concern him? Is this something that we can really address through legislation?

Mr. Yvon Godin: Mr. Speaker, accused persons who say they do not care and they just want to get out of there fast do this because they know the mechanism is not in place for them to be heard in the language of their choice. The last thing they want to do is frustrate the judge. That creates a problem. When we say "follow up", we mean to put the mechanism in place to make sure that when people get to court, they know that when they pick the language they want to be heard in it does not hurt their cases. That is the last thing they want to do.

I do not know how many times I have heard accused persons say they do not care but they will pick the language that will get them out of court and not put in jail or accused of something when they are not guilty. They do not want to make a mistake. They trust their lawyers to do it for them. The problem is that if people cannot express themselves in their own language, maybe they will make a mistake that will find them guilty when they are not guilty. That is the problem and that is why I say it is so important for the minister to make sure the mechanism is in place across the country so that people do not have to ask "what language should I speak to get out of here?".

● (1535)

[*Translation*]

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, I would like to thank the member for Acadie—Bathurst. He is clearly the best defender of official languages in Canada. He worked very hard on this file and he should be commended for that.

The current Government of Canada seems less concerned about official languages. It demonstrated that lack of concern by appointing a unilingual auditor general and by closing the Maurice Lamontagne Institute library today. This goes against many of the reports issued by the Commissioner of Official Languages. I am very concerned about the fact that this government does not seem to pay any attention to those reports.

We are talking about the report of the Standing Committee on Justice and Human Rights today because this government does not seem to care about the fundamental rights of Canadians, including the right to a trial in their language of choice.

The government has an obligation to stand up for the fundamental rights of Canadians, but today's debate proves that this government has had to be reminded of that obligation time and time again.

Does my colleague believe that we need to continue to put pressure on this government or will the government finally ensure that Canadians' basic rights are respected once and for all?

Mr. Yvon Godin: Mr. Speaker, I would like to thank my colleague from Gaspésie—Îles-de-la-Madeleine. He has gotten right to the heart of the matter.

We are mainly concerned about the government's recent decisions to close French libraries in minority areas, including the library in Mont-Joli and the Department of Fisheries and Oceans library in Moncton. Some might say that Quebec is not a minority, but it is a minority within the Government of Canada, and we are losing francophone institutions.

I doubt that the government will close all the anglophone libraries in Canada, but it closed two francophone libraries. What is more, it wanted to close the only French-language marine rescue centre in Canada, which is located in Quebec City. It is thanks to the Commissioner of Official Languages and the work that he did that the government finally decided to allow that centre to remain open.

I am pessimistic because the Conservatives basically do not care. The Prime Minister likes to start his speeches in French but that is not what is happening out in the community. There is no end to the cuts. The Conservatives wanted to transfer the marine rescue centre to Trenton, Ontario, and Halifax.

Leadership needs to start at the top, not the bottom. We need to respect both official languages and examine the impact that these closures will have on official-language communities before we move ahead. That is not what we are seeing, and that concerns us.

I made the effort to move this motion today and talk about this report so that we can discuss it and so that people can learn about the problem. The legislation was passed in the 1900s and there are still problems in 2014. Judges still have to be told to inform the accused of their right to have a trial in the language of their choice. That is terrible.

It remains to be seen what the government will do, but I am pessimistic. I would like to be an optimistic MP who says that everything will be fine, that we all have a good relationship and that the minister has responded. However, this is not the first time there has been a report and the minister has responded to it. We still have the same problem.

[*English*]

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I thank the House for the opportunity to speak to this important matter. The Minister of Justice mentioned to me earlier today that he recently met with the Commissioner of Official Languages and that he wishes to thank the commissioner for his very good work in this area and all areas concerning official languages.

As members know, access to justice in both official languages is an important issue for all Canadians. Canadians wish to live in a law-abiding society with an equitable, accessible and fair justice system for all. In criminal matters, these principles mean that the courts must be able to operate in French and in English in accordance with the official language chosen by the accused for his or her trial. It is extremely important that one's constitutional rights are well understood, and this is a fundamental principle of justice.

First, it is important to remember that because of the division of legislative authority between the federal and provincial governments, the federal government has a limited role in the implementation of the Criminal Code provisions. While the federal government has exclusive jurisdiction over amendments made to the Criminal Code and over criminal procedure, the provinces are primarily responsible for the administration of the courts and the prosecutions under the Criminal Code.

While the Prime Minister has executive authority for the appointment of superior and appeal courts judges, the provinces and territories are responsible for the composition of the provincial courts. This means that under the provisions of the Criminal Code, which form the basis for the standing committee's statutory review of part XVII, the provinces and territories must ensure that they have the institutional and human resources necessary within their respective criminal justice systems to allow defendants to face trial in the official language of their choice. That said, working within its jurisdiction and its means, the Government of Canada is supported by the minister and the Department of Justice, and works with its provincial and territorial counterparts in order to support and improve the implementation of the language provisions found in the Criminal Code.

Our government's commitment to official languages is undeniable. In Canada's economic action plan 2013, our government pledged to support official languages by maintaining funding dedicated to protecting, celebrating and reinforcing Canada's linguistic duality. This commitment is reflected in the road map for Canada's official languages 2013 to 2018. The road map, which was approved by this government in December 2013, has three pillars: education, immigration and communities. Under the road map, the Government of Canada has undertaken a number of measures to fulfill its commitment and to support our provincial and territorial partners. The access to justice in both official languages support fund, with a five-year funding envelope of $40 million, allocates resources to, among others, the provinces, territories, court administrations, universities, training centres and official language minority communities. This funding supports justice in both official languages within their respective spheres of activity. In addition to grants and contributions, the government also provides support to its governmental and non-governmental partners in the form of collaborative activities and ongoing consultations.

All told, provinces and territories can count on this government to provide them with the necessary financial and collaborative support for language-training programs that are specifically adapted to the needs of justice stakeholders, including crown prosecutors, provincial court clerks, provincially appointed criminal judges, and probation officers.

In addition, as part of its ongoing efforts and in response to the standing committee's recommendations stemming from the statutory review of part XVII of the Criminal Code, the Department of Justice has made a contribution toward the creation of a national consortium for justice training in both official languages. The consortium is essentially made up of post-secondary teaching institutions, jurilinguistic centres and non-profit organizations that provide training services. This consortium will advise the Department of Justice, where appropriate, on the language-training needs of provincial justice stakeholders. It will also develop collaborative approaches among its members in an effort to meet these training needs. It should be noted that the Minister of Justice, as evidenced by the government's comprehensive response to the committee's report, has committed to bringing the committee's recommendation with respect to court interpreters and transcribers to the consortium's attention for consideration.

In addition to its justice stakeholder training initiatives, this government is committed to ensuring that all Canadians from coast to coast to coast can rely on accurate, reliable and easy ways to find and access legal information in the official language of their choice. In this regard, the Department of Justice will call upon an extensive network of partners to develop a concept of justice information hubs. In order to prevent the unnecessary duplication of structures and to build bridges between organizations serving both official language communities, partnerships between minority community associations and organizations will be encouraged.

● (1540)

Once they are rolled out, these hubs would serve as a stepping stone for Canadians to become more knowledgeable about their legal rights and obligations, including their language rights under the Criminal Code and the Canadian charter, and to be better equipped to deal with everyday legal issues.

In addition to the access to justice in both official languages support fund initiatives, the Government of Canada also fulfills its commitment through the Contraventions Act fund, which provides provinces and territories that have signed agreements with the Department of Justice to implement the federal contraventions regime with financial support to cover judicial and extrajudicial measures that guarantee language rights provided under part XVII of the Criminal Code and part IV of the Official Languages Act, regarding services and communications to the public.

This fund, consisting of approximately $50 million over five years, demonstrates the government's strong commitment to supporting measures and providing the necessary resources, such as the hiring of bilingual judicial and extrajudicial court personnel, language training, bilingual signage and documentation, to enhance Canadians' access to justice in both official languages.

Furthermore, the government's commitment to justice in both official languages is also reflected by the close co-operation between federal institutions, such as the Department of Justice, the Public Prosecution Service of Canada, the Royal Canadian Mounted Police and the Department of Public Safety. As evidence of this close co-operation on the issue of access to justice in both official languages, these institutions have created an interdepartmental network on justice and security, specifically dedicated to the issues faced by Canada's francophone and anglophone minority communities.

At the intergovernmental level, the Government of Canada has adopted a fair and reasonable approach to support access to justice in both official languages, based on collaboration with the provinces and territories. As the standing committee rightly recommends in its report, it is essential that the government continue in the same vein in order to ensure compliance with part XVII of the Criminal Code and to find solutions to the particular challenges associated with access to justice in both official languages.

As part of its efforts in this regard, the Department of Justice co-chairs a federal-provincial-territorial working group on access to justice in both official languages. In addition, other intergovernmental forums, such as the federal-provincial-territorial heads of prosecution committee, are actively addressing issues relating to the implementation of part XVII of the Criminal Code as part of their respective mandates.

As stated at the outset, and as evidenced by the concrete measures and steps I have just outlined, the government's commitment to official languages is abundantly clear.

On behalf of the government, I would like to take this opportunity to thank the members of the House of Commons Standing Committee on Justice and Human Rights for its work accomplished as part of the statutory review of part XVII of the Criminal Code. Rest assured, the Government of Canada is taking the committee's recommendations into consideration and is grateful for the possible solutions that the committee outlined so as to help ensure a better implementation of part XVII of the Criminal Code, and more generally, access to justice in both official languages for all Canadians.

● (1545)

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, in the report presented by the justice committee, the second recommendation was that the federal-provincial-territorial heads of prosecutions committee meet with the Department of Justice Canada to discuss issues related to the composition of bilingual juries and court interpretation in both official languages. This week, the heads of prosecutions in this country are meeting in Charlottetown. My question for the parliamentary secretary is whether the Department of Justice officials are there and whether this is on the agenda.

Mr. Bob Dechert: Mr. Speaker, my understanding is that the justice officials are participating in that meeting.

[*Translation*]

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, I would like to thank my colleagues for allowing me to ask a question.

Our colleague began his speech by saying that the government was taking its responsibility seriously, and that this is a matter of provincial jurisdiction. That much is true, as least in terms of administering justice.

However, it falls to the federal government, not the provinces, to ensure that Canada's official languages are being respected. While it may be up to the provinces to administer justice, it is up to this government to uphold the Charter and fundamental rights.

How will my colleague ensure that there will be a follow-up on the points repeated over and over by the Commissioner of Official Languages, especially given that there are doubts that this government is taking the rights of francophones in this country seriously?

[*English*]

Mr. Bob Dechert: Mr. Speaker, as the member will know, there are several funds and interprovincial and joint committees of the provincial jurisdictions and the federal jurisdiction dealing with access to justice in both official languages. Those committees meet regularly. They determine where there are issues to be addressed to ensure that there is parallel administration of justice in all parts of Canada in both official languages.

There is funding available in two funds, one of $40 million over five years and the other of $50 million over five years, which is to be applied by the provinces to ensure that there is a parallel provision of court services in both official languages in all courts in Canada. If the member looks at those, I think he will be very satisfied with the way that is proceeding.

He will also know, if he read the committee's report, that the committee had reports from most of the provincial and territorial attorneys general. Not all of them responded, but most did. Most said that the system was actually working very well and that, in their view, Canadians who were involved in the justice system had equal access to all necessary procedures in both official languages. There were a few situations pointed out in which, for example, there were not sufficient resources for the translation of documents in certain provinces. One of the recommendations made in the report by the committee was that further resources be made available for the training of court translators.

In all, the provincial and territorial ministers of justice and attorneys general reported that the system is working very well and that Canadians have good, fair, and equal access to justice in Canada in both official languages.

● (1550)

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, I am taking this opportunity to join in the debate with respect to the justice committee report on part XVII of the Criminal Code.

Part XVII of the Criminal Code deals with the language of the accused. Contained in that section is a mandatory statutory review. The review was undertaken by the justice committee, which is the committee that is designated under that section of the code. The review took place over the course of five meetings.

The goal or the purpose of having a statutory review such as this built into the Criminal Code, built into this particular section of the Criminal Code, is that at the time it was brought in there was a realization that circumstances change, that society evolves. In this case, we can look back on recent years and see the increasing diversity in Canada. We can look at the levels of language training in the various provinces, the various interpretations of the charter of rights over the years, and the development of technology and the impact it has had on the administration of justice.

The drafters, at the time, inserted this into the code so that these things could be taken account of. It forces parliamentarians to address their attention to the language rights measures in the code, and every so often ask if they could be improved, if they were still effective and if there was something else that needed to be done. Quite frankly, it just makes good sense for something as fundamental as language rights to be assessed on a regular basis, in that way, for that reason.

The other complicating factor here is the overlapping jurisdictions. The Government of Canada has jurisdiction over the Criminal Code, but the administration of justice is a provincial responsibility. Any time there are overlapping jurisdictions, there is always a risk that something is going to fall through the gaps. Indeed, we see that in this country in health care. The drafters of this provision within part XVII realized that when it comes to the language of the accused, when it comes to the fundamental rights, when it comes to the overlapping jurisdictions, this was something they wanted to be very certain had the vigilant eye of parliamentarians.

For that reason, it made good sense for this review to happen. The committee took its work very seriously, as I said. We heard from provincial ministers of justice, the Commissioner of Official Languages, and others. We heard from practitioners in the field. They came before the committee to offer their suggestions and advice. The conclusion, I am happy to report, is that these provisions of the code are generally being administered without any major difficulty, but there is some room for improvement. The room for improvement is reflected in the report, in the eight recommendations at the end.

By way of background, this provision of the code was enacted in 1978 and was eventually adopted by all the provinces by 1990. Under part XVII of the Criminal Code, on application by an accused, a judge will order that the accused be tried before a judge or a judge and jury, as the case may be, who speak the official language of Canada that is the language of the accused. If the accused speaks neither English nor French, a judge will order that he or she be tried before a judge or a judge and jury who speak the official language of Canada in which the accused can best give testimony. Courts are also required to make interpreters available to assist the accused, counsel and witnesses.

Some of the issues that were identified during the course of the committee's review included the right of notification of the accused to be tried in the official language of his choice. The fact is that this right is communicated to the accused in ways that are not consistent across the country.

● (1555)

In some jurisdictions that right is given to the accused verbally by the presiding judge. In other circumstances the judge simply notifies counsel for the accused and leaves the responsibility of advising the accused of that right with his counsel. In my experience in the criminal court I would suggest that either is equally effective. When counsel gives his undertaking to the court that he or she will take the advice of the judge and pass it on to the accused, that can be taken to the bank. That is a solemn undertaking given to the court. It would be a breach of professional ethics to violate that undertaking. In some courts there is a printed card that is given to the accused to notify him or her of this.

Probably because of the overlapping jurisdictions and different practices within provinces, the varying degrees of presence of both official languages in different jurisdictions is uneven. That does not make it bad but it does underline the need for a regular review.

We heard also about judicial language training. This is critical for language rights within the justice system to have any meaning. For the judges who are presiding over cases, whether appointed provincially or federally and whether at the provincial court or the Supreme Court level, and I would argue even at the Court of Appeal level, there has to be a capacity to be able to provide a fair hearing in the language of choice of the accused.

In some jurisdictions, that is harder than it may seem. In my home province of Prince Edward Island I can say that there are three provincial court judges, five supreme court judges and three judges of the court of appeal. None of them would have their mother tongue as French, but more than half of them are actively pursuing French language training and one to the point where he has succeeded in getting what civil servants call a level C. That is Mr. Justice Gordon Campbell. There are others who are in it. This is something that is taken very seriously by the judges in this country, even in areas where a French trial would be a rarity.

However, it goes beyond the training of judges. In order for this right to have teeth, it is not just the judges that need a capacity in both languages, there is also a need for court interpreters and for some capacity to be able to select a jury in both official languages. Indeed, that can be a challenge. These are the types of issues we heard about at committee.

There are a couple of other issues that came up at committee that are also dealt with in the recommendations. When we talk about the right of an accused to a fair trial, I would suggest that it is not just about what happens in the court room after the accused pleads guilty. In the preliminary proceedings prior to a trail there is often a bail hearing. I would suggest that the right to be tried and have access to the judicial system in the language of one's choice would include the right to have a bail hearing conducted in French or English. In any criminal proceeding it would also include that the accused has the right to a complete package of disclosure from the Crown, which would include police notes and the like. These should be made available to an accused person in the language of his or her choice.

All of these require resources and funding. Any time we have resources, funding and two levels of jurisdiction inevitably the finger pointing starts as to who is responsible. That is the very thing that needs to be avoided in the interest of justice.

● (1600)

At the conclusion of the testimony, at the conclusion of all the evidence we heard from the experts, from the provincial attorneys general, the justice committee came up with eight recommendations.

I believe that the recommendations were well-reasoned. The parliamentary secretary was quite right. While we did have a good discussion at committee, this report was adopted on consensus, and I am pleased to stand by the report. I do believe that a proper and thorough examination was done, as was contemplated by those who mandated the statutory review within the Criminal Code with respect to language of the accused. I am pleased to stand in support of concurrence in the committee report.

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I thank the hon. Liberal justice critic for his speech and for his good work at the committee on this particular study.

I wonder if he could give the House a bit of a flavour of some of the testimony we heard from witnesses.

There were a few issues brought up about the lack of sufficient French-language, legally trained, court document translators in the province of Saskatchewan, and the time it takes to find a judge who speaks in the other official language, whatever the majority language was in a particular province. In some provinces, and Yukon springs to mind, sometimes it took a bit of time to find a francophone judge to take a trial in that province and to preside over preliminary hearings. We also heard some testimony from one particular practitioner about the delay in finding access to anglophone judges and services in some smaller communities in Quebec.

I wonder if the hon. member could comment on that and just give us a flavour of some of the other testimony that the committee heard.

Mr. Sean Casey: Mr. Speaker, indeed we did hear from a wide range of witnesses. The situation across the country, as we might expect, is not uniform. We live in a country where there is one officially bilingual province, and that is the province of New Brunswick. Indeed, the challenges would be significantly less in a place such as New Brunswick than in provinces where the linguistic minorities are much smaller, I would say, including the province of Prince Edward Island and probably the Yukon. The one that was specifically referenced was Saskatchewan.

I come back to the question I asked the member for Acadie—Bathurst. In spite of these challenges that come with the relative size of our minorities, the challenges that come with our geography, quite frankly, because that is a big part of it, all in all, there is what is practical as well.

Probably the most compelling testimony we heard at committee was from a defence lawyer who said that when he sees someone who is on remand down in the holding cell and he talks to that individual about his rights, his language rights, his charter rights and what to expect, the only thing that individual wants is out. It does not matter whether the individual can understand the proceedings on a scale of 10 to 10 or six to 10, if he can get a judge and a hearing quicker by electing one official language rather than the other, that is the one he wants.

That is the reality in this country. I think it is problematic. However, it is not perfect, and given the diversity we have and given the huge geography we have, we cannot allow perfection to be the enemy of the good.

● (1605)

The Acting Speaker (Mr. Bruce Stanton): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Bruce Stanton): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: On division.

The Acting Speaker (Mr. Bruce Stanton): I declare the motion carried.

* * *

[*Translation*]

PETITIONS

CANADA POST

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I have several petitions to present today.

The first petition calls on the government to reject the plan to cut services at Canada Post and to explore other avenues to modernize the crown corporation's business plan. The people of Terrebonne will be affected by the changes and by the elimination of home delivery in the spring or summer of 2015. They are very concerned about this.

HEALTH

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, the second petition calls on the government to fully co-operate with the provinces and territories to negotiate a new health accord by 2014. This petition is also signed by a number of my constituents. Last Saturday they got together and went door to door on this issue. I am very proud of that.

THE ENVIRONMENT

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, the third petition calls on the Government of Canada to ensure that the old Saint-Maurice shooting range is decontaminated within a reasonable time frame and that the wetlands in the Saint-Maurice shooting range are protected and preserved.

[*English*]

DEMENTIA

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I have the pleasure today of tabling two petitions on the same matter.

The petition calls for a national dementia strategy and support for the bill introduced by the member for Nickel Belt.

The petitioners are calling for action on the national dementia strategy in consultation with the provinces and territories, providing annual reports based on remedial action, a standing round table, and greater investment and research.

[*Translation*]

CANADA POST

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I am pleased to present some petitions that have been signed by hundreds of my constituents.

Today we learned that thousands of Canadians will be losing home delivery service. These people are denouncing the cuts to Canada Post. They are calling on the government to review these cuts so that they can receive home delivery, since the elimination of this service will have a negative impact on my constituents and Montreal's highly urbanized areas.

● (1610)

[*English*]

CONSUMER PROTECTION

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, it is my pleasure to present a petition today to stop pay-to-pay fees.

Pay-to-pay fees are those fees levied by companies against customers who continue to receive a printed statement of their bills. The petitioners argue that these pay-to-pay fees unfairly penalize seniors and those who do not have regular access to the Internet, or are simply not comfortable performing such transactions online.

The petitioners point out that Canadians are struggling already to pay their bills, and therefore they call upon the Government of Canada to prohibit the use of pay-to-pay fees and charging customers for receiving a monthly bill or statement in the mail.

TELECOMMUNICATIONS

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I have the honour to present a petition on behalf of hundreds of residents of my constituency of St. John's East who object to the erection of a cellular telephone antenna on the rooftop of a hotel that is close to a child care centre and across from a major subdivision. The petitioners believe this is potentially harmful for their children and the neighbours.

The petitioners are requesting that the Minister of Industry deny the application for a licence to erect this tower, or alternatively that Bell Mobility and the hotel owners withdraw the application and move the cell tower at least 200 metres away from area residents and child care facilities.

ASBESTOS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am proud to rise again to present yet another petition signed by literally tens of thousands of Canadians who call upon Parliament and the House of Commons to take note that asbestos is the greatest industrial killer that the world has ever known. They point out that more Canadians now die from asbestos than all other industrial and occupational causes combined.

Therefore, the petitioners call upon Parliament to ban asbestos in all of its forms, institute a just transition program for asbestos workers who may be affected by such a ban, end all government subsidies of asbestos both in Canada and abroad, and stop blocking international health and safety conventions designed to protect workers from asbestos, such as the Rotterdam Convention.

CANADA POST

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, Hamiltonians, like millions of Canadians, are angry and outraged over the Conservative plan to end home mail delivery. They know that not only are there going to be thousands of jobs lost and that it is going to hurt a lot of our seniors and disabled citizens, they also know that this is an important service. Canadians consider that it is a part of being Canadian and living in Canada. Losing this is not only losing a service, but it is losing a part of what it is to live in Canada.

I am proud to present, on behalf of the tens of thousands of my constituents who are opposed to this, a petition that outlines their anger, their upset. They are prepared to fight this, and, make no mistake, we in the NDP official opposition are going to stand and fight this everyday also.

The Acting Speaker (Mr. Bruce Stanton): As a reminder to all hon. members, normally when we are presenting petitions we do not cross the line around editorializing or adding additional commentary to the feelings of those petitioners who may want to express their opinion. However, I know the hon. member for Hamilton Centre is predisposed to this kind of thing from time to time, and I am sure that his comments are well taken.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Acting Speaker (Mr. Bruce Stanton): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

DIGITAL PRIVACY ACT

The House resumed consideration of the motion.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is with pleasure that I rise to speak to Bill S-4 this afternoon.

It is an important piece of legislation, as it at least attempts to deal with an issue that many Canadians are quite concerned about. They see the merit of the government introducing legislation on how Canadians can be protected. However, there is also a great deal of concern about the manner in which the Conservative government, as it has in the past, appears to be attempting to overstep concerns related to privacy and protecting the privacy of Canadians.

We have before us Bill S-4 this afternoon. It attempts to deal with and expand warrantless access to subscribers' data. This is an issue which can no doubt be exceptionally controversial. It is something that needs to have more consultation and work with the different stakeholders so that we do not make mistakes.

As suggested in the bill's title, this bill has come from the Senate. There were concerns upon its departure from the Senate and entry into the House regarding the constitutionality of the legislation. I have found that quite often the government will bring legislation into the House in anticipation that it will ultimately pass, yet a great deal of concern has been expressed regarding the degree to which it would be in compliance with Canada's Constitution, the Charter of Rights, and so forth.

Time and time again, I have heard it suggested, and I have suggested it myself, that the government needs to be more forthright in providing information which clearly shows that the legislation it is bringing forward would pass our laws. More often than not, we do not receive the legal opinions from the department giving clear indication that the legislation being debated is in fact constitutional and will pass the Supreme Court. That is important to note, for the simple reason that when the House of Commons passes legislation and it gets challenged, it costs literally millions of dollars, especially if the government has done it wrong.

The idea of seeing Bill S-4 go to the committee is something we are quite comfortable with. Going through the summary of the bill gives us the sense of the scope we are dealing with. The act would amend the Personal Information Protection and Electronic Documents Act to do a litany of things. It covers quite a broad area. We have expressed a great deal of concern about some of it to the Liberal Party critic.

The primary concern we have is ensuring that the privacy of Canadians is being respected. Checks need to be put into place to ensure that there is accountability.

Let me give members a couple of very specific examples of what the legislation is proposing. This comes from the summary of the bill itself. It would "permit the disclosure of personal information without the knowledge or consent of an individual for the purposes of..."

Here it lists some very specific things. These are:

> (i) identifying an injured, ill or deceased individual and communicating with their next of kin,
>
> (ii) preventing, detecting or suppressing fraud, or
>
> (iii) protecting victims of financial abuse;

As I said, there are a litany of things. One that really caught my eye and that I think is a very strong positive is related to the Privacy Commissioner. The bill says, "modify the information that the Privacy Commissioner may make it public if he or she considers that it is in the public interest to do so".

We have seen an expansion of the role, if I can put it that way, of the Privacy Commissioner, and giving more authority to him or her. Through the legislation, we are also seeing more penalties being brought in.

● (1615)

This is not only the first but the second piece of legislation over the last number of months dealing with privacy. It was not that long ago that I was speaking to Bill C-13, the protecting Canadians from online crime act. It deals with cyberbullying. Canadians have little tolerance for cyberbullying and the types of things that take place.

Bill C-13 focuses a great deal of attention on the distribution of pictures without consent onto the Internet. We had some difficulty with Bill C-13, as we do with Bill S-4, but we ultimately ended up supporting the legislation because we recognized how important it was to stop cyberbullying. There were concerns with that legislation just like there are concerns with this particular piece of legislation.

We would like the government to provide more answers and be a bit more transparent about what it hopes to achieve with this legislation. We call upon the government to do just that in anticipation of the bill going to committee where it will be changed in order to provide some comfort to Canadians with respect to their privacy. Privacy is an issue that the Liberal Party takes seriously. Our party critic has had the opportunity to express many of our concerns with regard to it.

Bill S-4 would allow for warrantless requests of companies. Telecom companies and service providers could be approached in order to access personal information.

Over the last decade we have seen an explosion of technology in the computer and Internet areas. Who would have thought 15 or 20 years ago that we would be where we are today? In many ways we are playing catch-up in terms of trying to bring forward legislation in order to protect Canadians. Canadians have great access to the Internet as a whole. Many things are done through the Internet and unfortunately, at times, people are exploited, so we need bills such as Bill S-4 to deal with that.

Today we are talking about corporations getting personal information about people living in Canada who ultimately go to a particular telecom provider. That means company *x* could request specific information from a telecom provider about a particular customer who is being serviced by that provider. All of us should be concerned about that. All of us should want to do what we can to ensure that the privacy of Canadians is respected and that there are checks in place to ensure no abuse is taking place.

What we are talking about are warrantless requests. People would be surprised to know that in 2011, almost 800,000 warrantless requests by telecom companies were documented. People would be amazed to know the amount of information that leaves Canada through the Internet via, for example, the United States and ultimately comes back into Canada. The U.S. national security agency no doubt has access to a lot of Canadians' personal information.

● (1620)

At the end of the day, the bottom line is that the government has a responsibility to provide assurances to Canadians that their right to privacy is being protected. This is the greatest concern I have as the bill continues to go forward.

The challenge is to ask the government to provide the necessary amendments that would protect and provide assurances to Canadians that their privacy would in fact be protected. I am very concerned that private corporations, on a whim, could say a copyright has been infringed, or there is a perceived illegal activity and then are able to get personal information on Canadians.

● (1625)

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, I wonder if the member could explain to Canadians the warrantless search between two companies. Certainly, from the perspective where I come from, from the police world, a warrant can only be issued by a judge and a warrantless search is a myth. There is no such thing as a warrantless search. There is an agreement between two parties to share information, but there is no such thing as a warrantless search.

Mr. Kevin Lamoureux: Mr. Speaker, the member is somewhat playing with words. An agreement to share information between two companies is a bit of a play on words. We need to recognize that if we get telecom company *x* talking to private corporation *y* and *y* asks for information because it is concerned about copyright infringement, what that means, through an agreement between companies, is very close to a warrantless search where company *y* is being given personal information.

The member should be concerned about that company sharing personal information. We could ultimately see collection agencies being created based on information that is being provided to a particular company and individuals are being phoned. When they ask, "What is going on here?" Was it because there was an agreement between two companies?

We need to be very concerned. At the very least, let us put some checks in there to protect Canadian consumers.

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I listened to my Liberal colleague's speech with great interest. He seems to be very concerned about protecting Canadians' personal information. That is something we should all be concerned about.

However, when it came time to vote, the Liberal Party supported Bill C-13. I am perplexed. They seem to be saying one thing but voting another. Can the member clarify whether the Liberals plan to support Bill S-4? They are saying one thing now, but will they change their minds when it is time to vote?

[*English*]

Mr. Kevin Lamoureux: Mr. Speaker, the member does not seem to understand why the Liberal Party voted in favour of Bill C-13. It was the cyberbullying piece of legislation. Even though we had some concerns with the legislation, as our party critic expressed during debate, we needed to understand and appreciate the desire of a vast majority of Canadians, 95% plus, who recognize it is not appropriate, for example, for an individual to put inappropriate pictures on the Internet without the consent of the person who has been photographed.

It is a form of cyberbullying that needed to be dealt with. It was at least a step in the right direction. Was the legislation perfect? No, if was far from perfect, but at least it was a step in the right direction. Actually, I was quite surprised that the NDP did not recognize the importance of dealing with that particular issue.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I would just like to note, parenthetically, that I disagree with my hon. colleague from Winnipeg North about whether we got the right balance on cyberbullying in Bill C-13.

However, let me get back to Bill S-4. Is it not just a question, more than whether this is a warrantless act or semantics, whether Bill S-4 would withstand a Supreme Court challenge in light of the Spencer decision? I would ask my hon. colleague for his comments.

Mr. Kevin Lamoureux: Mr. Speaker, that is why at the beginning of my presentation I commented on the importance of the government providing the necessary legal opinions from within the department to provide assurances that this legislation has been thought out. I know there have been concerns with regard to whether it will end up in the Supreme Court and that we will be back at the drawing board. It is only a question of time.

When the government does not do its homework and fails to ensure that its legislation meets constitutional and charter requirements, it ultimately ends up costing Canadians millions and millions of dollars because it did not do its homework correctly the first time.

As I indicated in my speech, there are areas where Liberals believe the government needs to improve upon in order to ultimately make it even more constitutional.

● (1630)

The Acting Speaker (Mr. Bruce Stanton): Before we resume 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 Thunder Bay—Superior North, Employment; the hon. member for Gaspésie—Îles-de-la-Madeleine, The Environment.

Resuming debate, the hon. member for Calgary Centre.

Ms. Joan Crockatt (Calgary Centre, CPC): Mr. Speaker, I am very pleased to rise today in strong support of Bill S-4, the digital privacy act. I am also pleased to be able to tell Canadians young and old, as well as businesses, exactly what this bill would do for them.

Bill S-4 would provide important updates to our private sector privacy law, called the Personal Information Protection and Electronic Documents Act, commonly known as PIPEDA. This bill is all about keeping our laws up to date in the rapidly burgeoning digital economy.

The biggest thrust in the protection of Canadians' online privacy, which we eagerly and sometimes maybe too eagerly jump to use, as this is a place where we go to surf, shop, and sell things, is to improve the protection of people's privacy. Our government understands that for a strong digital economy to work and for people to feel confident using this technology, they have to know that they are receiving those protections.

We have consulted very widely with business, with consumer advocates, and with a lot of real people, like moms and dads, to come up with this bill. Our consultations have shown one thing that is very clear, which is that people value their privacy. It is very important to Canadians. As a country, we regard it as a fundamental right, and we expect our personal information to have certain protections. All of us want to be able to embrace this great opportunity that is the web, and we want to have trust and confidence that our information will be protected when we are out there swiping our credit cards, punching in our PIN and pass codes, and giving out our names and addresses at stores and other places where we do businesses. Really, we are putting the details of our personal lives out there in the hands of businesses and other organizations.

Earlier this year, our government launched Digital Canada 150. This was an ambitious plan to give Canadians confidence that they can take advantage of the full opportunities of the digital age. One of the main pillars of Digital Canada 150 is protecting Canadians, and that is where Bill S-4, which we are talking about today, comes in. It would take what is already one of the world's best privacy regimes and make it even better.

The digital privacy act has five key areas, and I would like to touch on each one and explain for my hon. colleagues why each one is necessary.

The first area is mandatory notification if there are data breaches. These are requirements for companies to let us know if our personal information has been lost and there is a potential to expose us to harm. The time frame companies would be given to do this under this bill would be as soon as was feasible. For example, if a company's computer system was hacked and the clients' credit card information was stolen, the company might need a week to put a fence around it and figure out how many people had been affected and let us, as consumers, know. If the data breach or the hacker was more sophisticated, it might take the company a couple of weeks to figure out everyone who was affected and let us know. There would be some flexibility, but one thing that would be very clear would be that companies could not delay notifying us when there was this kind of breach.

If a company was hacked and it failed to notify clients in the shortest time frame possible, it could be taken to court by the Privacy Commissioner or by individuals. In addition, if a company willfully covered up a data or privacy breach, it could be charged up to $100,000 for every client that had not been notified. We see that these are very significant penalties. Recent revelations that large everyday retailers we deal with, such as Target and Home Depot, were victims of cyberattacks underscores the need for this legislation.

Also, the Privacy Commissioner would have to be notified, so if an organization deliberately covered up a privacy breach or intentionally failed to notify individuals or the Privacy Commissioner, again it could face significant fines.

The second set of changes in Bill S-4 deals with the rules around vulnerable individuals, especially kids.

● (1635)

The government examined this issue very closely as well and talked with experts and other interested parties. Based on this, it put new measures in the digital privacy act that would make it very clear that to give valid consent for information to be collected online, a person's age would have to be taken into account. For example, if one had a website specifically targeted at children and wanted to collect information, one would need to put in something like a pop-up that would say, "before filling in this information, go get your mom and dad". Children's interests would now be put forward, and that would have to be done using very simple language.

These measures would put more power in the hands of consumers and would keep them better informed when they were out there doing business involving the worldwide web. They would also encourage businesses to adopt better privacy practices.

At the same time as we would be adding new privacy protections, we would also be removing some red tape. The third set of changes would ensure that businesses could collect data they needed to do legitimate business things. I want to stress that these changes would be limited and very much common sense. For instance, believe it or not, right now businesses are breaking the law if they give their own employees' email addresses to customers and clients without the employees' permission. Things like that just do not make sense.

These amendments would let businesses use personal information produced at work; disclose information, such as employees' salaries, that might be important if one were buying or selling a business; use information that might be contained in a witness statement to process an insurance claim; and keep information that is necessary in a regular employee-employer relationship. Businesses would be able to use this information to support normal day-to-day business activities, but, and there is a big but, they would still have to make sure that the privacy of that information was protected and not compromised. If they did not play by the rules, companies could be named and shamed and taken to court and fined.

The fourth group of amendments would allow certain information to be shared without necessarily first allowing for a person's consent if it was shown to be in the public interest or in that person's interest to do so. It would harmonize federal law with Quebec law, Alberta law, and British Columbia's private sector data protection acts.

One might ask what kind of instance that would be. For example, it would protect seniors from financial abuse if a bank noticed that there was some untoward activity going on in their accounts. It would allow emergency, police, or medical officials to communicate with a person's family if the person were injured or deceased.

Who would enforce all of this?

PIPEDA is enforced by the Privacy Commissioner of Canada, who acts like an ombudsman and who would get stronger tools in this legislation. The Privacy Commissioner could turn a matter over to the Federal Court if an organization were breaking the rules, and the court could levy fines and order the company to clean up its act. As well, citizens could personally take companies to Federal Court to order them to change their practices or could ask the court to award personal damages.

The bill would also boost the time available for a complaint if one was going to take an organization to court. It used to be 45 days, but under this proposed legislation, it would grow to a year.

Finally, the digital privacy act would create a new tool that would be an alternative to court action. The Privacy Commissioner could negotiate a binding deal with a company to make significant changes to comply with the legislation in exchange for not being taken to court.

This is all about confidence. It is about the consumer having confidence when having their personal information used so that they can do trade and commerce. They can surf the web. They can buy and sell with confidence and know that they and their families are safe online.

Bill S-4 would provide the necessary updates we need to privacy laws to protect consumers. It is a major part of our government's digital economic strategy, Digital Canada 150, and I urge all hon. members in this House to join with me and support this important piece of legislation.

● (1640)

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I heard several of the Conservative members' speeches. They gave 10-minute speeches on Bill S-4. That is nice, but we are debating a motion to refer it to committee before second reading. I did not hear a single member explain why that would be necessary.

My New Democratic and Liberal colleagues said that they hope to be able to fix some of the legislative problems with the bill before us. The Conservatives want us to send it to committee, but they do not seem to be acknowledging that their bill is problematic.

Can the member tell Canadians why the government is using an unusual measure to send this bill to committee? So far, the Conservative government has not explained its intentions at all.

[*English*]

Ms. Joan Crockatt: Mr. Speaker, that is an interesting question, particularly because I know that the opposition might be hesitant to admit it, but in all likelihood, it will be voting in favour of sending the bill to committee, where we will have the opportunity to have a thorough hearing. That is something that, generally, the opposition is more than happy to do in the event that it supports a bill. I look forward to the opposition's support for it.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I wonder if the member would comment on information between two companies, one a telecom and the other a private corporation that might have some dealings with that telecom company. There is an agreement between the two. One has concerns with respect to a copyright infringement issue and asks for information regarding one of the telecom's customers. Does the member share any concerns regarding the telecom company not having gone through any form of warrant or anything of this nature and could transfer literally millions of pieces of information to a private corporation? How would that protect the private interests of the everyday Canadian who is on the web?

Ms. Joan Crockatt: Mr. Speaker, this is a fairly detailed question. I think it is one that would need to be looked at under the provisions.

However, it is clear that what is being put in place is a fence around information so that a person's privacy would be protected. The provisions in the bill would allow businesses to share information in the normal course of business in a very limited way. They are things that would actually be required for that business to be conducted. It would not involve something like a major search through data to look for information on a large number of consumers. This would be something that would be more specific to being able to conduct day-to-day business, something that consumers would expect when they are doing business with a corporation. Again, this is about giving consumers the confidence they need that when they are dealing with a company and are providing that personal information, they have first-world, highest order protection. That is the goal of this bill.

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I would like to go back to the previous question.

The member said that it was perfectly okay and normal to share information. She wants to convince people that the government is putting up a fence around Canadians' personal information.

However, is she aware that this bill proposes exactly the opposite? Does she really think that private companies can share personal information without ensuring that the information is appropriately protected, without any transparency and without a system to ensure that this happens only under certain circumstances?

None of those elements is in place. Does she really think that we are going in the right direction?

I wonder if this is really what the government should do to protect personal information. I think it is exactly the opposite.

● (1645)

[*English*]

Ms. Joan Crockatt: Mr. Speaker, again, I think the intention of the bill is absolutely to address those kinds of consumer questions. This is what consumers want and expect from our government. We already have a high degree of privacy protection, but the bill would take it one step further.

We want to know that we can do business, that we can provide our information to the companies that are reputable and that we are used to doing business with, that the information will be protected, and that there are rules around it if there are privacy breaches. I think what most Canadians are actually concerned about is hackers and that kind of thing getting into a legitimate business' information system and how the consumer would be protected.

This law would strongly encourage businesses, through a large number of provisions, including very substantial fines, to make sure that they are upping their privacy provisions to make sure that they are protecting Canadians online.

Again, I would urge the members opposite to support this bill.

[*Translation*]

Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP): Mr. Speaker, I am pleased to rise today to speak to the motion to refer Bill S-4, the Digital Privacy Act, to a committee before second reading. I would also like to take this opportunity to congratulate my colleague from Terrebonne—Blainville, who has done such an outstanding job on this file.

Bill S-4 has a number of shortcomings and must be amended, which is why we would like to send this bill to committee before second reading.

I will give some details about the bill in order to put it in context. Bill S-4 amends the Personal Information Protection and Electronic Documents Act to compel private sector organizations to disclose any loss or breach of personal information. So far, so good. It also sets out sanctions to be imposed on organizations that fail to comply with that obligation. Again, so far, so good.

However, the proposed criterion for mandatory reporting is subjective, because it allows organizations to determine themselves whether it is:

> ...reasonable in the circumstances to believe that the breach creates a real risk of significant harm to an individual.

In my opinion, this major flaw in the bill needs to be corrected. Why make laws if we are going to ask the organizations to enforce them themselves? I have my doubts. That is like giving a minister full power. That does not work either.

Bill S-4 would also give the Privacy Commissioner new powers to enter into compliance agreements with organizations that, according to the Commissioner, have failed to respect the provisions in the legislation, leaving the personal information of Canadians vulnerable. So far, so good.

Bill S-4 adds exceptions under which personal information may be collected, used or disclosed without an individual's consent. The bill would make it easier for organizations to share personal information with each other without the consent of individuals, if the organizations are engaged in a process leading to a prospective business transaction.

The NDP absolutely disagrees with this type of provision. It is really not good for consumers. People will receive more advertising and unsolicited communications. We do not really need that in our consumerist society.

In other words, the bill allows an organization to disclose private client information under certain circumstances. If a company has my private information, for example, it can share it with another company, which can then do whatever it wants with that information. The next thing I know, I am receiving ads, or other unwanted things, at home. I do not think that is right. That is a very significant flaw in the bill.

Bill S-4 also amends provisions in the law that define the situations in which a person whose private information has been lost or compromised by a security breach can apply to the Federal Court for a hearing after receiving the Commissioner's report or having been informed of the end of the complaint investigation. The bill extends the timeframe from 45 days to one year for a complainant to make an application to the court. I have to admit, that is a useful provision because it gives people more time to figure things out. It gives them a chance to analyze the situation and make a decision about whether to go or not go to court.

● (1650)

Bill S-4 also requires organizations to maintain a record of all breaches of security safeguards involving personal information under their control. This record could eventually be audited by the Office of the Privacy Commissioner of Canada. Again, I see some small flaws that open the door to subjectivity. I am not convinced of the merits of this provision.

My party and I are extremely concerned about the fact that Bill S-4 contains a provision that allows organizations to more easily share personal information without a warrant, without the consent of the clients and without an appropriate oversight mechanism. That is very worrisome and should be amended right away.

Given a recent Supreme Court of Canada decision, this provision will very likely be deemed unconstitutional. It is therefore important that the government comply with the Supreme Court's decision and remove from the bill all clauses relating to the warrantless disclosure of personal information.

The government has a very poor track record when it comes to protecting personal information. Although Bill S-4 contains some good provisions, it will not erase the past. The bill must therefore be amended so that it really meets the needs of Canadians and complies with international privacy standards.

In just one year, under this Prime Minister's government, government organizations secretly made over 1.2 million requests to telecommunications companies for personal information without a warrant and without proper oversight. I think that is all I need to say for people to understand that this is a concern. The government should have taken advantage of the opportunity afforded by Bill S-4 to correct the flaws that led to many violations of Canadians' privacy.

Finally, because of the government's inaction, the law has not been updated since the introduction of the new generation of iPods, iPads, iPhones and the like. We have fallen far behind in terms of international standards. Bill S-4 therefore does not go far enough and does not make the proper amendments to adequately protect Canadians in today's digital age.

There is still much to be done to adequately protect the privacy of Canadians. The government would do well to take this issue seriously.

● (1655)

[*English*]

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, the member referred to the Spencer decision, as the opposition members have been doing, and they also interrelate it to PIPEDA, which has absolutely nothing to do with the Spencer decision. Could the member please provide the House with some evidence that links Spencer to PIPEDA, because I cannot find it.

[*Translation*]

Ms. Marie-Claude Morin: Mr. Speaker, unfortunately I do not have any documentation to provide to my colleague at this time, but I will look at this issue with the members who worked on the file and I will be pleased to send what I find to my colleague across the way.

[*English*]

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, in response to the question from my hon. friend from Kootenay—Columbia, perhaps my hon. colleague from the official opposition would find it helpful to refer to the opinion of Michael Geist, who is an expert in this area of law, cited with approval by the minister in *Debates* just before we broke. He has said that the Supreme Court of Canada decision on Spencer is directly on point and that the Supreme Court rejected the view advanced by government ministers. The government argued in committee that:

> In the instance of PIPEDA, because of the type of information provided in a pre-warrant phase, such as basic subscriber information, it would be consistent with privacy expectations and therefore it's not really putting telecoms, for example, in some unique position in terms of police investigations.

Professor Geist went on to say that the Supreme Court of Canada rejected this view in terms of Spencer, concluding that "there is a reasonable expectation of privacy in the subscriber information". Therefore, there is a very clear link between the reasoning of the Spencer decision and the bill before us, Bill S-4.

[*Translation*]

Ms. Marie-Claude Morin: Mr. Speaker, I thank my colleague from Saanich—Gulf Islands for her very specific information.

I think it is a waste of our time to talk about where it is written or how this is good and so on. Canadians' rights and privacy are being threatened. That is what we need to be looking at. We need to work together on Bill S-4.

That is why we want to refer it to committee.

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I thank my colleague for her speech.

Why does she think this bill is being referred to committee before second reading? We asked for the same for other rather problematic bills such as Bill C-23 on electoral reform or the bill on tanker traffic.

In her opinion, why is this bill being sent to committee before second reading?

Ms. Marie-Claude Morin: Mr. Speaker, I thank my colleague for the question.

It is important to send this bill to committee before second reading because, all in all, it is worthwhile. It would update a number of things.

What is more, this bill has flaws that need to be corrected. It would be good to work on these flaws and introduce a good bill. It might be a good idea to reach an agreement with the government to form some sort of team and introduce a bill that meets the needs of Canadians.

We could send this bill to committee immediately to correct its flaws, keep what is good and turn it into something really great.

● (1700)

[*English*]

Mr. Larry Maguire (Brandon—Souris, CPC): Mr. Speaker, I am pleased to rise today and speak in support of Bill S-4, the digital privacy act.

Last April the Minister of Industry announced Digital Canada 150, an ambitious plan for Canadians to take full advantage of the opportunities of the digital age. It is a plan that sets clear goals for a connected and competitive Canada in time for our 150th birthday in 2017.

One of the five pillars of Digital Canada 150 is protecting Canadians. Our government understands that in order for Canadians to take advantage of opportunities in the digital age, we must protect Canadians' private information in the digital world.

Previously our government has taken action to protect Canadians by introducing Canada's cyber security strategy and Canada's new anti-spam law. Bill S-4 adds to our record of standing up for Canadians in the online world.

This bill introduces measures to update PIPEDA, the Personal Information Protection and Electronic Documents Act, by setting out specific rules that businesses and organizations would have to follow whenever personal information was lost or stolen.

I was pleased to see that the member for Terrebonne—Blainville supports this bill and I am looking forward to her support when the bill comes to a vote in the House. In fact, the member said about the bill, "We have been pushing for these measures and I'm happy to see them introduced."

Data breaches continue to be a major challenge to the privacy and security of citizens around the world. For example, this past summer JPMorgan Chase & Co., one of the largest banks in the U.S., was the victim of an attack that affected the accounts of 76 million households and seven million small businesses. Home Depot recently confirmed that 56 million payment cards were impacted in a breach of its payment card systems that lasted for five months.

Worldwide, there were between 575 million and 822 million data breaches in 2013. In the U.S. alone, nearly 92 million records were compromised in 2013.

Currently PIPEDA contains no obligations for businesses or organizations to tell customers when their personal information has been lost or stolen. I am pleased to tell the House that Bill S-4 introduces measures to address this issue. The bill creates new requirements under PIPEDA for reporting losses, theft, or other unauthorized access to personal information that may result from accidental or malicious activity.

These provisions would ensure that Canadians can take action to protect their personal information in the event of a privacy breach, while also encouraging businesses to adopt better information security practices. Organizations that deliberately ignored these requirements would face penalties of up to $100,000 per offence.

Let me explain how the new provisions will work.

Under Bill S-4, an organization that suffers a privacy breach would be required to notify affected individuals if there is a risk of significant harm. The organization would also have to report the breach to the Privacy Commissioner of Canada.

In fact, the interim Privacy Commissioner, Chantal Bernier, said that this bill contains "...very positive developments for the privacy rights of Canadians". She was pleased that the government had addressed issues such as breach notifications.

The bill identifies the factors an organization would have to consider when determining whether or not there was a real risk that some form of significant harm would occur as a result of a privacy breach.

First, the organization would have to consider the sensitivity of the personal information. Second, the organization would have to consider the probability that the stolen information would be misused—for example, whether the data was encrypted, how much time had passed between the occurrence of the breach and its detection, and whether the cause of the breach was a malicious attack or was accidental.

Let me say again that by law, an organization would be required to notify individuals as soon as a breach was confirmed. If an organization determined there had been a breach, it would also have to notify other organizations in order to reduce the potential risk for the individual whose information was compromised. For example, if a store experienced a breach of its customer records, it would have to notify the relevant credit card companies or financial institutions.

● (1705)

Let me draw the attention of the House to a key element of these data breach requirements, which is that the bill would require organizations to keep records of all data breaches and provide this information to the Privacy Commissioner upon request. This would give the commissioner the ability to oversee data breach reporting and notification requirements. The Privacy Commissioner would be able to request these data breach records at any time. There would be no need for him to be conducting an audit or investigation when he requests them.

Bill S-4 includes heavy fines for companies that knowingly contravene these new requirements. Companies that deliberately failed to report a data breach to the commissioner or failed to notify individuals would face fines of up to $800,000. This could be up to $100,000 for every individual not told. Similarly, companies that deliberately cover up a data breach by not keeping these records or by destroying them could also face fines of up to $100,000.

Some might ask why there is a need for penalties related to data breach notification, given that most organizations comply with the Privacy Commissioner's guidelines for voluntary notification already. The government recognizes that many organizations already notify individuals of data breaches in a responsible manner; however, some do not. These penalties would target the bad apples, those organizations that willfully and knowingly disregard their obligations or, worse, cover up a breach.

Canadians know that our government takes their privacy concerns very seriously. I look forward to the continuation of this debate as we work with the opposition on how we can best protect Canadians in our digital world.

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I would remind the House that we are debating a motion to refer Bill S-4 to committee before it passes second reading.

The member who just spoke talked about all the good aspects of Bill S-4, and yet he voted against my Bill C-475, which proposed more or less the same things, if not better protections for Canadians.

However, my question is more about the Supreme Court decision regarding a provision of this bill related to personal data. We do not know whether the Conservatives plan to change this provision during the study in committee.

Is the member who just spoke afraid that this bill will be considered unconstitutional? If not, why does he not want to consider the Supreme Court's decision in the Spencer case in relation to this bill?

[*English*]

Mr. Larry Maguire: Mr. Speaker, I know my hon. colleague has put forward a similar bill at some point in the past. What we are bringing forward here is clarity in the kind of bill that she had brought forward to ensure that we can eliminate much red tape and still ensure that we protect the privacy of Canadians with respect to the electronic digital messaging that would be interrupting their lives and making it known at that point.

With regard to other issues on enforcement, it is imperative that we put the responsibility in place and have penalties to discourage the bad apple companies that I talked about earlier from continuing their activities. We are looking at an opportunity to ensure that does not continue to happen.

From a constitutional point of view, I would urge members to support this bill so that we can move it forward and try to eliminate as many of the discrepancies as we can from that kind of debate.

● (1710)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I hope I will not put my hon. colleague from Brandon—Souris on the spot to ask a question that relates to what the government House leader has done here. I do not have decades of parliamentary experience, but it is certainly unusual to have a bill from the Senate brought here to be sent to committee. This is a parliamentary procedure that I have not encountered before.

I am very curious as to why we are going through this unusual S. O. 73 approach, as opposed to the normal second reading that is followed by the bill going to committee. I wonder if he can enlighten me as to the procedural manoeuvring that we see for Bill S-4.

Mr. Larry Maguire: Mr. Speaker, it is important that we move the bill forward as quickly as we can so that we can put in place the laws that will protect Canadians' private information in the digital world. I think that is a key to being able to move the bill.

Certainly we are supporting the process of Bill S-4 coming forward. The Senate has put forth a good bill in this particular case. From listening to the debate here this afternoon and knowing that the opposition members are clearly on side with this type of legislation, I look forward to their questions and concerns as we move forward.

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I am pleased to rise in the House today to support the motion to refer Bill S-4 to a committee before second reading.

Bill S-4 amends the Personal Information Protection and Electronic Documents Act. I will talk a little more about that, but first I want to take a moment to talk about the motion itself, which aims to send the bill to committee before second reading. This is somewhat strange; this is the first time the current government has done this in recent memory.

It is rather interesting and makes me wonder. Why this measure right now? Why did the government decide to do this, when there were other bills? Is it because the government has its doubts about Bill S-4 and wants to send it to committee, we hope, to solve the problems in the bill? That is what I am wondering.

Although we requested that some highly contested bills be sent to committee before second reading, such as Bill C-23 on election reform, Bill C-33 on first nations education and Bill C-3 on transporting oil along our coasts, the government refused. I have to wonder why it refused to do so and why it is now making the rather unusual—or at least uncommon, in recent history—move to send Bill S-4, a bill that comes not from the government, but from the Senate, to committee before second reading.

Procedure is not one of my strong suits, but there are experts here who can clear this up for us. I find it rather interesting that when we send a bill to committee before second reading, as this motion would do, the scope of the proposed amendments can be much broader. In other words, we could make more extensive amendments since the study in committee is not restricted by the principle of the bill, which has not yet been approved by the House. That is interesting. We can hope that Bill S-4 will be amended and that we will end up with a more polished product, if I can call it that, so that it will be more acceptable as we go into second reading.

Bill S-4 makes a pretty significant change to the Personal Information Protection and Electronic Documents Act. I took a look at this act, which received royal assent in April 2000. As members know, 14 years is an eternity in the digital world. A lot of things have happened in the past 14 years. This act was the result of an extensive consultation with a wide range of experts at all levels.

● (1715)

This work was accomplished through broad consultation in 2000. It is clear that since 2006, with this government, consultations are restricted to very specific groups. It is interesting to see that in 2000, there was a broad consultation that culminated with the Personal Information Protection and Electronic Documents Act. Here is what that legislation does:

> An Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act.

That is the legislation that is being amended now. Another interesting part of this law is schedule 1. Certain principles were set out in the legislation about to be amended, and they are particularly interesting because they were set out in the National Standard of Canada entitled Model Code for the Protection of Personal Information. The 10 principles are as follows: accountability; identifying purposes; consent; limiting collection; limiting use, disclosure, and retention; accuracy; safeguards; openness; individual access; and challenging compliance.

I went to the trouble of reading those principles. I found them very interesting and I urge all members to read them. Like it or not, as members, we receive personal and confidential information in our riding offices. That is why we too have a responsibility to respect these principles of personal information and electronic document protection.

Right now, we are talking about a motion to refer Bill S-4 to committee before second reading. I mentioned that this has not happened often in recent parliamentary history. In the time I have left, I would like to take a quick look at what Bill S-4 will change.

This bill will make major changes to to the Personal Information Protection and Electronic Documents Act, which I just mentioned, by allowing personal information to be shared without the knowledge of the person concerned or without their consent under some circumstances. To me, that is a questionable way of protecting personal information. Companies would be allowed to share personal information under certain conditions.

As I read the bill, I really thought that there needed to be a better explanation of these conditions and some examples. For example, in a business transaction, when should personal information be shared without clients' consent?

Some aspects of the bill are positive, such as requiring organizations to take various measures when a data breach occurs. Even the current government has some transparency problems in this regard. The third aspect seeks to create offences in relation to the contravention of certain obligations respecting breaches of security safeguards. The fourth aspect would allow the the Privacy Commissioner, in certain circumstances, to enter into a compliance agreement with an organization.

● (1720)

Those are the four main aspects of Bill S-4 that raise concerns. Other aspects of the bill are positive and constitute a step in the right direction. That is why I support the motion to send Bill S-4 to committee to resolve the problems it contains that could result in a breach of privacy.

[*English*]

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I am rising to ask questions of my colleague on two matters. The first is a comment that the opposition welcomes the fact that we might actually get a chance to discuss a bill and propose amendments when in fact this very government has refused request after request from this side of the House to do that kind of procedure so that substantial amendments can be made. For that very reason, we are procedurally supporting this.

My second comment and question for the member is this. Again, the unelected Senate has come forward with suggested changes, improvements, and amendments to a bill. However, if there had been proper review and discourse with all sides of the House, it could have been improved to begin with. My concern in quickly looking at the bill, and far be it for me to profess that I know this area in detail, is that a good number of the security breaches are happening because of the government doing that, and yet this bill seems to refer to private organizations.

● (1725)

[*Translation*]

Ms. Hélène LeBlanc: Mr. Speaker, I would like to thank my colleague for her question.

I read the bill and from what I understood it refers to private companies. However, there are some aspects that I will have to examine more closely. As my colleague mentioned, there are also concerns about the protection of taxpayers' personal information within the government.

Does the government use this bill to exempt itself from certain privacy requirements? That is an excellent question. From what I understood from reading the bill, it deals more with the protection of personal information by private companies. However, it is important to remember that the government also has a huge responsibility to protect personal information.

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I would like to thank my colleague for taking part in the debate on this very important bill.

At the beginning of her speech, she asked why the government wants to send this bill to committee before second reading, since it has introduced so many versions of it.

I had a conversation with my colleague earlier. She seems to have some concerns, and I think they are well founded. Could she share them with the House?

Ms. Hélène LeBlanc: Mr. Speaker, I would like to thank the hon. member for Terrebonne—Blainville, who is our digital issues critic.

I would like to congratulate the official opposition for taking initiative and appointing a digital issues critic. We understand the complexity of these issues, which require an approach that balances rapid technological advances and the protection of privacy.

Her bill, Bill C-475, was a commendable initiative. The legislative summary that was prepared stated that the bill aimed to improve the protection of private information. We have to wonder why the government did not support such a worthwhile initiative.

We continue to point out that the government sometimes lacks a balanced approach. It sometimes freely grants the authority to monitor people without a warrant.

[*English*]

Mr. Phil McColeman (Brant, CPC): Mr. Speaker, I am pleased to rise today in support of Bill S-4, the digital privacy act. Bill S-4 would provide a foundation on which the government would hold business—

[*Translation*]

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

Ms. Charmaine Borg: Mr. Speaker, I listened with great interest to all of the Conservative members' speeches, but if memory serves and if I am in the right place on the agenda, we are debating a motion to refer Bill S-4 to committee before second reading. Every time a Conservative member rises, he says that he is talking about Bill S-4 and does not talk about the motion that we are supposed to be debating today. I understand that the two might be connected, but we are debating the motion and I think it is important to point that out.

The Acting Speaker (Mr. Bruce Stanton): I appreciate the hon. member for Terrebonne—Blainville's intervention. The hon. member pointed out that the comments being made in the context of today's conversation would be relevant to a debate on the bill.

● (1730)

[*English*]

The hon. member makes a point of order with respect to the relevance aspect because the question that is before the House pertains to sending the bill to the standing committee before second reading. It is a relevant point of order because it does call into question the issue of relevance.

Having said that, we appreciate that in the House there is a great deal of liberty and freedom that is given to members to pose their arguments in support of the question. As members might imagine, it is difficult to reason those arguments without referring to the content of the bill. We run into the same kind of issue with respect to debates on time allocation, for example.

While the member for Terrebonne—Blainville is correct that the question is really about sending the bill to committee, I would suggest in this case that it is in order for members to refer to arguments and make commentary about the bill itself, provided that they, of course, circle back and make their arguments pertinent to the question that is before the House.

I note that the member for Brant has just begun his remarks. I am sure that in the course of his 10 minutes he will bring those arguments around to the question that is before the House.

The hon. member for Brant.

Mr. Phil McColeman: Mr. Speaker, the legislation would provide the foundation on which the government would hold businesses to account on behalf of consumers.

It would establish new rules to protect privacy online and backs them up with more effective compliance and enforcement tools in order to strengthen the Personal Information Protection and Electronic Documents Act, commonly known as PIPEDA.

Under this bill, the Privacy Commissioner would be provided with a new set of tools that would help him or her perform oversight and ombudsman functions. At the same time, the courts would continue to enforce the law and could impose significant new penalties which have been added to encourage compliance with key requirements.

Through PIPEDA, the Privacy Commissioner has the responsibility for overseeing compliance with the act. He has the power to investigate, enter premises and compel evidence. He can mediate a settlement, make recommendations and publish the names of those who contravene PIPEDA. In short, the commissioner investigates complaints and works with companies to ensure they comply with the act, but enforcement action is left to the Federal Court. Indeed, the Privacy Commissioner and the Federal Court have worked together effectively to administer and enforce the rules set out in the act.

The commissioner or any other individuals can apply to the Federal Court for a hearing on any matter related to the original complaint. It is the court, not the commissioner, that has the authority to order the organization to change its practices. The Federal Court could also award damages to individuals when their privacy has been violated and they have suffered some form of harm as a result. Under the bill before us, both the courts and the Privacy Commissioner would be given new tools, but the responsibility for enforcement action would still remain with the court.

As has been mentioned, new offences and penalties would be created for three areas relating to the new data breach rules contained in this legislation. The courts can assess penalties for: deliberately failing to report a data breach to the commissioner, as prescribed by the act; deliberately failing to notify an individual of a data breach, as prescribed by the act; and deliberately failing to maintain or deliberately destroying data breach records, as prescribed by the act.

In keeping with existing offences under PIPEDA, these offences would be subject to a fine of up to $10,000 on summary conviction and up to $100,000 on indictment. I would point out to the House that the organization can be assessed a penalty for each and every individual it fails to notify. Given the large number of individuals who could potentially be affected by a data breach, this is a very serious penalty indeed.

At the same time, the bill would give the Privacy Commissioner the tools he or she needs to monitor the impact and efficacy of these new rules and serve as an ombudsman to help reduce the number of cases that go before the courts. The Privacy Commissioner would be given the authority to negotiate compliance agreements with organizations.

Let me give the House an example. Let us assume that following an investigation or audit, the commissioner determines that an organization should take certain corrective actions to remain compliant with the law. Under Bill S-4, the organization could agree to take these actions in exchange for the assurance that it would not be taken to court over the previous breach of the rules. However, the organization would also be legally accountable for any commitments made under the corrective action.

Compliance agreements are an effective mechanism for holding organizations accountable. They allow the Privacy Commissioner and organizations to avoid costly court action and provide flexibility to suit the particular circumstances that an organization finds itself in.

I would remind the House that compliance agreements are already being used by the Commissioner of the CRTC under the anti-spam legislation and the Minister of Health under the Consumer Product Safety Act.

● (1735)

By adding compliance agreements to the tool box of the Privacy Commissioner, we would strengthen consumer privacy protection without fundamentally changing the framework of PIPEDA or the role of the commissioner.

However, in order for this provision to work effectively, further changes to the regime are required. For example, under PIPEDA as it now stands, the commissioner has only 45 days after he or she reports the results of an investigation to make an application to the Federal Court to seek an order to take corrective action. Experience has shown that this is not enough time for the commissioner to work with companies to implement his recommendations and there is the risk that companies would simply stall in implementing the required changes until the 45-day period runs out.

On top of these challenges, 45 days is likely not enough time to negotiate and implement a compliance agreement. That is why the bill would increase the period of time to make an application to the court to one year from the time the commissioner reports the results of his or her investigation.

Finally, I would point out that the bill would give yet another tool to encourage compliance with the data breach provisions. It would give the commissioner the power to publicly disclose wrongdoing of an organization, if he or she considers it to be in the public interest to do so. Under the current act, the commissioner has limited provisions that involve the right to make public information concerning the personal information handling practices of the organization.

However, currently, he or she cannot publicly report when, for example, organizations fail to co-operate with an investigation or repeatedly stall implementation of the recommendations to fix privacy problems. Bill S-4 would broaden the types of information the commissioner could make public concerning non-compliant organizations. This is an important tool in encouraging compliance with the act.

As technology and the marketplace evolve, the commissioner and the courts need more effective tools to help hold organizations accountable for their handling of personal information, for the protection of Canadians and their privacy.

The bill before us addresses this need with four new tools. First, it would assign significant penalties for wilful disregard of the important new data breach notification requirements. Second, it would give the commissioner the authority to negotiate compliance agreements. Third, it would extend the length of time the commissioner or individuals have to bring matters before the court to one year. Fourth, it would give the commissioner greater authority to share more types of information about non-compliant organizations with the public.

I hope honourable members will join me in supporting these new tools for the courts and Privacy Commissioner by supporting Bill S-4.

● (1740)

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, yet again, I listened with great interest to my Conservative colleague's speech.

I have a more specific question for him. I agree that a data breach notification requirement is essential. I even proposed a similar measure in my Bill C-475, which the member voted against.

In my model, I proposed an objective mechanism that would not make organizations themselves responsible for determining whether the data breach or leak was significant enough to notify the client concerned.

What Bill S-4 proposes is really subjective. It would have the organization make its own determination. Many lawyers, experts and academics have found this approach problematic. Does my colleague think that this approach is problematic?

[*English*]

Mr. Phil McColeman: Mr. Speaker, actually I do not find it problematic because in the business world, which is the frame of reference I would bring to the House on these issues, when we look at the rules and the new tools that the commissioner and the courts would have through the strengthening of PIPEDA through the bill, it warns organizations, more or less, that if they do not report these breaches and it is found that a breach has occurred and they used their own objective decision-making to not report, they would be subject to immense penalties as a result of doing that.

It would clarify for organizations that if there is even the slightest possibility of a breach, it needs to be reported. This would give the commissioner the tools to come in and enforce the rules with a fairly heavy hand.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, if I were to take a real example, let us say PayPal, as an organization or as a corporation, to what degree does the member believe that there needs to be any form of protection for consumers so that PayPal, for example, does not just release personal information it has acquired to a private company in regard to a purchase of an item or anything of that nature that could be related to copyright?

Does the member believe that there should be some sort of check in place to protect the privacy of Canadians?

Mr. Phil McColeman: Mr. Speaker, this is indeed what this privacy act strives to do, to provide Canadians with protection in the instances the hon. member is talking about, and it puts the onus on the business. In his case, the member used the example of PayPal. It puts the onus on the ethics of doing business, and it puts the consumer in a position of much greater protection as a result. If businesses violate those rules under PIPEDA, which this new legislation is strengthening, they would be subject to very severe penalties.

Really, around the decision-making table of these companies in terms of sharing information, it certainly sets out in the strengthening of this that we are taking Canadians' privacy very seriously. We are saying that companies may make these decisions, but if they are not the correct ones, if they are not ethical, straightforward decisions and they are trying to circumvent in any way, they would be subject to much more severe penalties as a result.

[*Translation*]

Ms. Annick Papillon (Québec, NDP): Mr. Speaker, I rise today to speak to Bill S-4, which amends Canada's privacy legislation. However, in its current form, Bill S-4 contains measures that will make it easier to access personal information without a warrant.

By proposing to refer this bill to a committee before second reading, the government has decided to take a new legislative route with this bill.

Indeed, the government motion aims to refer this bill to a committee before second reading. This motion will therefore allow members to examine Bill S-4 before second reading and propose amendments that will modify its scope.

We support the motion, because we hope that some of the serious concerns we have about this bill will be examined in committee. We are very concerned about the fact that one provision in Bill S-4 makes it easier for organizations to share personal information without a warrant or consent from the client, and without the appropriate oversight mechanisms in place.

In an article published in the spring 2014 journal of the Ligue des droits et libertés, Stéphane Leman-Langlois, the Canada Research Chair in Surveillance and the Social Construction of Risk at Laval University in Quebec City, gave a very clear explanation of the risks associated with industrial surveillance.

Here is what he had to say in that article:

> We easily forget that every second of the day, a myriad of private entities are collecting a mountain of information on us, our habits, our behaviour, and our interactions with others...
>
> A number of commercial entities have to collect basic information on their clients just to provide them with the service they require. A mobile phone could not work without continually indicating its location. The company also has to keep records, for billing purposes, on the calls received and made with the phone...
>
> As you can imagine, this adds up, and after a while can represent massive amounts of data...
>
> The information that metadata can provide about us is absolutely unbelievable. An ongoing experiment at Stanford University, with 500 volunteers willing to share their metadata, has shown that the researchers could determine financial records, health status, membership in the AA, whether the individual had an abortion or owned a gun, and many other things...
>
> Just recently, the spotlight was on certain government intelligence agencies that were deeply involved in the widespread collection of information on Canadians. The agencies in question were specifically the RCMP, the Communications Security Establishment Canada, or CSEC, the Canadian Security Intelligence Service, or CSIS, and the National Security Agency, or the NSA, from the U.S.
>
> Often...these agencies stop collecting or actively intercepting data and simply demand data that has already been gathered by companies...
>
> All this may seem remote from our daily reality...but this activity has a perfectly tangible impact on our lives as ordinary citizens...

The picture being painted by Professor Leman-Langlois of Laval University, should make us realize the importance of the subject being debated today.

However, this is what this same professor and expert in security information had to say on the government's current position:

> We can all agree that there is not very much privacy on the Internet, but still, there are some very weak protections in place. However, rather than strengthening privacy, which of course would be the best thing to do, the government is bombarding us with bills that will reduce those protections.

● (1745)

Although Bill S-4 proposes significant amendments to the Personal Information Protection and Electronic Documents Act, such as the obligation to report any breach of security safeguards involving personal information and increased powers for the Privacy Commissioner, the NDP is worried about the negative impact that some provisions of the bill will have on Canadians' privacy rights. The Conservatives have a very poor track record when it comes to protecting personal information, and Bill S-4 will not fix this troublesome past.

In just one year, government agencies secretly made over 1.2 million requests to telecommunications companies for personal information without a warrant or proper oversight. What is more, according to documents we obtained, the Canada Revenue Agency was responsible for more than 3,000 privacy breaches in less than a year. Last month, here in the House, I asked whether the government intended to follow the NDP's recommendation to set up a committee of independent experts to look at how the government uses and stores Canadians' communications data. However, as usual, the government had nothing to say. The Conservatives never gave me an answer to my question. The government should have taken advantage of the opportunity afforded by Bill S-4 to correct the flaws in PIPEDA that led to repeated violations of Canadians' privacy.

In 2012, the NDP introduced Bill C-475. This bill would have added online data protection standards to federal legislation that are similar to those in Quebec's personal information protection act. Quebec's data protection standards would have been applied to all federally registered organizations and to organizations with customers and users in Quebec. The Conservatives opposed our bill, and now they have introduced a watered-down version of the same bill.

The NDP believes that Canada needs to require mandatory reporting of the loss or breach of personal information based on objective criteria, as proposed in Bill C-475. The NDP also wants to remove the provisions from Bill S-4 that allow organizations to disclose personal information to other organizations without the consent of Canadians and without a warrant.

In order to truly protect Canadians' privacy, deterrents should be put in place to encourage or force private companies to abide by Canadian laws.

That is what the NDP is proposing, and we hope that the government will listen to us in committee, because that is what we are asking for. We think we need to get to the point, and that is why we are here. If this is not done properly, we would certainly need a committee of independent experts. As I said, I think the solution is there, but as we have seen too often, the Conservative government cuts corners and we end up with something like this.

I will now take questions.

● (1750)

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I congratulate my colleague on her excellent speech, which really highlighted the different problems with this bill.

I would like to hear her thoughts, because she said that the government could have taken advantage of the opportunity afforded by Bill S-4 to correct the flaws in the Personal Information Protection and Electronic Documents Act, known as PIPEDA, which allow for a parallel system in which government agencies can simply ask Internet service providers to provide information on customers, such as their IP address. I would like her to talk some more about that and explain why it is important to correct these flaws in order to put an end to that non-consensual parallel system that has no oversight and no transparency.

● (1755)

Ms. Annick Papillon: Mr. Speaker, that is exactly it. There are no warrants, and there is no oversight or transparency.

Canadians do not like people tinkering with their privacy. It makes no sense and, quite frankly, it is unacceptable. Bill S-4 is not designed to correct the existing deficiencies. The bill contains measures that would increase warrantless access to the information of telecommunications company subscribers, for example. That is shameful and it makes no sense. We have seen some cases of abuse recently in the news. Do we want Canada to go in that direction by letting anyone do anything with the personal information that defines our life? What would be our recourse as Canadian citizens if that were to happen?

Identity theft is a reality, and this information can circulate and be used. Even the government has lost information. At some point, we have to be aware of what we are doing. I think that in light of the fact that this is being done without a warrant, without oversight and without any kind of protection, Canadians have a reason to be concerned. That is why we are sounding the alarm.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is an interesting process that we are in today. However, it is very rare. I cannot recall the government moving a motion that would see us bring legislation before committee and then when it comes back, it will be into a second/report stage reading. It means that the government has given an indication that it is looking at potential substantial amendments going into the committee stage. I am hoping this is not a false expectation.

I wonder if the member concurs that there is a need for some substantial changes or amendments. This is one of the reasons I believe there is opposition party support, whether New Democrats or Liberals, in terms of the bill going forward.

The government is giving a clear indication that it is looking at substantial amendments. Does the member share in the optimism or expectation that the government will be materializing on some amendments?

[*Translation*]

Ms. Annick Papillon: Mr. Speaker, we are talking about the second report, and we want a committee of independent experts. I highly doubt that the government has all the answers. I am the consumer protection critic. We are calling for an ombudsman to ensure that there is no gas price collusion, for example. An ombudsman and independent experts are solutions worth looking at. The NDP has often made those proposals. I would even say that they are proposed by the NDP most of the time. The government should immediately take note of that simple solution, which consists of creating committees of independent experts, ombudsmen who could ensure that oversight measures are strengthened and allow us to give Canadians the guarantee they are looking for.

[*English*]

The Acting Speaker (Mr. Barry Devolin): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Barry Devolin): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Barry Devolin): Accordingly, the bill stands referred to the Standing Committee on Industry, Science and Technology.

(Motion agreed to and bill referred to a committee)

* * *

● (1800)

RED TAPE REDUCTION ACT

The House resumed from September 15 consideration of the motion that Bill C-21, An Act to control the administrative burden that regulations impose on businesses, be read the second time and referred to a committee.

The Acting Speaker (Mr. Barry Devolin): When this bill was last before the House, the hon. member for Winnipeg North had one minute remaining in his remarks, to be followed by questions and comments.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, S. O. 31s are somewhat restrictive too, and I am sure that I could try to at least attempt to express concerns that our business communities and others have regarding red tape. The government has had an approach that at the best of times could be somewhat questionable in terms of dealing with red tape. There is no doubt a need for us to take a more holistic and comprehensive approach to the different ways we could dismiss a lot of red tape out there.

I recall talking about the amount of regulations that need to be addressed and taken off the books. We are talking about literally thousands in terms of regulations in place today that could be dealt with and that would reduce the amount of red tape.

There is no shortage of things that government could do to deal with the issue of red tape. Without necessarily knowing the specifics of the legislation, there is always room for improvement. The whole issue of red tape is an important issue, and government should always strive to do what it can to reduce the amount of red tape that is currently there.

Mr. Bernard Trottier (Parliamentary Secretary to the Minister of Public Works and Government Services, CPC): Mr. Speaker, I am pleased to speak today on this important piece of legislation for businesses and all Canadians. I would like to start with a bit of context to help us better understand the thinking that led to the introduction of this bill.

Briefly, this bill is a direct result of the feedback we received from small businesses that are so vital to the long-term success of our country. We are debating it today because back in budget 2010, we made a commitment to review federal regulations in areas where reform is most needed to reduce the compliance burden on businesses, especially small businesses, while safeguarding the health and safety of Canadians.

At the time the Canadian Federation of Independent Business estimated that businesses in Canada spend over $30 billion each year complying with regulations, so the government took action. In 2011, we created a Red Tape Reduction Commission, which was made up of both parliamentarians and private sector representatives. Its mandate was twofold. First, it was to identify irritants to businesses that stem from federal regulatory requirements that have a detrimental effect on growth, competitiveness, and innovation. Second, it was to recommend options that address these irritants and control and reduce the regulatory burden over the long term while ensuring that the environment and the health and safety of Canadians were not compromised in the process.

The commission held consultations across Canada to hear directly from the people who are most affected by red tape. This included in particular small business owners. There was also an online consultation to allow an even wider range of business people to provide their views. Overall, people expressed concern with the unchecked growth of regulation and the costs they impose on businesses, especially small businesses. Specifically, business owners also told the commission that a one-for-one rule was necessary to control how often the government turns to regulation to address issues within industry. Then, in January 2012, the commission released its report, complete with recommendations for reducing red tape and its effects on the business community.

It did not take long for the government to take action. A few months later, on April 1, 2012, the government put the one-for-one rule in place. This rule requires regulators to remove a regulation each time they introduce a new regulation that imposes an administrative burden on business. It has worked so well that we moved to enshrine this rule into law last January by introducing the red tape reduction act, which we are considering today.

There is no better time than the present to give the one-for-one rule the force of law. Canada has weathered the economic downturn relatively well and is well positioned for sustained economic growth. We have gone from having one of the highest marginal effective tax rates on business to having one of the lowest. In fact, we are one of the few countries in the world that can boast of having both low debt and declining taxes. As a result, Canada is internationally recognized as one of the best places in the world to do business.

In December 2012, Canada cracked the global top 10 with respect to corporate tax competitiveness, according to a report by PricewaterhouseCoopers. This past January, in Bloomberg's rankings of the best countries in the world for doing business in 2014, Canada placed second, just behind Hong Kong and ahead of the United States. All of this points to an economy that continues to perform well in the global economic environment.

However, now is not the time to rest on our laurels. If we are to continue to rank among the world's most successful nations, we have to keep that international confidence in Canada up. We are taking the right steps to do that. We are on track to balancing the budget, and we have continued to take measures to create a business climate that supports growth and job creation. At the same time, federal transfers to individuals, such as old age security and employment insurance, as well as major transfers to other levels of government, including those for social programs and health care, will continue to grow. We have also taken steps to improve the fairness and integrity of the tax system to ensure that everyone pays his or her fair share.

We are also finding savings and efficiencies in the government's operations. At the same time, we are working to create an environment that is supportive of business. From 2008-09 through 2013-14, we delivered tax reductions totalling more than $60 billion to job-creating businesses. Among those measures is the reduction of the federal general corporate income tax rate to 15% in 2012, from more than 22% in 2007.

● (1805)

We have already taken steps to significantly improve Canada's tax competitiveness and business environment. Now, the steps that we are taking to reform the federal regulatory system are in line with these actions.

Canada needs a regulatory system that works, one that is not overly burdensome, one that does not hinder the ability of businesses to innovate and grow, and one that protects Canadians' health and welfare. The bill being considered today is part of a package of regulatory reforms designed to modernize our regulatory system. By giving the one-for-one rule the added muscle of legislation, Canada would have one of the most aggressive red tape reduction measures in the world. It would increase Canadian competitiveness; free businesses to innovate, grow and create jobs; and underscore Canada's reputation as one of the best places in the world in which to invest and do business.

Let me close by saying that the red tape reduction act is about bringing new discipline to how regulation works. It is about creating a more predictable environment for businesses, and it is about freeing Canadians and their companies to succeed.

Small businesses are the foundation of this country's economy. By removing unnecessary barriers to their success, we would be helping them focus their time and energy on seizing new opportunities for growth and job creation. This would contribute to building the prosperous future we want for Canada and our children.

I ask my hon. colleagues to support the bill.

[*Translation*]

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, I will be sharing my time so that as many people as possible can speak to this bill, which, at this point in time, raises more questions than answers in my mind. I have a very hard time trusting the Conservative government on this issue, even though we may agree on a few fundamental points.

Bill C-21 was introduced by the President of the Treasury Board and has two key provisions. To begin, it will implement the one-for-one rule, in order to supposedly reduce the red tape that is hampering business growth and innovation.

This raises questions in my mind. It seems to me that a simple mathematical equation demonstrates that if we take one regulation away for every one we create—or one minus one—we get zero. We are back at square one, and nothing has improved. We have simply kept the situation from getting any worse. The rule is also based on the assumption that the two regulations are equal. A company will invest a different amount of time or financial resources, depending on the regulation. That is the first problem.

Second, this bill would make the President of the Treasury Board the ultimate arbiter when it comes to eliminating regulations; it would give him a monopoly on that. That is the second problem and also very typical of this government's bills, which seek to concentrate power in the hands of ministers. This is another great example of that.

This bill certainly has to be analyzed in committee because, even though we agree on some of its general principles, it needs amendments to correct its shortcomings, particularly with respect to the environment.

We also have to make sure that regulations protecting the health and safety of Quebeckers and Canadians are not gutted. We have to ensure that the health and safety of Canadians remain priorities in the debate on businesses' administrative burden.

Small and medium-sized businesses are crucial to our economy. There is no doubt that they are essential to the job creation process, especially in Quebec, but also across the country. In ridings like mine, we want to see small businesses become medium-sized businesses. They are the backbone of our economy.

Since we know how important small and medium-sized businesses are to economic recovery, we are of course ready to explore various options available to maximize their potential. Businesses could then focus on their two main objectives: growing their resources and creating jobs.

Now that we have laid out the general principles, let us take a closer look at the implications of this bill. Let us talk about the first original sin: from the bill's preamble to its provisions, the notion of environmental safety is simply absent from the spirit and the letter of the bill. The unbelievable way this bill was conceived sacrifices all environmental issues. If there is one subject on which all Canadians agree, it is the environment, and yet it is completely absent from the bill.

The Conservative approach is to allow industrial stakeholders to self-regulate. That formula has been used in the past and has led to catastrophes. Here once again, industrial stakeholders regulate their own activities without any public power looking at the risks those activities pose to the environment

Furthermore, health and safety are mentioned only in the bill's preamble, which leaves very little room in real terms for the importance that really should be placed on issues of health and safety.

Since my colleagues opposite went to the trouble of including the one-for-one rule, the question is this: why did they not allocate the resources needed to make sure there is legislation in place to also protect the health and safety of Canadians?

● (1810)

By all accounts, this bill embodies the Conservatives' thinking on the environment. They seem to think that environmental safety is an administrative burden that must be reduced, when environmental issues are directly related to the safety of citizens.

Our legitimate questions on the scope of this bill on health and safety will lead the NDP to propose robust amendments to ensure the long-term sustainability of regulations protecting the health, safety and environment of Canadians. The rules that are in the public's interest must be upheld. This is not a question of exerting theoretical control over the number of rules, but of determining which ones are truly useful for the public.

We must focus on tangible measures to help small business owners expand and beware of the illusions Bill C-21 might create. The critical question posed by this bill could be summed up in these terms: it is not enough to reduce red tape for SMEs in an effort to support their potential for growth and innovation. These claims have to translate into action and these reduction measures must be consistent with health and environmental safety criteria.

When it came to moving from words to action, the Conservatives refused to support the NDP motion on the regulation of credit card fees that card issuers charge merchants, for example. However, the lack of an ombudsman and non-existent regulation in this area are having a serious negative impact on the competitiveness of small businesses and constitute an extra administrative burden for these merchants.

With regard to safety standards, we need look no further than the Lac-Mégantic tragedy, which is still fresh in everyone's minds. This tragedy reminds us of the extreme consequences that drastic deregulation can have and the risk that such an approach poses to rail safety.

Furthermore, the Liberals, who are also very timid when it comes to regulation, reinforced the principle of deregulation of rail safety by continuing to implement an approach allowing the industry to monitor the safety of its own operations instead of requiring the government to set standards that the industry has to meet.

That being said, the main focus of Bill C-21 is to implement a one-for-one rule. This approach, which was discussed by the Red Tape Reduction Commission, requires the government to eliminate a regulation every time it adopts a new one. Once again, I would like to remind hon. members that there is no evidence of any reductions in red tape.

However, the bill does not explicitly state that the regulations can apply to health and safety issues. In addition, the bill stipulates that the President of the Treasury Board has the power to calculate the cost of the administrative burden and determine how the law will apply to regulations changed when the one-for-one rule came into effect.

It is clear just how much bargaining power is being given to the President of the Treasury Board. In other words, he could be granted discretionary powers over regulations affecting safety, health and the environment. Centralizing regulating and deregulating powers in the hands of the President of the Treasury Board is, without a doubt, an unsound, undesirable way to manage the public service.

We are fully aware that we need to reduce red tape by offering balanced solutions to our entrepreneurs. However, we feel that this bill needs to be examined more closely in committee so that we can address its main weaknesses, including—and I have said this many times—the ability to protect the health and safety of Quebeckers and Canadians.

● (1815)

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Mr. Speaker, I rise in the House today to talk about Bill C-21, An Act to control the administrative burden that regulations impose on businesses. I am not altogether unhappy about this bill, but I do have some reservations about it. "Control" is a key word in the comments I am about to make. This bill tackles what our Conservative colleagues opposite usually call red tape, or administrative burden.

The title says "control". That is pretty deceptive, and it is why I am somewhat pleased, but not unreservedly so. Since 2007, Conservative ministers have repeatedly made announcements having to do with reducing the administrative burden. I have lost track of the number of times that the Minister of State for Small Business and Tourism, and Agriculture has announced, with great pomp and circumstance, that there would finally be a 20% reduction, that 96 items and 306 sub-items would be removed. This idea of reduction has been floated and promised to entrepreneurs and small business owners in Canada for ages. Now we have this bill, which purports to minimize the damage.

Despite all that, the NDP will support the bill at second reading. I would like to remind our listeners that second reading means that the bill will go to committee, where members can make suggestions and debate more tangible solutions to ensure that there really will be a reduction in the administrative burden for SME owners in Quebec and Canada.

Just last Thursday, I was in Rivière-du-Loup, where the president of the Fonds de solidarité FTQ was giving a presentation. Among the 80 people in attendance were many small business owners. There was one entrepreneur in particular, a young man who got a small business up and running again five or six years ago.

The business must be about 30 years old, and since the young man started it up again, it has gone from 30 to 120 employees. I know him, because I visited the company nearly two years ago, when I was the official opposition critic for SMEs. He said that business was good and that the Germans were interested in a product he developed a year ago.

I asked him if he had had any support from Canada Economic Development, because it could be good if the Germans wanted to purchase cases or shiploads of his product. He said he had tried everything, but he would not do business with CED. I asked him why and he said it was so complicated that he gave up.

Nonetheless, he had good things to say about other organizations. The CFDC helped him when it came to writing certain reports, but he gave up on Canada Economic Development. He now has a German purchase order to deal with and he has to find solutions and capital, but the red tape at Canada Economic Development forced him to give up on asking the federal government for help. That was just last week.

This is something the party across the way has been going on about since at least 2007, but the results on the ground and within a number of federal services are more than disappointing for business owners. Bill C-21 makes good on a promise made by this government in the Speech from the Throne to enshrine the one-for-one rule into law.

When I hear "one-for-one" I think of the word "unbelievable". I went to three media events across the country where Conservative ministers said they were finally going to reduce red tape using the one-for-one rule. In committee, I reminded the Minister of State for Small Business that one minus one equals zero and that the government could not present a plan to reduce red tape when the only concrete solution on the table equals zero.

● (1820)

We need to be talking about negative numbers to be talking about a decrease. My nine-year-old son understands that. We need to be talking about negative one at some point in the process. We have before us a bill that is once again based on the idea that plus one minus one equals zero. However, were intellectually honest enough to call this a type of limitation. They dismissed the notion of reduction. They took a step in the right direction in terms of showing respect for Canadians' intelligence, but a step in the wrong direction for the well-being of Canada's entrepreneurs.

The other arguments made by my colleagues deal with the lack of focus on the environment, for example. Given the Conservatives' values, they could use this to get rid of the regulations that they do not like and implement the ones they do. We do not have a lot of confidence in them when it comes to the environment or public safety. I completely agree with the concerns that many of my colleagues have raised since the debate on this bill began.

I would like to use the last three minutes to talk about a possible way to find a solution and to let you know about Industry Canada's evaluation report of the BizPal service. According to the report, if we were to invest time, skills and money in the short term, this system could be very profitable for everyone in the long term. The idea is that entrepreneurs can go on online. They currently go into the BizPal system, to find the regulatory forms they need to make some sort of application, to confirm that they have complied with certain environmental regulations before building their restaurant, for example. In reality, 90% of the time they find the document that they have to print, fill out by hand and send by mail. They then have to wait for a response by phone or letter from a public servant. So much for 2.0. That is not even 1.0. Is there such a thing as Web .6? We are not even close. That is an example of a direction to take that would require investment.

Allow me to give an example. When people need to fill out reports or do regulatory surveys and reports online, would it be possible to ensure, for example, that every time they type the SME business number—which would be assigned by the federal government— all of the information, including the owner's name, address, the date the business was set up, shows up on the screen? I have some news for the members opposite: if we invested the necessary resources, that would be possible in 2014-15. Crazy, right? With that kind of approach, if it is well carried out, it is feasible that small businesses could cut the time spent on regulatory administrative tasks by 20%, 30% or even 40%. There have not been any studies on it. I do not have the numbers, so I cannot tell you what it would cost. What I do know is that there are other administrations that have looked into tangible solutions like this one and that have invested good money. However, the return on investment is impressive when multiplied by the thousands of entrepreneurs who save hundreds of hours each year over decades. Altogether, it is very profitable, even if the initial investment is costly.

We absolutely have to come up with real, complete solutions that will bring this information exchange with entrepreneurs in 2015 to the Web 2.0 level, and soon. We do not want to end up in 2035 with entrepreneurs who have someone working full-time behind the scenes printing forms and typing in the company's name every two weeks instead of serving customers. We have to achieve that objective as quickly as possible. The red tape reduction goal for SMEs is a top national priority, one we all share, and we have to make it really happen with real solutions.

I am also thinking of non-profits. I have met with people who run non-profit organizations with really important missions, such as literacy and supporting people with intellectual and health problems and so on. These people spend an inordinate amount of time justifying $1,400 grants. In any discussion of red tape, we have to consider all of the administrators in Canada, whether they work for non-profits or SMEs.

● (1825)

When we talk about red tape, we have to consider all of the administrators in Canada, whether they work for non-profits or SMEs.

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, my colleague did an incredible job summarizing the facts and the reality. I had the opportunity to attend the États généraux entrepreneurials de la Rive-Sud. Business owners, including entrepreneurs, consultants and the organizations that govern them, cannot believe that in this computer age, small business owners must go from one organization to another with the same piece of paper filled out 10 times with the same information: the business's name, address and number.

Does my colleague think this government will ever realize that there are some basic things to be done in this computer age?

Mr. François Lapointe: Mr. Speaker, I think two things need to be done. First of all, a lot of resources need to be allocated, reasonable resources, not tens of millions of dollars, to examine what we are up against. We must put in the time needed to make sure we know the cost of improving the sharing of information and progressing to Web 2.0.

Next, we must be sure of our approach, sure of the desired results. Indeed, there have been some nationally integrated systems that have been disasters. Billions of dollars were invested to deliver something that went straight into the trash can because the intended users were not able to use it at all. This happened with many pieces of legislation.

We have to make the right choices so this does not happen again. If we can do things intelligently, and invest in the right place, that is crucial.

* * *

● (1830)

BUSINESS OF SUPPLY

OPPOSITION MOTION—GROS-CACOUNA OIL TERMINAL

The House resumed from October 9 consideration of the motion.

The Acting Speaker (Mr. Barry Devolin): It being 6:30 p.m., the House will now proceed to the taking of the deferred recorded division on the motion of the hon. member for Drummond relating to the business of supply.

Call in the members.

● (1855)

[*English*]

(The House divided on the motion, which was negatived on the following division:)

(Division No. 254)

YEAS

Members

Allen (Welland)	Angus
Ashton	Atamanenko
Aubin	Ayala
Benskin	Bevington
Blanchette	Blanchette-Lamothe
Boivin	Borg
Boulerice	Boutin-Sweet
Brahmi	Brosseau
Caron	Cash
Charlton	Chicoine
Chisholm	Choquette
Christopherson	Comartin
Côté	Crowder
Cullen	Davies (Vancouver Kingsway)
Davies (Vancouver East)	Day
Dewar	Dionne Labelle

Doré Lefebvre
Duncan (Edmonton—Strathcona)
Freeman
Genest
Giguère
Gravelle
Harris (Scarborough Southwest)
Hughes
Julian
Lapointe
Laverdière
Liu
Marston
Masse
May
Moore (Abitibi—Témiscamingue)
Morin (Notre-Dame-de-Grâce—Lachine)
Morin (Saint-Hyacinthe—Bagot)
Nantel
Nicholls
Papillon
Pilon
Quach
Rankin
Raynault
Saganash
Scott
Sims (Newton—North Delta)
Stoffer
Thibeault
Tremblay
Dubé
Fortin
Garrison
Genest-Jourdain
Godin
Groguhé
Harris (St. John's East)
Hyer
Kellway
Latendresse
LeBlanc (LaSalle—Émard)
Mai
Martin
Mathyssen
Michaud
Morin (Chicoutimi—Le Fjord)
Morin (Laurentides—Labelle)
Mulcair
Nash
Nunez-Melo
Perreault
Plamondon
Rafferty
Ravignat
Rousseau
Sandhu
Sellah
Stewart
Sullivan
Toone
Turmel– — 94

NAYS

Members

Ablonczy
Adler
Albas
Alexander
Allison
Ambrose
Anderson
Armstrong
Baird
Bateman
Benoit
Bezan
Boughen
Breitkreuz
Brown (Leeds—Grenville)
Butt
Calkins
Carmichael
Casey
Chisu
Clarke
Cotler
Cuzner
Davidson
Del Mastro
Dubourg
Duncan (Etobicoke North)
Easter
Falk
Findlay (Delta—Richmond East)
Fletcher
Galipeau
Garneau
Glover
Goldring
Goodyear
Gourde
Harper
Hayes
Hillyer
Holder
James
Keddy (South Shore—St. Margaret's)
Kent
Komarnicki
Lake
Lauzon
Leef
Adams
Aglukkaq
Albrecht
Allen (Tobique—Mactaquac)
Ambler
Anders
Andrews
Aspin
Barlow
Bélanger
Bergen
Block
Braid
Brison
Brown (Newmarket—Aurora)
Calandra
Cannan
Carrie
Chan
Chong
Clement
Crockatt
Daniel
Dechert
Dreeshen
Duncan (Vancouver Island North)
Dykstra
Eyking
Fantino
Finley (Haldimand—Norfolk)
Freeland
Gallant
Gill
Goguen
Goodale
Gosal
Grewal
Hawn
Hiebert
Hoback
Hsu
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kenney (Calgary Southeast)
Kerr
Kramp (Prince Edward—Hastings)
Lamoureux
LeBlanc (Beauséjour)
Leitch
Lemieux
Lizon
Lukiwski
MacAulay
Maguire
McCallum
McGuinty
McLeod
Miller
Moore (Fundy Royal)
Nicholson
Obhrai
O'Neill Gordon
O'Toole
Paradis
Preston
Regan
Rempel
Rickford
Schellenberger
Sgro
Shipley
Simms (Bonavista—Gander—Grand Falls—Windsor)
Smith
Sopuck
Stanton
Storseth
Sweet
Toet
Trottier
Uppal
Valeriote
Van Loan
Vellacott
Warawa
Watson
Weston (Saint John)
Williamson
Woodworth
Young (Vancouver South)
Zimmer– — 175
Leung
Lobb
Lunney
MacKay (Central Nova)
Mayes
McColeman
McKay (Scarborough—Guildwood)
Menegakis
Moore (Port Moody—Westwood—Port Coquitlam)
Murray
Norlock
O'Connor
Opitz
Pacetti
Payne
Rathgeber
Reid
Richards
Scarpaleggia
Seeback
Shea
Shory
Sorenson
St-Denis
Strahl
Tilson
Trost
Truppe
Valcourt
Van Kesteren
Vaughan
Wallace
Warkentin
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)
Wilks
Wong
Young (Oakville)
Yurdiga

PAIRED

Nil

The Acting Speaker (Mr. Barry Devolin): I declare the motion defeated.

* * *

PROTECTING CANADIANS FROM ONLINE CRIME ACT

The House resumed from October 10 consideration of the motion that Bill C-13, An Act to amend the Criminal Code, the Canada Evidence Act, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act, be read the third time and passed.

● (1905)

[*English*]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 255)

YEAS

Members

Ablonczy
Adler
Albas
Alexander
Allison
Ambrose
Anderson
Adams
Aglukkaq
Albrecht
Allen (Tobique—Mactaquac)
Ambler
Anders
Andrews

Armstrong
Aspin
Baird
Barlow
Bateman
Bélanger
Benoit
Bergen
Bezan
Block
Boughen
Braid
Breitkreuz
Brison
Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)
Butt
Calandra
Calkins
Cannan
Carmichael
Carrie
Casey
Chan
Chisu
Chong
Clarke
Clement
Crockatt
Cuzner
Daniel
Davidson
Dechert
Del Mastro
Dreeshen
Dubourg
Duncan (Vancouver Island North)
Duncan (Etobicoke North)
Dykstra
Easter
Eyking
Falk
Fantino
Findlay (Delta—Richmond East)
Finley (Haldimand—Norfolk)
Fletcher
Freeland
Galipeau
Gallant
Garneau
Gill
Glover
Goguen
Goldring
Goodale
Goodyear
Gosal
Gourde
Grewal
Harper
Hawn
Hayes
Hiebert
Hillyer
Hoback
Holder
Hsu
James
Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)
Kent
Kerr
Komarnicki
Kramp (Prince Edward—Hastings)
Lake
Lamoureux
Lauzon
LeBlanc (Beauséjour)
Leef
Leitch
Lemieux
Leung
Lizon
Lobb
Lukiwski
Lunney
MacAulay
MacKay (Central Nova)
Maguire
Mayes
McCallum
McColeman
McGuinty
McLeod
Menegakis
Miller
Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)
Murray
Nicholson
Norlock
Obhrai
O'Connor
O'Neill Gordon
Opitz
O'Toole
Pacetti
Paradis
Payne
Perreault
Preston
Regan
Reid
Rempel
Richards
Rickford
Scarpaleggia
Schellenberger
Seeback
Sgro
Shea
Shipley
Shory
Simms (Bonavista—Gander—Grand Falls—Windsor)
Smith
Sopuck
Sorenson
Stanton
St-Denis
Storseth
Strahl
Sweet
Tilson
Toet
Trost
Trottier
Truppe
Uppal
Valcourt
Valeriote
Van Kesteren
Van Loan
Vaughan
Vellacott
Wallace
Warawa
Warkentin
Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)
Weston (Saint John)
Wilks
Williamson
Wong
Woodworth
Young (Oakville)
Young (Vancouver South)
Yurdiga
Zimmer– — 173

NAYS

Members

Allen (Welland)
Angus
Ashton
Atamanenko
Aubin
Ayala
Benskin
Bevington
Blanchette
Blanchette-Lamothe
Boivin
Borg
Boulerice
Boutin-Sweet
Brahmi
Brosseau
Caron
Cash
Charlton
Chicoine
Chisholm
Choquette
Christopherson
Comartin
Côté
Crowder
Cullen
Davies (Vancouver Kingsway)
Davies (Vancouver East)
Day
Dewar
Dionne Labelle
Doré Lefebvre
Dubé
Duncan (Edmonton—Strathcona)
Fortin
Freeman
Garrison
Genest
Genest-Jourdain
Giguère
Godin
Gravelle
Groguhé
Harris (Scarborough Southwest)
Harris (St. John's East)
Hughes
Hyer
Julian
Kellway
Lapointe
Latendresse
Laverdière
LeBlanc (LaSalle—Émard)
Liu
Mai
Marston
Martin
Masse
Mathyssen
May
Michaud
Moore (Abitibi—Témiscamingue)
Morin (Chicoutimi—Le Fjord)
Morin (Notre-Dame-de-Grâce—Lachine)
Morin (Laurentides—Labelle)
Morin (Saint-Hyacinthe—Bagot)
Mulcair
Nantel
Nash
Nicholls
Nunez-Melo
Papillon
Pilon
Plamondon
Quach
Rafferty
Rankin
Rathgeber
Ravignat
Raynault
Rousseau
Saganash
Sandhu
Scott
Sellah
Sims (Newton—North Delta)
Stewart
Stoffer
Sullivan
Thibeault
Toone
Tremblay
Turmel– — 94

PAIRED

Nil

The Acting Speaker (Mr. Barry Devolin): I declare the motion carried.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

EMPLOYMENT

Mr. Bruce Hyer (Thunder Bay—Superior North, GP): Mr. Speaker, I bring forward an issue that is affecting all Canadian workers, particularly in rural areas, including Thunder Bay—Superior North. Unemployment remains high, and the jobs that are available are often too low-paying to live on.

There are many reasons for the lack of good jobs in my region and across rural Canada. Part of it is the collapse of the forest industry and the effect of the economic downturn. Part of it, though, is the government's mismanagement of our economy, including a neglect of job creation and inflated EI rates, a job killer if there ever was one. Part of it is due to the bungled temporary foreign worker program.

For several years now, we have been hearing stories of abuse of this program. At a Tim Hortons in Alberta, workers were flown in from other countries, and hundreds of qualified Canadians were ignored. A mining company in Murray River, British Columbia, hired 200 temporary Chinese miners after insisting that fluency in Mandarin was a necessary qualification for mining work.

Many people do not know that the temporary foreign worker program has been in place for decades. It can work well in some limited circumstances if it responds to an actual need for truly temporary qualified workers, but the reality since the Conservatives came to power has been quite different. Since 2006, the Conservatives have expanded the temporary worker program, accelerated the application process, and brought in hundreds of thousands of foreign workers. Then the Conservatives inexplicably fast-tracked the program even further and admitted an additional 200,000 foreign workers. The total now, since the Conservatives took office, is over half a million temporary foreign workers.

Then the Conservatives allowed temporary foreign workers to be paid 15% less than Canadian workers. Is that not just an abuse of foreign workers? With that change, the Conservatives started a race to the bottom, driving down Canadian wages as well. It is a lose–lose situation. After an outcry, the government reversed this change and it has started to undo some of the damage caused by the expansion of the temporary foreign worker program. However, this program still poses a threat to jobs for Canadians, especially in remote and rural areas, like my riding.

The Ring of Fire mining development in northern Ontario has huge potential to generate wealth, but the jobs from northern Ontario's resources may not go to northern Ontarians. Instead of hiring or training local people, foreign miners may be brought in to do the work. This is a problem.

Unemployment is particularly high among rural residents and the first nations that overwhelmingly populate the region near the Ring of Fire. The survival of many communities could depend on that development. Local residents must get first crack at local jobs. With proper support for training, especially in conjunction with first nations, the development could help entire communities pull themselves out of the cycle of poverty. It is good for the communities, developers, and the North and is good for Canada.

The Conservatives have been selling off our natural resources in raw, low-value form and have also neglected developing human resources over the past eight years. The Conservatives prefer to outsource as many jobs as possible. We must do more to develop a skilled Canadian workforce.

Will the minister commit to investing in the people of northern Ontario and across rural Canada? Will he assure us that temporary foreign workers will not be brought in to take jobs in the Ring of Fire?

● (1910)

Mr. Scott Armstrong (Parliamentary Secretary to the Minister of Employment and Social Development, CPC): Mr. Speaker, the simple answer to that question is yes. I can assure the hon. member that Canadians will always be considered first for projects in the Ring of Fire. Any employers asking to use the temporary foreign worker program will be required to show that these workers are being hired as a limited and last resort, a requirement that applies to all employers who apply for this program.

It is completely unacceptable that Ontario's youth unemployment rate hovers between 16% and 17%, nearly three percentage points higher than the national average, but I also think we would be taking a short-sighted view if we believe that banning all temporary foreign workers from our work sites would somehow magically lower the unemployment rate among our youth.

There is no doubt that the Ring of Fire in the mineral-rich James Bay lowlands in northern Ontario holds much promise for Canada and Ontario. Let us take a look at these facts. There are many challenges associated with the Ring of Fire mining development, not the least of which is the difficulty of accessing remote areas and a serious shortage of infrastructure such as roads, rail lines and broadband capacity. Addressing these deficits will require highly skilled people, from heavy equipment operators to engineers, from pipefitters to Internet technicians.

The true issue then is what we can do to ensure that Canadians, including youth, can take full advantage of the job opportunities when they arise. The economic action plan provides an answer. In the last federal budget, we announced that our government is creating more opportunities for apprentices and supporting under-represented groups including youth. That is one reason we introduced the Canada job grant. It will help more people benefit from valuable skills training and allow more employers to develop the skilled workforce they need to keep contributing to the economic success of this country and Ontario.

We are also introducing the Canada apprentice loan. This is estimated to help at least 26,000 apprentices each and every year. Connecting Canadians to the skilled training they need to fill available jobs is one of the best ways we can address labour shortages and fill the skills gap.

In addition, just last year in the member's riding of Thunder Bay—Superior North, we announced a $5.9 million contribution to KKETS employment training services so that aboriginal people in the Ring of Fire can get the skills and training they need to find good-quality, high-paying jobs in the mining industry, jobs such as heavy equipment operators, underground diamond drillers and environmental monitors. This investment in training is urgently needed in a region where over 40% of the employers said they could not fill a job due to a shortage of qualified people.

I will repeat, any employer who wishes to use the temporary foreign worker program must comply with strict criteria to ensure that Canadians will have first crack at all available jobs. We will continue to pursue significant reforms to the temporary foreign worker program to ensure that employers make greater efforts to recruit and train Canadians. This program is to be used as a last and limited resort only when Canadians are not available.

● (1915)

Mr. Bruce Hyer: Mr. Speaker, I am pleased that the government, after lots of pressure, finally decided to reverse its worst changes to the temporary foreign worker program, but I have still heard not a single assurance just now that northern Ontario jobs will go to our residents.

The Ring of Fire is a chance for northern Ontarians and many of our first nations people to achieve economic self-sufficiency. The government must stop trying to justify its mismanagement of the program and instead focus its energies on supporting local workers there and across Canada. When northern Ontarians are provided the opportunity to develop their skills, develop that region and other rural areas, and contribute to the economy, everybody will win.

Will the government please take advantage of this chance to support our workers, our youth, our citizens, and ensure that no temporary foreign workers will be brought in to take their jobs in the Ring of Fire?

Mr. Scott Armstrong: Mr. Speaker, we believe in a targeted approach that encourages all Canadians to train for the jobs that are going to be there in the future. Jobs should, wherever possible, go to qualified locals such as youth and aboriginal people.

In the last budget, as I said in my previous remarks, we invested a great deal in resources to help train people for available jobs. I would ask the member, when we bring these initiatives forward, can we count on his support to vote for those resources being allocated to train people in northern Ontario so they will be trained and ready for those jobs when those jobs come to fruition?

The Ring of Fire holds tremendous economic promise for aboriginal communities, for the Mattawa First Nations of northern Ontario in particular. That is why we support aboriginal people in gaining the skills needed in a rapidly growing mining industry through partnerships such as the one we have with the KKETS, Noront Resources Ltd, and the Confederation College in Thunder Bay, which includes a total of $5.9 million in funding.

Any employer who wishes to use the temporary foreign worker program must comply with strict criteria to ensure that Canadians will have first crack at those jobs. We stand behind that.

[*Translation*]

THE ENVIRONMENT

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, every day people are expressing concern about the Chaleur Terminals project to export oil from Alberta's oil sands through the port of Belledune in New Brunswick. Two weeks ago, I asked the Minister of Transport to reassure the people and the fishers in Chaleur Bay, a waterway between Quebec and New Brunswick that falls under federal jurisdiction, about the dredging of the port that will have to be done to accommodate the tankers.

The Chaleur Terminals report sent to the Department of the Environment is silent on the issue of the toxic sediments that will be dredged up during the process. Will those sediments be thrown into the sea, right in the middle of the fishing grounds?

Studies show that immersing dredged materials is a way of transferring contaminants into the marine environment. Since October 7, the company has announced that dredging will not be necessary in the initial phases of the project, since only smaller tankers will be received in the port. The process is being pushed back, which will only allow other toxic sediment to build up on the seabed. Among the chemical contaminants that can be found in this sediment are heavy metals such as arsenic, chrome, mercury, lead, tributyltin, known for its harmful effects on shellfish, as well as PCBs.

Of course, dredging is vital to the operation of a port economy, and every port experiences siltation, but dredging should not be done without taking into consideration the protection of coastal and marine ecosystems. Dredging to deepen the harbour, which would be the case in Belledune, requires moving large quantities of sediment, and the disposal of the dredge spoils causes many technical and environmental problems. Special attention must therefore be paid to dredging operations carried out near sensitive areas, such as Chaleur Bay.

In addition to chemical pollution, there are also bacteriological and viral risks associated with dredging the port of Belledune since many municipalities dump their waste water, which is more or less treated, directly into the bay. This water contains many bacteria and viruses, some of which are fecal in origin and pathogenic and can be transmitted to people who go swimming in the bay or eat shellfish caught there. Some of these micro-organisms are diluted in the water of the bay while others attach themselves to particles and are deposited in muddy areas.

The sediment floating in the water as a result of dredging can contain the following flora: salmonella, E. coli, fecal streptococci, type E botulism, the cholera bacillus, and many other bacteria that are potentially harmful to human health. With regard to viruses, I would like to mention the virus responsible for gastroenteritis and the one responsible for hepatitis A. What is more, long-term exposure to high concentrations of heavy metals can cause these bacteria to develop a resistance to these metals and other substances such as antibiotics.

The bay is known for its beaches and temperate waters, which are enjoyed by local swimmers and tourists and serve as an important reservoir for the reproduction of pelagic species. Finally, over the past 20 years or so, the bay has also allowed for the development of the mariculture industry, which has the potential to become a gold mine for the region.

Does the Conservative government intend to take into account people's concerns and the risks associated with setting up an oil terminal in Belledune? Does it intend to conduct the assessments required and hold the necessary consultations before this project is implemented? Will it listen to the people in the community?

● (1920)

[*English*]

Mr. Scott Armstrong (Parliamentary Secretary to the Minister of Employment and Social Development, CPC): Mr. Speaker, it is a pleasure for me to have the opportunity to participate in this debate.

I would like to reassure the member that the Government of Canada is committed to protecting the safety and security of both Canadians and the Canadian environment.

Let me first provide the member with some background about the project. The Belledune rail terminal and transfer system project consists of buildings and infrastructure required to receive petroleum products by rail, store them on site, and load them onto marine vessels for shipment through Belledune's terminal 2.

A science-based environmental assessment review of the project was undertaken by the Province of New Brunswick. The environment department was given the opportunity to comment on environmental emergencies, oil spill prevention, preparedness and response, potential spills at sea, dredge materials, migratory birds, wildlife species at risk, and air quality. Those comments were offered for consideration in the planning, construction, and operation of the proposed project.

The disposal of dredged spoils into the sea would require the proponent to contact Environment Canada to verify whether such a permit is required under the Canadian Environmental Protection Act.

I would also like to mention that under the government's responsible resource development plan, rigorous environmental protection measures are being implemented to ensure the sustainable development of our natural resources. This includes ensuring the protection of the environment at the proposed Belledune rail terminal and transfer system.

The government has already taken major steps to enhance an already robust oil tanker safety system regime and created a world-class regime that protects both coastal communities and our environment.

As the member may know, Environment Canada has a mandate to protect the environment from emergency pollution incidents and takes water pollution very seriously. Environment Canada enforces strong environmental laws, such as the Fisheries Act, and this government would enforce any laws or regulations that may have been violated as a result of a spill and ensure that the parties responsible would take responsibility to remedy any damage.

[*Translation*]

Mr. Philip Toone: Mr. Speaker, I thank the Parliamentary Secretary to the Minister of Employment and Social Development.

We are obviously very happy to hear that the government will ensure that the laws are being obeyed. Unfortunately, the laws are far from adequate in light of all the amendments made to Bill C-38.

We are very concerned that the government does not seem interested in the project, in light of the criteria and facts we are learning today. We know that there will be dredging, and we do know that it will be postponed.

The project has already been submitted by Chaleur Terminals Inc., and this company already has the facts in hand. I do not understand why the government cannot make a decision today on the feasibility of the dredging and on what will be done with the spoils. The facts are there. The dredging will happen, and the government will have to make a decision.

● (1925)

[*English*]

Mr. Scott Armstrong: Mr. Speaker, the Department of the Environment works and will continue to work in close partnership with other federal departments and other levels of government as well as the private sector and international organizations to reduce the frequency and consequences of oil spills on the marine environment.

We will strive to prevent such incidents, place emphasis on preparedness, provide response and recovery advice, and work to advance emergency science and technology.

If an environmental emergency were to occur, Environment Canada's National Environment Emergency Centre is ready 24 hours a day and seven days a week to provide scientific and technical advice when required. We are in a position to tailor our advice to the unique conditions of any emergency.

The Acting Speaker (Mr. Barry Devolin): The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:26 p.m.)

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