



CANADA

House of Commons Debates

VOLUME 145 • NUMBER 081 • 3rd SESSION • 40th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Monday, October 18, 2010

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Speaker: The Honourable Peter Milliken

CONTENTS

(Table of Contents appears at back of this issue.)

HOUSE OF COMMONS

Monday, October 18, 2010

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

• (1100)

[*Translation*]

EMPLOYMENT INSURANCE ACT

Mr. Guy André (Berthier—Maskinongé, BQ) moved that Bill C-395, An Act to amend the Employment Insurance Act (labour dispute), be read the third time and passed.

He said: Mr. Speaker, I am very interested to speak once again about a bill that I introduced, Bill C-395, which is at third reading. This bill would amend the Employment Insurance Act so that people who have lost their jobs because of a lengthy labour dispute, be it a lockout or a strike, can qualify for EI.

This bill is at third reading, and it is clear that this bill must move forward because it has made it all the way through the House with the support of the majority. The next step is royal assent. Before that, I want to try yet again to convince the Conservative members that, as we have mentioned many times, this bill would correct a major gap in the act that penalizes workers when a company closes because of a labour dispute.

Bill C-395 would add work stoppages due to labour disputes to the reasons for extending the qualifying period. Our proposal, which would not cost the earth, is that the full length of a labour dispute be incorporated into the qualifying period so that it can be extended by 52 weeks to include the last year of work preceding the dispute. To qualify for employment insurance, workers would have to have been at work during the last year preceding the dispute. There have been cases where workers who worked for 20 or 25 years and paid into employment insurance did not qualify for EI benefits because of a lockout that lasted for more than two years. That is shameful. One such case was in Lebel-sur-Quévillon.

Under the current Employment Insurance Act, if a labour dispute lasts longer than the 52-week qualifying period, workers who are laid off after the dispute do not qualify for benefits, regardless of how many years they paid EI premiums and whether or not they have ever received EI.

A surplus of nearly \$60 billion has built up in the employment insurance fund over the years, yet workers who have paid into that fund for years are not being compensated. Often, these workers are not to blame for the situation they find themselves in, yet as a result of a long lockout, they cannot receive EI benefits.

This is intolerable. I mentioned the workers at the Domtar plant in Lebel-sur-Quévillon who learned in December 2008 that they would be losing their jobs as a result of a lockout and would not be receiving any EI benefits. Since the lockout had gone on for more than 104 weeks, and the workers had not worked any hours during that time, they did not qualify for employment insurance.

I will leave it to my colleague from Abitibi—Baie-James—Nunavik—Eeyou to talk more about the social and economic impact of this dispute. And I am not talking about how the workers feel about this government, which is building up numerous surpluses, yet left these workers, who had put in many years on the job, with no income when the plant closed.

Suffice it to say that these people did not qualify for employment insurance. It is shameful. We need to make sure that this unfortunate situation never happens again.

• (1105)

I would of course like to thank the opposition parties for supporting this bill and I would also like to wake the Conservatives up, since they once again seem to be opposed to improving the employment insurance program.

Whether we are talking about the abolition of the waiting period, or the 360 hours that we are demanding through various legislative initiatives, or Bill C-395, or the unemployed, or seniors and the guaranteed income supplement, the government ignores us and has no intention of supporting those who are, unfortunately, in need. Instead, it is investing in airplanes. It is investing billions of dollars in the military. It is investing exorbitant amounts in all sorts of tax breaks for oil companies. But when it comes time to help the poor, this government does nothing.

But I hope this government will reconsider and support this bill, as it ought to. It is not fooling anyone. People will remember Conservative government initiatives like investing a billion dollars in the 48-hour G20 and G8 meetings while openly refusing to improve a measure that is meant to help the unemployed.

Private Members' Business

Bill C-395 is an effective and simple measure that would fix a problem that is rare, it is true, but that is profoundly unfair for men and women. It is important to take action, but it seems as though the government does not understand this and will vote against giving us the opportunity to implement this legislation.

We will say it and shout it out loud in Quebec. We just want to enable people to receive their employment insurance benefits, because they have contributed for many years to this fund, which regularly generates a surplus. I do not understand why the Conservative government is stubbornly rejecting this measure I am proposing.

In the case of Lebel-sur-Quévillon, why, after the lockout, did the workers who contributed to this fund not have the right to a single cent of employment insurance? This was a lockout; the company shut down for three years. I could be wrong, of course, but I believe a strike or lockout is legal in Quebec and Canada. It is part of a labour relations system that is recognized by law in both Quebec and Canada. These existing measures are not illegal.

Much has been said about Lebel-sur-Quévillon, but let us not forget that it might be the same elsewhere in Quebec or Canada. All workers and employers pay premiums to ensure our protection in the event of a plant or company closure. This is about protecting families, incomes and, often, people's homes.

If the members of this House found themselves without an income for a year or two because of a lockout affecting this place—as it happened not so long ago under this Conservative government—and if that went on for two or three years, that would have an enormous economic, social and family impact on them. Workers have responsibilities, and it is not right for a government to act this way. This is a government with some means. This is not a third world country, but one in which we regularly see billions of dollars spent on various things. Implementing this bill would cost a few million dollars, yet the government is wilfully ignoring it and failing to support those in need.

Sadly, this government has not yet grasped that need. It can still reconsider and support Bill C-395. The same is true with respect to improving EI and eliminating the waiting period. These are all measures designed to support people in need, to whom the Conservatives do not seem to be showing any sensitivity right now.

• (1110)

I once again urge the Conservative Party, at the end of this hour of debate, to consider not only business owners and the most fortunate in society, but also those who are not so fortunate.

[English]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, there have been many bills before this place on the need for changes to employment insurance. Of course, this will happen only if the changes are initiated by the government because virtually all of the bills would require a royal recommendation in order to proceed.

Having said that, it would be helpful if, for greater certainty, the member would explain again to the House about the definition of a work stoppage, whether it be a strike or a lockout, et cetera, and how that may affect the determination of the qualifying period. That would be a very important point to establish.

[Translation]

Mr. Guy André: Mr. Speaker, I thank my hon. colleague for his question and his support for this bill. We are pleased that the Liberals are supporting this initiative. The fact that they are in opposition must be doing them some good and we hope this continues for years to come. I would also like to thank the NDP.

This bill simply aims to extend the qualifying period if a strike or lockout lasts more than 52 weeks. In such cases, workers are not entitled to employment insurance, even though they have paid into the system for years. This measure will provide fairness and equality for those who have paid into the employment insurance fund for many years.

A distinction must be made between a strike and a lockout. A lockout occurs when a company decides to close its doors, thereby preventing its workers from coming to work. It is a strange situation. A strike is altogether different. In both cases, workers should be paid EI benefits when the conflict is over.

• (1115)

Ms. France Bonsant (Compton—Stanstead, BQ): Mr. Speaker, I would like to thank my hon. colleague for introducing this bill. Last week the World March of Women took place to denounce gender inequality throughout Quebec and Canada. In the Eastern Townships, working women earn only about 75% of what men earn. Women who work part time are particularly penalized.

How will this bill help these women who are calling for greater gender equality?

Mr. Guy André: Mr. Speaker, I thank my colleague for her excellent question.

During the World March of Women, women made a number of demands and were very active in Quebec. I participated in a number of marches last week in Lavaltrie, Saint-Gabriel-de-Brandon, Louiseville and Berthierville. A number of women had many demands. They gathered together in Rimouski this week to make their demands known.

Bill C-395 affects women, as do the measures to eliminate the waiting period and increase the eligibility threshold to 360 hours, and other measures proposed by the Bloc Québécois. When the Conservative government took power, it made cuts to Status of Women Canada's programs. It even said that there is equality among men and women. We all remember that. That was said in the House by one of the ministers. But that is not the case, as the hon. member has indicated, especially in the private sector, where there is a serious gap of 70% between the incomes of men and women. That is a huge difference.

Improving the employment insurance system would make it possible to help the women who are affected by employment insurance, as well as the least fortunate in our society, which is consistent with improving the status of women.

Private Members' Business

[English]

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I appreciate the opportunity to contribute to this debate on Bill C-395 regarding labour disputes and employment insurance qualifications for workers involved in these disputes.

The bill's proposed amendments to the Employment Insurance Act would change the way the qualifying period is calculated in the case of a work stoppage due to a labour dispute. The qualifying period is the period in which the required number of hours of insurable employment that a worker must have in order to establish a claim for benefits is calculated.

As we know, the number of insurable hours needed to qualify for EI benefits varies, depending upon the unemployment rate of the EI region in which an individual lives. The duration of the EI benefits is also based upon the unemployment rate and the amount of insurable hours a person has accumulated in the qualifying period. Those are important elements.

The crux of the bill is that the qualifying period in which the required number of insurable hours must be worked is generally the 52-week period immediately before the start of a claim. In some instances, however, the qualifying period can be extended up to 104 weeks for claimants who were not employed in insurable employment and not receiving EI because they were ill or quarantined.

The purpose of the bill is to extend the qualifying period so that it equals the duration of a labour dispute, even if this period exceeds the current maximum of 104 weeks for extensions provided due to illness or quarantine. The bill involves itself directly in respect to the length of a labour dispute. Its intention is to allow employees to be eligible for EI benefits if they are laid off after a lengthy labour dispute comes to an end.

The amendment presented by the committee further clarifies the bill ensuring that the time period used to calculate the weekly rate of benefits in the 52-week period prior to the beginning of the labour dispute, presumably the time during which the worker was working.

As we are all aware, both employers and workers pay premiums so that workers may collect benefits if they are unable to work. This may be because a worker is laid off, a worker is sick, pregnant, caring for a newborn or adopted child, or is providing care or support to a gravely ill family member.

The EI program is not meant to be a measure that would interfere in any way with a labour dispute or take or advantage one side of a labour dispute over another.

It is clear that Bill C-395 would go against the principle that the employment insurance system should remain neutral during a labour dispute. If Bill C-395 were passed, this could affect the negotiating position of the parties involved, change incentives and perhaps influence the outcome of a labour dispute. This simply should not be the place of the EI system and my hon. colleagues should, quite frankly, agree with me on this particular point.

To make matters worse, this particular bill's coming into force clause would cause the bill's provision to have effect retroactively,

looking and reaching back almost three years to start, and even further back in the case of labour disputes in effect at that time.

These provisions are not wise at all.

I know we sometimes do things in this place, such as seeing the clock at a particular time to expedite things slightly and to make appropriate adjustments but deeming a bill to have come into force three years ago and to make retroactive its provisions even further back in time goes against good common sense. It would be a bad precedent, it would be bad law and, quite frankly, it should not be supported.

What about the cost of the bill? The cost must come from somewhere. Regardless of how one accounts for the money, the cost of the bill would have to come in the form of even higher deficits and higher debt.

I emphasize that we are empathetic of workers who are laid off. I think we all can and we all do and, most certainly, extended labour disputes are not pleasant to endure for anyone involved. However, we need to balance that understanding with practical considerations.

● (1120)

Our government must ensure that careful consideration is given to labour market impacts and costs of changes that are proposed. We must be responsible with our policy, programs and spending. That is the very approach that our government has taken since we came to office and we will continue to do so into the future. We must always be mindful that change does not happen in a vacuum and we must take into account the possible impacts of changes like this.

The legislation proposes that the length of the qualifying period should be extended when a labour dispute occurs. We should view this bill in context. Quite simply, the context is that most labour disputes are relatively short and rarely end in the closure of a firm.

The figures have been stated previously but merit repeating. Between 2003 and 2009, for example, a little more than 1% of the total number of strikes ended in a firm's closure. The average length of the strike that ended in a firm's closure was 110 days. For lockouts, the figure was 116 days. These figures average out to 16 weeks. That leaves plenty of time for employees to qualify for benefits under the current 52-week requirement.

By these comments I do not want to suggest that I or our government is unsympathetic to the plight of the unemployed. It is far from it. It is simply that we need to take account of the facts to inform our decision-making.

I would also add that the incidence of firm closures for those aforementioned labour disputes remain very low. For strikes it was 1.3% and 3.6% for lockouts. Therefore, statistically speaking, we are talking about very rare and limited circumstances. As I said, we empathize with the workers involved in the few longer disputes but we must approach the proposed changes to the system with caution and clear heads.

Private Members' Business

Current provisions now in effect do allow for the extension of the qualifying period up to 104 weeks in situations where individuals are unable to work for reasons such as quarantine or illness. The provisions exclude labour dispute situations however because the individuals are not prevented from working elsewhere by our laws or by the EI system.

This is an important point. While a labour dispute drags on, the workers involved are not prevented by the EI system from working elsewhere. The idea behind this bill is that these workers are not able to accumulate sufficient hours to qualify for EI if they are laid off or the firm closes after the dispute. However, that is not entirely accurate. In many cases, those workers choose not to seek other employment for reasons of their own. They are not prevented from doing so and, therefore, this must also be taken into account.

The proposed amendments contained in Bill C-395 would create inconsistencies with this provision by creating an undefined extension to the qualifying period if a labour dispute occurs. That would be problematic. I think the bill is flawed in quite a number of ways and should not be supported.

That is why the government will not be supporting the bill. It is not out of disregard for the unfortunate circumstances of some workers caught up in lengthy disputes but for the integrity of the system and the fairness of its treatment between employers and workers.

Our government has acted responsibly to enhance the employment insurance program, particularly since the economic slowdown. I could go through quite an extensive list, including five extra weeks of EI benefits, work sharing programs, skills upgrading and training provisions, and help for older workers. This bill's sponsors have consistently voted against those responsible improvements and have instead proposed irresponsible, flawed and costly measures in their place.

This bill is no different than their other proposals. It would be costly, run roughshod over the principle of neutrality, which is very important, it would have very narrow effect and it would create inconsistencies that would jeopardize the fairness and integrity of the system. This bill should not become a part of the EI system and therefore I would urge all members of the House not to support it.

• (1125)

Hon. Maria Minna (Beaches—East York, Lib.): Mr. Speaker, I am pleased to discuss Bill C-395 yet again. As most of us know, this is not the first time. This is a bill to amend the Employment Insurance Act.

Currently, the EI Act does not specify that the qualifying period should be extended in the event of a work stoppage due to a labour dispute. This is not clear. The qualifying period of the 52-week period immediately before the start date of a claim or the period since the start of a previous EI claim is that a claim has started during the 52-week period.

This private member's bill aims to extend the qualifying period during the length of the labour dispute so that the employee will not be penalized under the EI system. For example, the employee has worked full-time for three years, at which time there is a work stoppage as a result of labour dispute that lasts, for example, 10

weeks. Shortly after returning to work, the employee is laid off. When submitting an EI claim, the qualifying period would be 52 weeks. Under this proposed amendment, the qualifying period would be 62 weeks, thereby ensuring that the period during the labour dispute does not affect one's ability to qualify for EI benefits, which is what we are trying to do.

As this House knows, this bill was reported back from committee on May 6 with amendments. It has gone to committee before. Hopefully we can get it back there again. With regard to clause 1 in Bill C-395, the report back from committee said:

That Bill C-395, in Clause 1, be amended by replacing line 19 on page 1 with the following:

"the person was employed, provided that, for the purposes of determining the weekly rate of benefits, the qualifying period is established retrospectively to the fifty-two weeks preceding the beginning of the dispute."

This amendment clarifies that the weekly rate will be based on the 52-week period preceding the beginning of the dispute. This is really about clarify the act, which is not very clear, and about not penalizing workers. As we and others have said, the act is not clear on how to treat the qualifying period with respect to a work stoppage. This bill aims to clarify the qualifying period. We have heard many discussing this and I have just mentioned how that works.

The workers should not be penalized. Individuals cannot work during a labour dispute. Whether it is a lockout or a strike, they do not have a job and therefore they are not accumulating hours. If they are laid off through no fault of their own after the dispute ends, we should not penalize them for the weeks that they were on work stoppage. Essentially that is what happens now because the act is not clear.

The bill would extend the qualifying period for the length of the work stoppage, which is what we are discussing and that it does help in that case. This bill could also make the qualifying period longer than 104 weeks should the work stoppage last more than 52 weeks. Again, its aim is to ensure that the workers are not being penalized for that period of work stoppage, whether it is a lockout or a strike, so that they are entitled to their full amount of EI.

A lockout or strike should not impact whether the workers can qualify for EI if they are laid off after the work stoppage. The number of people who are laid off after a work stoppage is not a large number, I am told from all of the discussions that I have had with various people, both at the department and in other places.

The EI Act is already quite convoluted and complex, as most of us know, and it is sometimes difficult to navigate. For instance, if there is a work stoppage involved with the EI claim, it can be contentious if it is not specifically prescribed in the act, which it is not at the moment. This bill would make the process simpler and clearly defines how a claim can proceed if the worker was part of a work stoppage in the 52 weeks before being laid off. It lays that out and makes it much clearer for everybody so that we do not have the situation which we have now, where there can be disputes and claimants end up in arbitration.

Private Members' Business

When people lose their jobs because of a long labour dispute, it now prevents them from accumulating the required hours in the 52 preceding weeks. This would make people ineligible for EI for a big chunk of their time.

• (1130)

With the bill, the benefits could be calculated based on the weeks worked prior to a labour dispute, despite the length of it, so they have a seamless contribution for all of their work. As I said before, workers do not always choose to stay on strike and, in most cases, they do not work.

There has been some discussion with respect to the cost. I know the Conservatives claim that this would only affect 1% of the firms that close following a dispute. They say that this is a bad thing and that it is not worth it. However, if we are talking about 1%, even for those companies that do not shut down, and in most cases they do not, the number of workers who are fired after that dispute is very small.

With the numbers that were provided by the Conservative government, it seems the liability in this case would not be a large one. It is clear that there has to be some regard for the workers, but I do not think there is. We are looking at families in communities that may be losing finances. It is not a very large liability. I think the parliamentary secretary said that it would be only 1% of those that would close after a strike.

The Conservatives always like to blame the workers when they are on strike, but that is not always the case. As we know, employers also have the ability to lock out workers. We cannot assume that the workers are to blame. In this system there should not be blame. It should simply be a situation of what is right in terms of income.

If workers are laid off and cannot qualify for EI because of the length of the dispute, the government penalizes them, yet there is no penalty for the employers. Again, there needs to be an equity situation. Employees need to have some assistance and we need to ensure their rights to EI are not lost.

The Conservatives like to claim that the employees can get other jobs during a labour dispute. What they do not understand is it is difficult to get another job when employees hope to go back to their jobs. If they go back to work following a labour dispute and then are laid off, this does not change the fact that they should qualify for EI.

Therefore, finding part time work may be possible, but it is not always a reality and not always likely. Employers want to know where workers have come from. They do not necessarily like to hire people who are on strike. This argument makes the assumption that everyone who is on lockout or on strike is making another salary somewhere else and therefore they do not have a need for EI.

If one were to talk to the people who were on strike in the Vale Inco situation in Sudbury, one would see the hardship that the strike created not only for the employees but for the whole of the region, the city of Sudbury and other groups.

Workers pay into these benefits and a labour dispute should not impact their ability to collect benefits when they are laid off through no fault of their own after a lockout or the labour dispute.

Like the Conservatives say, only 1% of companies supposedly close after a strike, which is a small number. However, a majority of the people who would be affected are those where there is no shutdown. There is a gap and it must be fixed. The cost is minimal.

Others today have commented on that and the government representative also said that it was a small number. The government needs to stop penalizing employees and actually help them, their families and their communities.

This only applies if workers are fired after a strike, and the numbers are small. It is only fair that they not lose EI benefits to which they have a right.

• (1135)

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I am pleased to speak today to Bill C-395, which was introduced by the hon. member for Berthier—Maskinongé.

We support this bill, unlike the Conservatives, who say it will cost too much. The Parliamentary Secretary to the Minister of Human Resources would have us believe the bill is too expensive for people, the public, workers and companies, yet he says that only 1% to 3% of workers could benefit. This change to employment insurance is not for all laid-off workers. The EI program already takes care of that. This is about companies that have gone through a strike or a lockout and decide to close their doors for good or companies that, under the same circumstances, decide to call 75% of their workers back to work. Those are the people we are talking about. We are not asking for much. The cost is quite minimal. Do not believe the Parliamentary Secretary to the Minister of Natural Resources when he says that this would be too expensive.

In his speech, the parliamentary secretary said that if, during some or all of the weeks in the normal 52-week period—less if the person received benefits—the person was incapable of working because of an illness or pregnancy, or if that person was receiving assistance as part of an employment benefit or provincial benefits, the qualifying period could be extended by the number of days the person was in that situation during the qualifying period. This period can be extended by a maximum of 52 weeks to reach a maximum qualifying period of 104 weeks.

Private Members' Business

The parliamentary secretary forgot to mention one specific situation. I do not know whether he was too uncomfortable to talk about it, but this also applies to people in prison. If a person is in prison, the period will be extended to 104 weeks. The parliamentary secretary failed to mention that group. A person in prison can have 104 weeks, but people who were locked out or who were part of a legal strike are not entitled to have their weeks extended.

I know why companies are against this. I have dealt with the kind of companies that oppose such legislation. At the end of a strike, companies can punish workers by delivering a final blow. As if it were not enough that workers were on strike or locked out for 10 months, and as if companies had not bled them enough, companies are intent on getting every last drop. They do not call workers back to work for another two months or so. They want to teach them a harsh lesson because the workers apparently have not suffered enough.

What difference does it make to company's bottom line if it does not call workers back to work and they collect EI? Let us look at this from a different angle: according to the Parliamentary Secretary to the Minister of Human Resources, all an individual has to do is find work elsewhere. Just find another job. That is tantamount to calling that individual a slacker. He should have said outright that workers who do not go out looking for work while on strike are simply sitting on their hands and unwilling to work.

The real question is whether the employer, the company, actually wants employees to go work elsewhere. Fully qualified individuals with a trade could leave the company for another one. By the time the strike is over, there would be no employees left to work for that employer.

Is the government suggesting that, during a strike, workers should find work with a different employer, thereby leaving the company with no employees? Labour disputes are recognized under federal legislation. Under federal law, employees have the right to strike, and companies have the right to lock them out. Obviously, companies do not want to lose their employees.

• (1140)

That is what I believe, unless I am mistaken. Maybe it would not bother a company with only 10 or 15 employees if those employees were to go elsewhere, because it could replace them. However, a company that has 1,000 employees would not want to lose them all at the end of a legal labour dispute, because they are skilled and familiar with the industry.

The parliamentary secretary failed to mention another thing. I will not repeat what he said, but I will try to explain it. He said it does not make sense to support someone who is on strike or has been locked out. Yet it was his government that agreed to loan Vale Inco \$1 billion during the strike there, while the workers at Voisey's Bay—working for the same company—were still on strike. When that company's workers were on strike, the government was willing to loan it \$1 billion. We all know how things work: after three or four years the company will say that things are not going well and the government will simply forgive its debt. The company will not even have to pay back its loan.

The Conservative government says it respects workers, yet it does not want to help people after a labour dispute. People have paid into the EI system their entire lives and at the end of the labour dispute, within the 104 days, it is not that they do not want to return to work, but rather that the employer has not called them back to work. Between 75% and 80% of workers return to work, but the other 20% are told to go back home and apply for welfare.

It is not up to the province to pay for labour disputes. If those people ask for social assistance, the province should not have to pay for that. The purpose of the employment insurance system is to allow people to look for another job. When someone is on strike or locked out, he or she is not looking for another job, so there is a contradiction here. As soon as the company opens its doors again and the dispute is over—whether it was a lockout or a strike—some workers are looking for jobs, and that is when they should be entitled to EI and given an income. That way, they can provide for their families while they are looking for another job. The government seems to be missing the boat on this particular point.

If we can give employment insurance benefits to people in prison and those accused of all kinds of things, I would think that we could also give them to these workers. I am not against allowing prisoners to receive employment insurance, but if they can receive benefits, I would think that, when a labour dispute is over, workers should be able to receive them as well. I am not talking about giving employment insurance benefits to people while they are on strike or are locked out. It is clear that if someone were to go work elsewhere, they would be entitled to a certain number of weeks of EI, but they would not receive money from the strike fund.

We are not talking about making workers entitled to employment insurance during a strike, which would benefit the employees at the expense of the employer. If, when the dispute ends, the employer tells its employees that it can no longer employ them because of the economic crisis, or that it may, perhaps, be able to rehire them in six months, why should these workers not be entitled to employment insurance?

The only reason is that the Conservative government is siding with the large corporations, and not the workers. It is not capable of doing a little something to respect workers by giving them access to a program that belongs to them, and not to the Government of Canada.

I suggest that the government change its mind and vote in favour of the bill to show respect for workers. If it can grant loans to a company like Vale Inco, a multi-million-dollar corporation, it should also be able to give money to workers after a labour dispute ends.

• (1145)

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Speaker, I want to thank my colleague from Berthier—Maskinongé for shepherding a bill I introduced through the House.

It is not just the workers in Lebel-sur-Quévillon who are affected. Many other workers may be as well. Lebel-sur-Quévillon was just the first example of how the modernization of the Employment Insurance Act by former Liberal prime minister and finance minister Paul Martin allowed the government to take money out of the employment insurance fund—which was known as the unemployment insurance fund at the time—to pay down the debt.

But employment insurance is not a tax. The government is using it as a hidden tax, but it is not a tax. It is insurance that workers and employers pay for to keep employees nearby. A strike or lockout is a lawful action by workers or an employer and should be encouraged as a positive measure. It should not be a positive measure for one party and a negative measure for the other, because both pay into the employment insurance fund and have the right to keep workers nearby during a labour dispute.

The parliamentary secretary was present when I testified before the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. I explained very clearly that Bill C-395 would exclude the period of the strike or lockout, which is legal, from the qualifying period. This does not take anything away from the government. It does not cost the government or its treasury anything. The employment insurance fund belongs to employers and workers.

Regrettably, I do not have much time, but I am happy to speak today to Bill C-395, which would make the workers in Lebel-sur-Quévillon eligible for EI.

According to statistics from the Department of Human Resources and Skills Development, more than half of unemployed workers do not have access to employment insurance, even though they have paid into the plan. If passed, Bill C-395 will not fix every flaw, but it will correct a major shortcoming in the act. I am talking about cases where workers who lose their jobs as a result of a lengthy labour dispute—whether a strike or a lockout—do not qualify for employment insurance.

The Minister of Natural Resources, who is also the minister responsible for the Montreal region, might have to deal with this problem with regard to the *Journal de Montréal* if Quebec were to decide tomorrow morning to drop the *Journal de Montréal* and focus on the *Journal de Québec*. The journalists and employees of the *Journal de Montréal*—there are 253 of them and this is in the news today—would not be entitled to employment insurance. In a modern economy, this is unacceptable and unfair. When parliamentarians read about an injustice committed in the past, it is their duty to correct it. They should not try to avoid it for the sake of ideology or party lines.

I believe it is important for all elected members to show empathy when the time comes to discuss measures to help workers and to encourage land occupancy. The Conservatives might be pleased to know that this has been around since Mackenzie King's day. He had a reputation for consulting ghosts. Even if the Liberal leader dabbled in that, the fact remains that EI was set up to maintain land occupancy and, at the time, to move toward a modern economy.

• (1150)

Unfortunately, employment insurance has not kept up with this modern economy.

A number of MPs come from Quebec. I understand that ideologies from the west and the east might be different and that a party line can get in the way. Nonetheless, the MPs from Quebec who are part of this government know the ideology and culture of Quebec. They can explain those things to their party and even have a bit of power

Private Members' Business

within their party—it is about time—in order to raise awareness about the growing need for modern society to occupy the land.

We are dealing with an economic problem. The Minister of Finance acknowledges that the current deficit is close to \$170 billion. Nonetheless, it is not up to a specific category of workers and employers to be responsible for paying the deficit themselves.

I would like to point out that as members of Parliament we do not contribute to employment insurance and therefore do not help pay off the deficit. Employment insurance is being used to pay off the deficit.

Contrary to what the parliamentary secretary thinks, I believe that favouring one party over another distorts principles, circumstances and facts, and that is deplorable. The UN's message should make the government realize what the world thinks about Canada in all this. Who represents Canada? The government does.

As I explained earlier, the bill would exclude a certain time period; the period from when the strike or lockout is declared to the time it ends is not part of the calculation. At the end of the lockout, if the result is a closure or a number of workers losing their jobs, the qualifying period would be deemed to begin when the strike or lockout started and would be applied as though it began on that date.

One of the arguments used by opponents to this bill is that the cost to implement this measure would be too high. This is an argument that I have never understood because it is completely unfounded. I have never understood why they are against it. Despite the fact that in its last budget this government recognized its obligation to create an independent employment insurance fund, that fund has never been created and they continue to pillage the EI fund. It is important that today, for the future of our economy, this injustice be fixed and the parties come to a legal agreement.

I urge the government to help the opposition parties, which are all in favour of this bill, and to acknowledge, once and for all, the vision of Parliament. The opposition parties hold the majority. A good deal means that the parties reach an agreement among themselves. They have the power to make recommendations. Parliament has decided to support this bill. I invite the government to follow this lead and correct this injustice.

• (1155)

The Acting Speaker (Mr. Barry Devolin): Resuming debate. The hon. member for Berthier—Maskinongé has a five-minute right of reply.

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, I would like to begin by congratulating my colleague on his excellent speech on Bill C-395. His own riding has been affected by the lack of legislation in this area.

This is the last speech about this bill. I have only five minutes left to wind up and convince the Conservatives to go forward with this bill. It should have been passed and should be passed, because it is a simple, effective solution to a major flaw in the Employment Insurance Act that prevents workers who lose their jobs as a result of a labour dispute—whether a lockout or a strike—from qualifying for employment insurance.

Government Orders

By refusing to give the royal recommendation to Bill C-395, as it did to Bill C-241, which also proposed measures to support workers by abolishing the waiting period, the minority Conservative government is once again showing that it could not care less about workers who lose their jobs. By refusing to support this bill, this minority Conservative government is once again ignoring the democratic will of this House. Most members want this bill to go forward, but the Conservatives are still turning a deaf ear.

Unfortunately, by blocking Bill C-395 and preventing it from going to the Senate, the Conservative government is turning its back on workers who lose their jobs. Throughout this debate, the Conservatives have put forward bizarre arguments, and I would like to mention one that the parliamentary secretary made here just a few minutes ago. He said in his speech that if this bill were passed, it would affect the negotiating position of workers and employers during lockouts and strikes. This is what it means to him: "Someone is on strike or is locked out, but does not want to find a solution. He does not want to go back to work because he wants to get employment insurance benefits." Come on. If I am a worker and I am on strike or I am locked out, I do not necessarily want to go on EI. I want to go back to my job at the company and I want to negotiate fair, equitable conditions to keep my job. That is my goal.

The Conservative government's argument does not hold water. As I have said many times, this government does not want to support society's least fortunate. It is not the least bit interested in these people or in the unemployed. The guaranteed income supplement is another example. When the Conservatives were in opposition, they kept urging the Liberal government to increase and improve the guaranteed income supplement and to compensate seniors for having swindled them. They are in power now, but they are not doing anything. They just keep spending astronomical amounts on all sorts of things, from buying planes to giving oil companies tax breaks. What we have here is a small bill designed to help workers, a bill that will cost next to nothing. As my colleague indicated, the *Journal de Montréal* may be next. Yet we are told that there is no money. There is no money for that, and that is shameful.

If there are any unemployed people in their ridings—surely there are some—government members should think of them. They should think a little instead of constantly investing inordinate amounts to support companies, including banks, that rake in huge profits and use tax shelters. The government helps and supports them. It should also support the workers.

• (1200)

I ask the parliamentary secretary, here in this House, to urge his colleagues in the governing party to vote in favour of providing the royal recommendation to Bill C-395.

The Acting Speaker (Mr. Barry Devolin): It being 12:02 p.m., the time provided for debate has expired. It is my duty to inform the hon. members that the requirements for printing a notice of royal recommendation in accordance with Standing Order 79(2) have not been met. The question on the motion for third reading of the bill will therefore not be put. Accordingly, the order for third reading is discharged and the item is dropped from the order paper.

GOVERNMENT ORDERS

[*Translation*]

FIGHTING INTERNET AND WIRELESS SPAM ACT

The House resumed from September 27 consideration of the motion that Bill C-28, An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act, be read the second time and referred to a committee.

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, if I am not mistaken, I have about 15 minutes left because on September 27, I had already started my speech on Bill C-28, Fighting Internet and Wireless Spam Act.

At the time, I spoke to the House about how difficult it is to eliminate spam. It is time for Canada to bring in legislation to prevent fraudsters and all kinds of people from taking over emails and text messages, among other things. Almost everyone who is online, or who can be online, and who uses new technologies, which are increasingly prevalent now, is subject to spam attacks. That is why it is important for us to pass legislation.

When I started my speech, I said that the scourge of spam attacks businesses, offices, service providers and everyone doing business. Bill C-28 creates the new Electronic Commerce Protection Act to limit spam. As I said, spam is a commercial electronic message sent without the express consent of the recipient. It can be any commercial electronic message, any text, audio, voice or visual message sent by any means of telecommunication. This includes text messages and instant messages, in addition to email.

When I was interrupted because of the time, I was talking about the background to Bill C-28. First of all, a task force on spam was created in 2004. The group brought together Internet service providers as well as electronic marketing experts and government and consumer representatives. I said that consumers are often the main victims of spam.

For example, I am sure that everyone has received an email, supposedly from their credit union or bank, saying that there were problems with their account but that the institution was working on it and the client's banking and contact information was needed in order to fix it. Chances are that anyone who takes the bait and is foolish enough to reply with personal details and their personal identification numbers will have their bank account emptied in no time. Very few people fall for it, but there are still some who do, unfortunately.

Government Orders

The task force, which was set up six years ago, gave more than 60 groups from the sectors concerned an opportunity to take part in the discussions and contribute their views on topics such as legislation and enforcement, international co-operation and raising public awareness.

The task force launched “Stop Spam Here”, an online awareness campaign to provide users with tips on how to limit the amount of spam they receive, and it presented its final report to the industry minister on May 17, 2005. A bill was introduced as a result. We are now studying Bill C-28. I would like to remind members that the Bloc Québécois agrees with this bill. It will undoubtedly go to committee, and we will have more opportunities to hear a number of witnesses talk about the importance of legislation in this area.

The task force's report, entitled “Stopping Spam: Creating a Stronger, Safer Internet”, recommended new, targeted legislation and more vigorous enforcement of current laws to reinforce the legal and regulatory arsenal available to Canada in the global fight against spam. The report also supported the creation of a focal point within government for coordinating the actions taken to address the spam issue and other related problems, such as spyware.

● (1205)

The task force proposed a number of interesting recommendations—this is where I left off last time when I was talking about background.

It recommended more vigorous legislation and enforcement and called for legislation to prohibit spam and protect personal information and privacy, as well as computers, emails and networks. The proposed legislation would allow individuals and companies to sue spammers—in other words, people who send spam—and hold businesses whose products and services are promoted using these means partially responsible for spamming activity. The report also recommended providing more resources to the organizations responsible for administering and enforcing anti-spam laws.

Another recommendation concerned a centre of expertise on spam. The task force recommended creating a centre to coordinate the government's anti-spam initiatives.

The third recommendation was for strong industry best practices. Email marketers would have to obtain informed consent from the email recipients, provide an opting-out mechanism for all further emails and create a complaints system. When it comes to new technology, it is somewhat natural to experiment with a free-for-all approach. When something first comes along, it is new and wonderful. Everything is on the table and anything goes. We want more and more of it. But sooner or later, we begin receiving emails that are not really just for us and when we no longer want to receive them, we realize that there is no way to stop receiving emails automatically sent by companies. Whether fraudulent or not, they can be annoying. The products they are selling are not always fraudulent. The intention of these emails, which become spam under the circumstances since we receive them so often, is not always to defraud the recipient. While email is a useful tool in the work place, spam can spoil a work day. We spend just as much time, if not more, trying to rid ourselves of spam as we do really working with the emails we need to send at work.

The task force also recommended launching a public education campaign. As I said earlier, a website has been set up for the public. The website, “Stop Spam Here”, was launched in December 2004 and offers practical tips for protecting personal information, computers and email addresses. It is important that people know how to get more information about this.

The task force also suggested, or rather, recommended, improved international co-operation and enforcement measures. International measures to stem spam are vital. We must harmonize anti-spam policies and improve co-operation in enforcing anti-spam laws among different countries. In preparing for my speech today, I learned that most of the spam reaching Canadians comes from outside the country. Huge amounts of spam are quite often sent from sites and locations all around the globe. We are the victims of these floods of spam. Of course it is difficult to identify the source of these emails. I am not a specialist in electronic communication, but I know that even though we can find the addresses that send the spam, people are clever enough to make it very hard to do so.

Both the Bloc Québécois industry, small business and tourism critic and member for Chicoutimi—Le Fjord and I have criticized the fact that it took four or five years for legislation to be introduced. Private businesses especially are losing billions of dollars a year. Individuals are also wasting time.

● (1210)

Time is money. All this spam causes everyone to lose a lot of money. The government took a long time to act, but it is better late than never. The committee will see what it can do with this bill. At least there is something to start from. Industry Canada—particularly the minister and his predecessors—must be wondering why this bill took so long to be introduced, especially since elsewhere in the world, action was taken much more quickly.

We are now examining the Electronic Commerce Protect Act, which sets limits on the sending of spam. The only time spam may be sent is when the person to whom the message is sent has consented to receiving it, whether the consent is express or implied. In addition to being in a form that conforms to the prescribed requirements, the message will have to make it possible to identify and contact the sender. As I said earlier, it is not always easy to see where this type of message originated. With this legislation, it will be very clear. At least we hope it will. We must be able to identify and contact the person who sent us the message.

Government Orders

Lastly, the message must include an unsubscribe mechanism. This means that if someone receives an email, or spam in this case, and they no longer want to receive messages from that company, they will be able to click on a button to unsubscribe. The email address or hyperlink would allow us to no longer receive commercial electronic messages from the sender. That is mentioned in clauses 6 and 11 of Bill C-28.

The bill would also prohibit altering the transmission data in an electronic message so that it is delivered to destinations other than that specified by the initial sender. In addition, the bill would prohibit installing a computer program on another person's computer and sending an electronic message from that computer without the owner's consent. These are important measures if we want to limit fraud as much as possible.

Any violation, even indirect, of any of these provisions, would result in an administrative monetary penalty—a fine—if the computer being used is located in Canada. These fines could be as high as \$1 million for individuals and \$10 million in other cases.

This may seem high, but I would like to turn the House's attention to a recent article by Yves Boisvert, published in *La Presse*. The article was about a man from Montreal who was found guilty of spamming Facebook and was fined more than \$1 billion. You heard correctly: I did not say \$1 million, I said \$1 billion. That sentence was handed down in California against a Montrealer whose name I will not mention because I do not want to encourage him. Apparently he is pleased and proud to have spammed Facebook. I will not indulge him by saying his name.

According to the article by Mr. Boisvert, the Montrealer was found guilty in 2008 in California. Why California? Because that is where Facebook has its head offices. The ruling was recently made binding by Quebec Superior Court in Montreal. This man managed to penetrate Facebook and send spam to millions with the goal of selling all sorts of things. To quote Mr. Boisvert, “You know, spam signed by someone you know, maybe even a friend, but really they are ads for Viagra?”

The guy in question had to face California law, which is very, very strict. We all know that he will not be able to pay the fine of over \$1 billion, but it certainly sends a very clear message.

If Bill C-28 manages to be a deterrent and to impose fines of \$10 million, especially with regard to companies, then that is progress.

•(1215)

[English]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I hope to get a chance to speak to this bill later because the bill is very important. In his speech, the minister reminded us that we are the only G8 country that does not have anti-spam legislation. He also laid out the cost. As the member also alluded to, the cost is very significant. On a worldwide basis the cost is something like \$130 billion a year as a consequence of not having this legislation.

There are privacy issues as well. The minister did not spend very much time on the aspect of personal privacy information under PIPEDA, another area in which personal information is being collected by harvesting addresses.

When we consider that the bill was going along very well and there was all-party support in the House for Bill C-27 in the last session, if it is so important, why did the minister have to introduce it again and start the process all over rather than refer the bill straight to committee so that we could get this legislation passed?

[Translation]

Mr. André Bellavance: Mr. Speaker, if I remember correctly, it was because the House was prorogued. To answer the hon. member, I would say it was the Conservatives who delayed implementation of this bill. I agree that the government's inaction on this issue has cost the public billions of dollars.

As for privacy, spam directly threatens the viability of the Internet as an effective means of communication. The Internet has become vital to our economy. Fortunately, some merchants can now do business in places other than large urban centres, even from their homes, thanks to the Internet. However, spam is causing huge problems, both financially and in terms of privacy. Thus, it is time to take action.

•(1220)

[English]

Mr. Paul Szabo: Mr. Speaker, I appreciate the member's comments and I do understand there was prorogation, but the fact remains that when we started this third session of the 40th Parliament, the minister had the opportunity to refer the bill directly to committee before second reading. A bill can be referred to committee right after it is tabled. The government's failure to do that showed Canadians that the government has no intention of getting its legislation through, whether it be this bill or whether it be all of its other recycled crime bills. The government says that it is tough on crime, but it just does not want to pass any bills.

An hon. member: The copyright bill.

Mr. Paul Szabo: The copyright bill is another one, Mr. Speaker. How many times are we going to go through copyright?

Would the member reflect a bit not only on the inaction of the government on this bill, but also the inaction of the government in all of the major areas of legislation that Canadians need and want?

[Translation]

Mr. André Bellavance: Mr. Speaker, like the hon. member, I, too, am astonished. As soon as Parliament resumed, the Bloc Québécois was calling for consensus on the elimination of parole after one-sixth of the sentence has been served, because several crimes had been committed by white collar criminals. Unfortunately, this has been stonewalled by the government, even though it prides itself on being tough on crime.

Government Orders

The government goes ahead with its own priorities. We have heard what they are. The Conservatives are buying fighter planes with a \$16 billion price tag. When it comes to justice, they put forward some priorities, but they are extremely controversial. However, in this specific case, one thing is very clear: all parties agree on the need to avoid all spam-related economic losses.

[*English*]

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I would like to ask the hon. member a question relating to how Canada can be the only G8 country without anti-spam legislation.

Some of the problems created by spam relate to crime. Spammers send out emails and seniors and other vulnerable people respond to them because they think the emails are valid. The member mentioned that this actually impacts our economy and our police services. It makes me wonder why we would not have had legislation in place sooner.

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

[*Translation*]

Mr. André Bellavance: Mr. Speaker, there is no excuse. I said it in my speech: a task force was set up in 2004. In 2005, that group presented its report. A website had even been created to create awareness about spam. Then the Conservative government came to power in 2006.

Why, in 2010, have none of the task force's recommendations, which we have known about for a long time, not been implemented with a bill? I do not know. As I said before, better late than never. My only response is that the Conservative government set other priorities. However, as my Liberal colleague said, \$130 billion in losses affects everyone.

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, once again I would like to congratulate my colleague on his excellent speech. I would like to ask him if he does not see something bizarre happening with the Conservatives right now. They always say that they want to protect peoples' privacy. That is their argument for having abolished the long form census, although we know that it is a false argument.

They are taking their time on this bill, in addition to the other time they will put into it, because it is far from guaranteed that they will support it to the end. Does it not seem possible that they are more likely want to protect commercial interests than privacy? That is what I would like to ask my colleague.

• (1225)

Mr. André Bellavance: Mr. Speaker, it is quite possible that there are business lobbies that are not so happy about the prospect of new regulations. As I said earlier, when e-commerce began, it was a free-for-all. There were opportunities for everyone. People could get away with anything. This sort of bill will change things.

Perhaps the government wanted to give companies time to adjust, but other countries did not wait as long, because businesses as well as individuals who get this sort of spam suffered economic losses that were extremely serious and extremely significant.

In any case, the vast majority of spammers are not honest businesspeople. Most spam comes from fraud artists. Earlier, I

mentioned the Montrealer who managed to hack into Facebook. He did not do it for fun; he made money doing it. He made money dishonestly. We have to act immediately, even though some people will get their wrists slapped and will have more trouble complying with the law. This is the way things will have to be, because we want to protect our industries and individuals.

[*English*]

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I was going to start off with some of the technical matters at the very beginning, including the title of the bill and some of the functions in clause-by-clause material, but I do want to pick up on one thing that was brought up by my colleague from Sudbury.

He talked about seniors, and this is a perfect illustration of why we work in this House to legislate practices like this, because many seniors now are using devices such as Facebook and text messaging. Pictures can be transferred through our phones now and that sort of thing. A lot of seniors get these emails and a lot of them become victims as a result in many cases. One of the reasons is that it is hard for public relations campaigns, such as Crime Stoppers and others, to keep the pace going with the methods with which they are communicating and getting their bad products out there. It started out with just emails. Now we have things such as text messaging and Facebook.

My hon. colleague brings up a good point. We are looking at victims now, and because the seniors' ranks are becoming much larger because of what we call the baby-boom effect, we do have to keep pace with legislation much more quickly than we have been thus far. I would have to say that we have been a little too delayed in this particular bill, but nonetheless we have it here and it is nice to see that all parties are in support and that we are going to do this exercise once again. I say "once again", because we started out with Bill C-27, which was left over from the last session. Now we find ourselves with Bill C-28, and some modifications have taken place since then, which I will touch upon in just a few moments, but this indeed does look to enact an electronic commerce protection act, prohibiting the sending of electronic commercial messages, or spam email, without the prior consent of recipients.

One of the key elements of this is going to be the idea of consent and just how we have to formalize this. Not only that, but we have had to expand the idea of what consent means, whether it is implied or not. As we know, if we are dealing with websites, many of them prompt us for contact information and there is always that disclaimer or a box that we have to click on, giving consent to receive unsolicited email. That has to be brought into context.

We have to talk about the international context, which my hon. colleague from Mississauga South mentioned earlier. That is to say that in the context of the G8 we are the last ones to get on board, so it is time we saddled up to this particular issue and did it the right way. I would implore all members to send this to committee as soon as possible, similar to the last go-round with Bill C-27. Some modifications were made in Bill C-27 that help with the language and allow it to be a little more flexible.

Government Orders

This is not on the floor yet, but when we talk about the copyright bill, Bill C-32, which is on the order paper and hopefully will come up for debate pretty soon, we are looking at ways in which the context of digital technology is changing the way we act as legislators. Flexibility is required. Mr. Speaker, I am sure you will agree with me that in the context of flexibility, the legislation has to be devised and written so that it can be enforced in a way that gives people protection and preserves their rights but at the same time goes after the people out to do nefarious things, in other words, circumvent laws, whether it be about copyright and digital locks in Bill C-32 or, in this particular case, getting around the consent for people to receive this information. Sometimes these people are very deceptive. They pretend to be what they are not. They shroud themselves in a realm of legitimacy.

• (1230)

Whether they call themselves a bank or a financial institution, they parade themselves as such and become a part of a person's life or know they can get involved in a person's life by pretending to be something that has a great reputation. With the imagination of using emails, Facebook and messaging, they have ways of doing this. It seems there are advances every day in the criminality of this type of activity. So we have to look at that.

The other issue we have to look at, of course, is digital technology itself and how it proliferates in a short period of time. When we first tackled the issue in the House, we looked at it through a panel. We set up a panel to decide how we were going to deal with all the spam email. Billions of dollars every year are spent on trying to cut down on spam email. It now constitutes the majority of traffic around the world when it comes to e-commerce and emailing in general, for that matter.

We can well imagine that back then, as it was becoming a problem, we set up a panel. That was in 2004 and 2005 when we were primarily looking at emails. There was just that one form of communication that we were focused on. Since then, we have text messages and Facebook, which was not looked at in 2004-05 as it is a relatively new concept, and other modes of communication such as texting.

Right now, Mr. Speaker, I can take a picture of you and send it around the world. How about that?

Mr. Mike Allen: That would be scary.

Mr. Scott Simms: Your colleagues are picking on you, Mr. Speaker, but I will stick up for you and say that would be a fine shot, indeed, to send around the world.

Even in 2004 or 2005, we never thought we could take a picture and send it instantaneously. People can ask, "Where are you now", and I can respond that I am in Newfoundland. They can ask me what it looks like and I can say, "It looks like this", and send it. It is incredible.

However, that open opportunity for communications, which leads to an open opportunity for business for people seeking gainful employment, also opens us up to a realm of criminality. We can only assume that the criminal element out there is just as imaginative as the people who make a lot of money doing it the right way.

That brings me to Bill C-28. When it comes to prohibiting the sending of spam without the prior consent of recipients, that is the key. There is an element of consent with this and that way the element of criminality gets taken out of it because people will not be able to do it, but then we get into the issue of enforcement, which I will get to later.

Bill C-28 introduces legislation to enact all recommendations, and the recommendations prohibit the sending of spam without the prior consent of recipients, the use of false or misleading statements that disguise the origins or true intent of the email, which is very true as I mentioned earlier, and the installation of unauthorized programs, which I will talk about. That is the concept of spyware or malware that was talked about, these sorts of things. They are like little bugs that crawl through either the air or wire, gain access and do funny things to computers while people sleep or are doing something else.

The unauthorized collection of personal information or email addresses is the same type of principle. It infiltrates people's computers and all the material stored on hard drives or whatever devices they have to store memory. Not only can that information be taken but it can be manipulated and sent elsewhere and an all-out assault done on other computers around the world. It is quite fascinating how people have manipulated the system of instant communication over the past four or five years.

Bill C-28 introduces legislation to enact all the recommendations that I stated. Many flaws were exposed in the last bill and there was quite a bit of feedback from people who said that things needed to be fixed, some of it major and some minor, that sort of thing. A lot of it was minor. When prorogation happened, elements of what happened in the industry committee at that point, as well as sending the bill back to the House, because of course when prorogation happens, the bill dies and the bill is brought back to the House.... Some of the changes were incorporated into the bill at that time.

• (1235)

God forbid that I praise prorogation for the sake of making one bill better than the other or a new and improved bill. Nonetheless, there were a few changes made to it that have satisfied many people in this debate, which is a good thing.

The other point is that, as we monitor the legislation going through, we will realize then whether these changes were appropriate or not as we get to the regulations when, because of this legislation, it triggers Governor in Council or cabinet to make the regulations involved.

I mentioned earlier the 2004-2005 task force set up by the government of the day, which decided to have a good look at this particular situation. It hired 10 people involved in this and it received thousands and thousands of items of input from stakeholders around the world, not just in Canada. The recommendations came forward that involved themes of consent and involved themes of doing specific tasks in order to specifically go after people who were up to no good.

Government Orders

One of the issues we came in contact with in the four years since is that we have to realize that the technology has changed. Therefore the flexibility we need in this bill has been addressed to a certain degree, but I am sure the committee will have a closer look at that as well.

Just so that you know, Mr. Speaker, and I am sure you are aware of it, 60% to 80% of all email traffic around the world is spam. Of course, I am not talking about everyone's favourite lunch meat. I am talking about spam of a type that one does not want to get each and every day. They are selling everything. Some of the stuff I dare not repeat in the House, for fear of the wrath of you, Mr. Speaker, and others. But members can well imagine what I am talking about, soliciting money, soliciting a product that does not measure up, as it were.

The sheer volume of messages poses a challenge not just to the individual owner of a particular computer or a bank of computers, for that matter, but to Internet service providers or ISPs, as we like to call them, legitimate businesses that conduct their activities over the Internet and email and, most importantly, consumers.

Let me just stay with that first point, businesses. There are so many businesses now that rely upon the Internet and the two-way communication between some consumer and themselves that the presence of all this spam material basically erodes the revenue stream for them, and that is a huge issue. If we do not address that, then many small and medium-size businesses, or SMEs, will suffer and continue to suffer.

I personally know some businesses that are spending thousands of dollars each month for software to get rid of the spam. These are people who cannot afford this cost but most of their business models, vis-à-vis direct marketing, go through the Internet because we have become global in scale.

Look at the tourism ads from Newfoundland and Labrador, where I come from. We get an incredible amount of response from across this country about those new ads that we see about Newfoundland and Labrador, but for a lot of these smaller businesses some of it is spam and some of it is legitimate.

As the House knows, I come from an area that relies a lot on the seal harvest every year. Many tourism operators get a lot of junk mail, spam, things to take them down, from animal rights groups not just in North America but around the world. They are using these techniques to go after these small businesses.

● (1240)

This is the type of activity we are into where we need to cut down on this. If it is a legitimate form of protest, such an email from one individual to a business saying that he or she does not like a product or that he or she does not like the way the business thinks about a certain issue and therefore will not frequent the business, I understand. However, people use these methods, which are put out by spam in certain cases, and they try to block their own computer data banks. We are talking about a small or medium-sized enterprise.

One can well imagine that these protest groups with larger amounts of money can actually gum up the system, as it were, very easily. Hopefully, some of this legislation will cut down on that. At least I feel it will.

Spam is also a large component of computer viruses. The seal harvest issue is a good example because there were a couple of examples of that happening. One of the ways of doing this is by using phishing programs, not "fishing" as in f-i-s-h-i-n-g, but p-h-i-s-h-i-n-g, which is designed for identity theft.

Identity theft is a huge issue with underworld crime. One of the ways identity theft occurs is through the use of spyware, for example, which can grab information from our computer and, from our computer, it goes out to other computers and gets that same sort of information and racks up our credit cards or whatever they may be. Therein lies a situation that we need to deal with on a global scale.

That brings me to one of my final points, which is the international scope of this.

Even though we are here debating, we vote to send this to a committee, I assume it comes back with some minor changes and it becomes law rather quickly. Once that is done, it is incumbent upon us, not just members of the cabinet and not just the Prime Minister but all of us as parliamentarians, to engage in all international fora that are out there, whether it be through the European Union, the Council of Europe, or through Southeast Asia. We need to engage all mechanisms, including the United Nations, because it will take a massive global effort to cut down on the amount of junk mail spam and the illegal activity associated with it.

By doing that, it will be an incredible step forward. If we are the final G8 nation to sign up for this, then the G8 should be the leading role for the rest of the nations, whether it is Brazil, Russia, India, Indonesia, China and all the other nations where the proliferation of electronic media is so great. Again, that is what was not covered in 2004 and 2005. Who thought of facebook back then? Not very many people. However, now we have facebook, which is an incredible communicator for photos, family issues and a big one for business as well. It is a huge issue.

When it comes to enforcement, this is only a small part of this battle. The enforcement of these laws, followed by the regulations, will take a concerted effort, not just by the CRTC, which is handling this primarily, and not just the Competition Bureau, but other aspects of society, including all law officers, that this is a serious issue because we need to elevate the awareness of it. What people are doing through things such as spam is so illegal that a lot of people look at these things and do not pay much attention to them. However, some of them are very dangerous to us, to our finances and to small business owners. The enforcement part of this bill, Bill C-28, will take a massive effort.

Government Orders

• (1245)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, as the member knows, I am concerned that we have waited so long. As a matter of fact, Bill C-28 was introduced in the House on May 25 and we had the first round of debate on September 27. Here we are now, about a month later, and we are continuing on with that debate at second reading. It is an indication of how the process is being dragged out by the government on important legislation such as this. However, the member laid out some interesting points.

I was looking at the bill in a little more detail and at the regulatory requirements. When we pass legislation at all stages it goes through the whole process, but there is one thing we have not seen with regard to the bill and that is regulations. The regulations are important and can have a significant bearing on either the interpretation of the application of the legislation or in terms of the impacts that we should assess as legislators. I wonder if the member would agree that maybe the government should consider presenting draft regulations to the committee before the committee completes its work.

Mr. Scott Simms: Mr. Speaker, when we dealt with the Fisheries Act, it was the same sort of thing. One of the things we wanted to get to was to bring some recommended regulations into the process. The member makes a very good point.

In the final part of my speech I mentioned that enforcement could go a long way toward fleshing out the type of enforcement that we need. It also would give a greater signal to the rest of the world just what it is that we are measuring up to and that we should come together as a global force on this particular one. As the member and other members have mentioned in the House, we are talking about a massive global effort to put this out there. If people were up to no good, they could do it on a global scale just like that. In a snap of a finger, people could go global in any nefarious activity.

I commend what the hon. member just suggested. I had not thought of it before but he has a valid point.

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I commend my hon. colleague for a great speech on this subject. It is something we all seem to agree that we need to address.

One of the things I asked previously, which the member spoke about at the beginning of his speech, was on the vulnerable, the seniors, who are not necessarily so astute with new technology but are using it and are coming into this.

The member talked about how quickly something could go global. If 100,000 or even one million spam emails are going out there, even if just 1% of those people are responding and actually being affected by this by paying with their credit cards, then we need to do our due diligence to ensure we protect all of our citizens.

Do we feel that this bill goes far enough? Do we see anything else we could do to ensure that we are protecting seniors and anyone else who would be affected by spam?

• (1250)

Mr. Scott Simms: Mr. Speaker, that is a fantastic point and one I did not illustrate in my speech.

We need to go back to the scenario that my hon. colleague from Sudbury painted. Let us look at the situation of a senior or anyone else who is unfamiliar with the electronic age. They do not or have never used email. They then decide to get in touch with one of their loved ones living far away through facebook, or whatever method, by sending pictures. They get an email with an attachment of a picture. What if they get spam email that is disguised as coming from a bank? Naturally, anybody who is not familiar with how spam works and how these junk emails work will look at it as legitimate, and it will ask for information. If our bank asks for information, we will give it because the trust is implicit.

Some of the material in the bill talks about an implied consent. That is the one point that causes me some trouble about this bill. I think we should probably tidy up some of the language around implied consent. I am not a legal expert and I do not know the magic bullet but we really need to understand implied consent here because Implied consent implies that we know exactly what we are receiving but we may not know that we are being deceived or that something is not right.

Mr. Paul Szabo: Mr. Speaker, I want to touch on one other area that the member spoke about, which is quite important, and that is the aspect of public education.

As a past chair of the access to information, privacy and ethics committee, we have reviewed the Privacy Act and PIPEDA. In fact, PIPEDA is up for another legislative review. I raise this because the Privacy Commissioner has encouraged and basically pleaded with the government, particularly with the Minister of Justice who is responsible for those bills, to provide for a public education mandate and to provide the funding.

The response of the government has been that it is somewhat implicit. However, being implicit does not help because it does not involve more funding for the Privacy Commissioner to be able to do the job. This is the same problem with passing legislation that affects the Criminal Code. We can make the offences greater and ask for more enforceability but if we do not give the resources to the policing authorities to be able to enforce those laws, what good are the laws?

I would ask the member to comment on the public education mandate. He might want to amplify on how important it is that we are all part of the solution.

Mr. Scott Simms: Mr. Speaker, I remember several years ago in my former career talking about the piracy of satellite signals. In other words, for a while we were into a grey area called the grey market for satellite dishes. Some were Canadian and some were American but no one really knew if they were illegal. People went through a period of not knowing if it was illegal so they just bought them. Legislators and enforcement did not know.

Government Orders

We then passed laws and satellite dishes were either black or white. There was no longer any grey matter. They were either illegal or not. However, the emphasis was on the education. A lot of people had illegal satellite dishes and were not aware of it. They just did not know it was illegal. They had bought them prior to the law coming in. It took a public campaign by the satellite providers, the cable companies, the TV networks and their associations to let people know that certain dishes were illegal.

I only bring that up as an illustration because it was an important aspect for piracy of satellite signals. Most of us now know what is illegal and what is not. It was a very important campaign, and I suspect that after this, following regulations, following this legislation being passed, through the resources available through the Privacy Commissioner's office, the CRTC, the Competition Bureau and all stakeholders involved in this issue, we should be engaged fully to fully engage the public as to what to look out for.

I compliment the organizations like Crime Stoppers and PhoneBusters that do a fantastic job elevating the amount of awareness needed for people who are inundated with bad phone calls, spam emails and the like.

● (1255)

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I will be splitting my time with the member for Ottawa Centre.

I am pleased to rise in the House today to speak to Bill C-28, Fighting Internet and Wireless Spam Act. The bill is an updated version of Bill C-27, which incorporates items that were added as government amendments during its original passage through the House in 2005.

It is fair to say that ordinary individuals are being overly inundated with unwanted spam in their email inboxes on a daily basis. Spam currently accounts for more than 80% of global email traffic and around 90% of Canadian email traffic. In addition to the nuisance that spam poses, as well as the decreased productivity and efficiency which spam entails, spam can also pose a significant risk to individuals who unwittingly open maliciously infected emails. Thus the issue of spam is not solely connected to economic and individual efficiency on productivity, but also to the increased rate of identity theft and other forms of illegal activity, which has grown alongside the rapid increase in the online shopping industry during the beginning of the 21st century.

What is spam? Spam is identified as the abuse of electronic messaging systems, including most broadcast media digital delivery systems, to send unsolicited bulk messages indiscriminately. While the most widely recognized form of spam is email, the term applies to similar abuses in other media: instant messaging, Usenet newsgroups, web search engines, spam, spam in blogs, WikiSpam, online classified ad spam, mobile phone messaging spam, Internet forum spam, junk fax transmissions and file sharing networks. This is not a Monty Python skit, it is actually a very serious issue.

Spam seems to infiltrate every aspect of our lives these days and it is extremely important for the Canadian government and Parliament to take this on.

Let us look at the legislative summary for this. It says that this is an act that is an accumulation of a process that began with anti-spam

action planned for Canada launched by the government in 2004, which established a private sector task force, chaired by Industry Canada, to examine the issue of unsolicited commercial email or spam. By the end of 2004, spam, which is in many ways the electronic equivalent to junk mail, has grown to encompass 80% of all global email traffic.

That was 2004 and here we are in 2010 and we are once again debating legislation. The initial legislation was lost when the House was prorogued. We have again lost time dealing with an issue that is extremely important to businesses, consumers and ordinary citizens in our country. This is complex legislation. It has many pages and it impacts on a number of different agencies.

However, let us look at some of the costs.

In both commercial and non-commercial cases, spam happens because of a positive cost benefit analysis result if the cost to recipients is excluded as an externality a spammer can avoid paying. The cost is the combination of overhead. The cost of the overhead of electronic spamming include bandwidth developing or acquiring an email, wiki or a blog spam tool and taking over or acquiring a host or a zombie. The transaction cost is the incremental cost of contacting each additional recipient once a method of spamming is constructed multiplied by the number of recipients, the risks, the chance and severity of legal and/or public reactions, including damages and punitive damages. Then there is the impact on the community and/or the communications channel being spammed.

The benefit is the total expected profit from spam, which may include any combination of the commercial or non-commercial reasons listed above. If we talk about how quickly this can become a global epidemic, so to speak, we could have millions of emails go out asking for credit card information and just a small percentage of that is returned as a huge benefit, negatively of course, but it is still a benefit.

We are starting to see spam now used in crime. It can be used to spread computer viruses, Trojan horses, or other malicious software. The objective may be identity theft or advanced fee fraud. Some spam attempts to capitalize on human greed, while others attempt to use victims inexperienced with computer technology to trick them, such as phishing.

● (1300)

In May 2007 one of the world's most prolific spammers, Robert Alan Soloway, was arrested by U.S. authorities. Described as one of the top 10 spammers in the world, Soloway was charged with 35 criminal counts, including mail fraud, wire fraud, email fraud, aggravated identity theft and money laundering. Prosecutors alleged that he used millions of zombie computers to distribute spam during 2003. This was the first case at that time in which U.S. prosecutors used identity theft laws to prosecute a spammer for taking over someone else's Internet domain.

Government Orders

We have been labelled, unfortunately, as a lawless spam haven. Canada is the only G8 country without anti-spam legislation. It is only a matter of time before spammers will begin to take advantage of this. Canada ranked fifth worldwide as a source of web-based email spam, trailing only Iran, Nigeria, Kenya and Israel. This information is from a research study done by Cloudmark, a leading provider of anti-spam software.

A recent Facebook case has placed the spotlight on Canada's ongoing failure to address its spam problem by introducing long overdue anti-spam legislation. The Facebook case is only the latest illustration of the impact of government inaction.

Companies anxious to target Canadian-based spammers have been forced to turn to other countries to do the job, while international law enforcement investigations into criminal spam activities run the risk of stalling as Canada's authorities may lack the requisite investigatory powers.

The fact that organizations are forced to use U.S. courts and laws to deal with Canadian spammers points to an inconvenient truth; that Canadian anti-spam laws are woefully inadequate and that we are rapidly emerging as a haven for spammers eager to exploit the weak legal framework.

My colleague earlier talked about the OPP PhoneBusters and the great work it was doing to protect seniors and any person being dealt with fraudulently. Part of this group is based out of North Bay, Ontario. Many times PhoneBusters has put out announcements in my great riding of Sudbury, advising seniors to watch for an email campaign coming from some country that is asking for their credit card information. We are going in the right direction if we are able to start protecting our seniors and those who are infrequent users of electronic media.

Canada initially recognized the need to address spam with the formation of a task force in 2004, which included a broad cross-section of marketers, telecom companies and public policy groups. The task force unanimously recommended that the government introduce anti-spam legislation.

There are some very important aspects in this bill.

Under commercial activity, the bill contains a new exemption where it explicitly does not include any transaction, act or conduct carried out for the purpose of law enforcement, public safety, the protection of Canada in the conduct of international affairs or the defence of Canada.

The electronic address covers email, instant messaging, text messaging and messages sent on Facebook and Twitter. These things did not exist five years ago, and we have seen technology evolve rapidly. We will ensure that we can capture all aspects of spam by using that language.

The electronic message includes a message sent over any means of telecommunication, including text, sound, voice or image and therefore implicates voicemail messages. The commercial electronic message is based on the type of content contained in it, including contained links. Thus, for commercial purposes in any way, it qualifies under this definition.

Telecommunications service extends to any service or feature of a service provided by means of telecom facilities. Transmission data is any data relating to the telecommunications function of dialing, routing, addressing or signalling, including by phone, Internet and wireless involved in all functions of transmitting data electronically outside the actual substance of the message.

This is a very complex issue. We talk about many avenues and ways in which those with not so positive ideas can get their way out.

It is clear that introducing anti-spam legislation is intricate for both Canadians and Canada more broadly. I am glad to support the bill.

• (1305)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the more we talk about the bill, the more we understand why it was so important that it be dealt with in the last session before the House prorogued and why it should have gone to committee before second reading.

Looking at the regulations that are required, one of the things is defining personal or family relationships. If the person communicating with us is a personal or family relation, he or she is going to have to define it. It really is quite strange. It does not apply to certain classes or circumstances, as per the regulations. What are they? What is the scope of this? One that was really interesting was if a computer program was installed and performed any other function specified in the regulations other than what we thought it would do.

It is going to be very interesting for members to look at this legislation in the light of regulations, which we will not see until it gets royal assent and after the order-in-council develops them. Does the member share my concern about the regulations and does he have any experience with regard to how long it really takes for regulations to be drafted, promulgated and in fact enacted?

Mr. Glenn Thibeault: Mr. Speaker, the important thing is that when we are sending this to committee, we need to ensure we are putting things in place to protect families.

The member mentioned families. I know families are starting to have computers throughout their houses and their kids and grandparents are using them. I can relate this to my father who, bless his soul, is turning 97 in January. We got him a computer and we installed programs. He goes online and reads his emails, but he does not understand the whole piece about how long it will be, where it will go and how it will be sent. His important thing is he needs to be able to communicate. He takes the email at face value.

Therefore, if we are looking at creating legislation, we need to look at all aspects to ensure we are protecting seniors and families. If it takes a month or three weeks, the important thing is to ensure we do it for the right reasons, which is to protect Canadians.

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, I think you know the work my colleague has done on consumer protection for Canadians across the country, from coast to coast to coast.

Government Orders

My question for him is with regard to the enforcement of this, on the role of net providers and their role to help regulate this. We have seen net providers often be the ones who just grab the money and run. Spam is something that requires not just legislation, but coordination from net providers and to ensure that the cost is not pushed down to consumers.

My question for him is about the consumer protection on this, ensuring consumers are not the ones holding the bill for the legislation.

Mr. Glenn Thibeault: Mr. Speaker, my colleague brings up an important point. This needs to be a collaboration of the ISPs and of legislation and the whole telecommunication industry because we also know about junk faxes. There are many things we need to do to ensure that we are protecting all consumers when it comes to this file and to the bill.

If we talk about seniors or anyone who receives a fax, they could see that as legitimate. What we need to do is continue to work together with all aspects of the telecommunications industry to ensure we protect all consumers.

• (1310)

The Acting Speaker (Mr. Barry Devolin): A short question, the hon. member for Bonavista—Gander—Grand Falls—Windsor.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I am uniquely qualified for a short question, as my hon. colleague points out, and I thank him for his compliment. Perhaps he should send it in an email.

I would like to address the situation, as he talked about earlier, when it comes to the proliferation of technology and how flexibility must be built into this. When we started in 2004-05, it was very stringent as to what it was. Now the proliferation is so great, with pictures and video messages.

How would he, as a member of Parliament, put this out to the public, especially when it comes to the most vulnerable of groups, on how they would deal with certain types of messages and how bad they could be in cases of spam?

Mr. Glenn Thibeault: Mr. Speaker, my hon. colleague brings up a very valid point. We are talking about protection. How do we let the people know that they have their rights and their responsibilities as well? When we are responding to an email, we have to take some responsibility and understand that whole process. If we are sending an email, something is happening there. There is the ISP and the telecommunication issues that we were talking about earlier.

We need to ensure we have some very strong marketing plans in place, whether it is advertising or whatever, and we need to do something very quickly to ensure we can protect all of those involved.

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, I too rise to join members in my caucus and all parties in the House to support the idea of Bill C-28. It is important to protect consumers and those who are affected by what is really more than just a nuisance, and that is spam.

I should also note that it is probably the first time the word “spam” has been debated so fervently and thoroughly. Most people would compare this to affordable food, but this is in fact a widespread

nuisance, a deterrent to the free access of information. Some people use technology not only to create a nuisance, but also to scam people. It is not just about stopping spam; it is also about stopping scams.

We have had enough time with the new technology known as the Internet to understand that there needs to be a balance between access to information, that is, people being able to decide what they want to put online, and protecting people from being abused by the information on the Internet.

It has been mentioned by my colleague from Sudbury that this bill looks familiar. It was around before with one digit less than the one in front of us, Bill C-27, which was in the last Parliament before it prorogued. It is unfortunate that we had to wait so long to get this legislation going, because it is affecting many consumers right across the country. We must also look at how we are measured by our partners: we are the only G7 country without legislation on this matter. Clearly, the time for it is now, and we in the NDP welcome it.

I want to acknowledge my colleague from Windsor West. He has done a lot of work on consumer protection and anti-spam legislation, both on the legislation in front of us and on previous legislation. I want to acknowledge his work and thank him.

The technical term for spam does not roll off the tongue quite as readily as the abuse of electronic messaging systems. This includes most broadcast media, through which digital delivery systems are used to send unsolicited bulk messages indiscriminately. While the most widely recognized form of this is email spam, the term applies to other abuses like instant messaging. We have seen a lot of that lately by news groups that throw out spam.

Search engine spam is probably one of the most ubiquitous in that it is able to take the information from surfing the net, synthesize it, and throw the history of what one has been surfing back with advertisements and spam. There is software to block it, but that costs money. There is also spam in blogs and something called WikiSpam. There is spam for pretty much every aspect of our online culture these days.

We had this challenge before, and I see it from time to time with our faxes. There is a need to have proper regulation, not only to protect consumers but also to ensure that international scammers are curtailed and held to account. We must remember that this is not just a domestic problem.

Government Orders

Often these spam organizations and boiler rooms are looking for low-hanging fruit. They are looking for jurisdictions where there is not sufficient regulation. It goes without saying that Canada is wide open for this. It is analogous to how people use tax havens: we have not regulated enough to make sure our regulations are adequate for the 21st century.

• (1315)

It is a real problem and a costly one. The longer we have less spam regulation, the more it will cost businesses, individuals, and institutions to deal with it.

Spam results in large cost overheads for major corporations and small businesses. Consider the bandwidth problem and the net throttling that has gone on these last few years. There is less capacity for businesses, homes, and institutions to receive information, because of the spam being carried through the bandwidth. That means there are traffic jams on the Internet, because there is all this extra traffic in spam, which need not be there.

There is the cost of contacting each additional recipient. Once the spam has been constructed and multiplied, it proliferates. Trying to get to the source of it is a cost for people. Instead of chasing down who is spamming them, they could be doing something else.

Generally, there is also a social cost when we consider some of the spam that is put out. Some of it is offensive to families.

My colleague from Sudbury talked about having homes wired up with access to a computer. Some of the spam is offensive, either because of the nature of the spam, the pornographic content, or because certain messages convey values contrary to ours.

This is not just commercial. It is not just about selling us things we do not want. It is also about offensive material that costs us not just financially but socially as well.

Mr. Ed Holder: Quit stalling and let it go to the committee.

Mr. Paul Dewar: Sometimes there is vocal spam too. We get it in the House from time to time, and you will note it, Mr. Speaker, just across the way today.

It is a matter of making sure that we understand the costs: social, financial, and otherwise. We have to ensure that the costs are not borne only by the consumer.

We see this with regulations. Governments of every stripe will bring in legislation, and then it is pushed down to other levels of government or to consumers, who have to pay the bill to ensure that the regulation is brought forward. This is something we have to pay attention to. People are struggling to get by these days, and computers are like telephones were when I was growing up. They are a tool that we all use, and we must make sure that it is not going to be an added cost to consumers.

We have seen Internet providers take an extra couple of dimes or dollars out of people's pockets these days. This is something we have to pay attention to as we bring these regulations in. We need to ensure that this is not just an opportunity for providers to charge the consumer more.

When we look at the bill in committee, we will want to ensure that it covers what concerns consumers, businesses, and institutions. We need to make sure that we can rid ourselves of spam, that the costs are not going to be borne by consumers, that we get this right and support the enforcement of the regulation. It should not be just another burden on other levels of government, and the CRTC should be at the front of this to make sure it happens.

• (1320)

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I appreciate the member's comments about the cost of crime being taken out on the consumer. That is a valid point.

With respect to deterrence, the maximum penalty as proposed in Bill C-28 for an individual is \$1 million, and the maximum penalty for a corporation or other organization is \$10 million. They go by violation. If the regulations were to designate spamming as a violation of this kind, a business that has been spamming for 10 days could conceivably be required to pay up to \$10 million.

Would the member comment on whether this is an appropriate amount for deterrence? How should we go about enforcing this as a stronger measure for the public?

Mr. Paul Dewar: Mr. Speaker, I think this is an absolutely critical question.

If the notion of deterrence is going to be embedded in legislation, it must be effective. I think the numbers are fine. However, let us look at the industry itself. What is the evidence? I think this would be an important study for the committee. We could find out how much money is being garnered from corporations and outfits that are in the business of spamming. There are many and the business is very lucrative. Sometimes assigning an arbitrary number is difficult.

We should be looking at the ability to pay as well. It should be a sufficient deterrent along with assigning numbers. But it should not be straightjacketed. Some outfits make a lot more than what is contemplated in the legislation. I would hate to have them get off scot-free. We have seen that before. If it is something that is not seen as a major cost, it will continue.

We want to make sure we get this right. As to the numbers, this is something the committee should hear about, particularly from other jurisdictions that have similar legislation.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I would like to follow up on the theme of regulations.

I am not sure if the member is familiar with this. Subclause 11(5) refers to sending a communication and installing some information or a program on the computer. It lists the number of items they should not be able to do, such as changing or interfering with the settings, preferences, et cetera.

Government Orders

However paragraph (g) includes, “performing any other functions specified in the regulations”. It is very simplistic. In my experience on the scrutiny of regulations committee, this is close to being an inappropriate clause, because the items that would be in the regulations would not have an enabling provision in the act.

I am not sure if the member shares my concern, but I hope that the committee members will raise this when it gets to committee.

• (1325)

Mr. Paul Dewar: Mr. Speaker, I appreciate my colleague's acumen in regulation oversight.

The joint committee of both the Senate and the House will ensure that what we think we have passed and enacted actually happens.

I think what the member has pointed out is something that needs to be looked at. There are three key requirements in the legislation: consent, jurisdiction, and form.

The law contemplates establishing form requirements for those who send commercial electronic messages, which include the ID of the person sending the message and the sender's contact information. With regard to the unsubscribe mechanisms described in clause 11, it must allow for an easy opt-out.

Is that part too general? I think the member is probably on to something that we should look at in committee.

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, I would like to split my time with my colleague, the member for Don Valley East.

I am pleased to stand in support of Bill C-28, which was put forward by the Minister of Industry.

This is an important issue. The bill looks to enact the electronic commerce protection act, which would prohibit the sending of commercial electronic messages, in other words, spam emails, without the prior consent of recipients.

We have spoken quite a lot in this House about spam and this particular legislation. I am not sure if anybody has spoken to the origin of the word “spam”, but according to what I have managed to find on the Internet, “Spam” traditionally has referred to a pork shoulder and ham product. That is not what we are referring to here. Today's spam is a nuisance which all of us, unfortunately, receive as emails.

Twenty years ago this was not an issue. Today our lives are guided by the use of the Internet and email messages. I do not think any of us could manage our day-to-day affairs without a computer. All members of the House probably use the Internet, but if not, certainly their staff does. It is next to impossible to communicate with our constituents effectively without the Internet.

Spam is a nuisance. It significantly affects individuals, governments and companies. We must look at this legislation very seriously.

Members have raised legitimate issues about this legislation and what needs to be changed in order to make this legislation more effective. However, the proper place to do that is at committee. All of us probably will support sending this bill to committee so that the committee can hear from the different stakeholders to ensure that the

legislation is appropriate and timely and that it would in fact address this very serious issue of spam. Spam is not only a nuisance but it is also used by criminals to wreak havoc on people and companies. Recently, a Quebec judge upheld a United States award of \$1 billion against a spammer who used Facebook to send over four million spam messages. It is important that the courts and government treat this issue seriously.

The bill would also prohibit the use of false or misleading statements that disguise the origin or true intent of the email, the installation of unauthorized programs, and unauthorized collection of personal information emails. The bill would also establish fines for these violations, to a maximum of \$1 million for individuals and \$10 million for businesses. The bill would establish rules for warrants for information during investigation, and injunctions on spam activity while under investigation.

Bill C-28 would establish the private right of action, allowing individuals and businesses the ability to seek damages from the perpetrators of spam.

This bill is long overdue and we are happy to support it.

We have been told that up to 80% of email traffic globally is spam, which means that only about 20% of email traffic is legitimate communication taking place between individuals and businesses. These numbers show that not only is spam a significant problem, but it is a growing menace to everyone who uses the Internet or email.

While this bill is a good start, we must also work with other countries to address this problem. The Internet is international and there must be an international solution to spam as well.

• (1330)

The leading source of spam this year has been the United States. Almost 19% of the spam sent around the world has originated in the United States. India is second with 8% and then Brazil with almost 6%. Canada must work with these nations and all countries to address spam-related issues.

It is also important to recognize that anyone can be a target for spammers, including young people. It has just been reported that in advance of the release of the new Harry Potter movie in mid-November, spammers have been busy at work targeting young people. The last Harry Potter movie was of so much interest to young people, spammers are promoting free tickets, but once young people enter their personal details, they become the tools of the spammer. Anti-virus companies are warning computer users to be very careful of such online offers.

I have received many emails from what appears to be my bank telling me that I should register my credit card online because of some issue. When I contacted the bank to tell it what was happening the bank was very alarmed.

Government Orders

Individuals are being fooled into giving out their credit card numbers in response to what they think is a legitimate email from their bank. Because the email contains the bank's corporate logo and detailed information, people think the email is official, but it is really somebody trying to get private information, hack into a bank account and take out money.

This criminal activity is taking place on a large scale globally. We are not looking at a small menace. We are looking at a serious threat to our economic well-being and a serious threat to the safety of people. This is an issue of great importance. I hope that members will see it for what it is, a very serious issue that needs to be addressed by Parliament.

Anyone is fair game as a target. Spammers manipulate people, and in the case I mentioned, young people who are anxiously awaiting the last instalment of the Harry Potter movies.

Another important aspect of the changing dynamics of spam is that the use of spam is becoming increasingly more automated. The result of greater automation is the ability to target more diverse computer users in greater numbers and in all corners of the world. The use of spam in such circumstances is growing.

An associated aspect of spamming is theft of information and related issues.

A major development that has been reported in the new Kroll Global Fraud Report is that for the first time, physical theft as a criminal act has been overtaken by cyber theft. Criminals are using with increasing effectiveness the vulnerability of the cyber world.

Even Microsoft recently confirmed that two of its network devices had been used illegally to forward spam to thousands of users. The fact that such a large and vigilant company can be victimized is further proof of the seriousness of the problem.

The cost to fight spam is in the billions of dollars every year. This is money that could go toward paying bills, growing companies and supporting other more productive causes.

The bottom line is simply that spam is way beyond an inconvenience. It is a vehicle for criminal activity. It is a means to manipulate and cause great harm to individual users. It has a serious impact on businesses financially and in terms of their reputation. Spam puts our young people at risk. With all of this in mind, it is essential that we take action here in Canada to address this issue.

I am pleased that the government has incorporated into this bill most of the work of the previous Liberal government in this area. Back in 2004-05, the Liberal government established an anti-spam task force which came forward with recommendations. Some of these recommendations are in the bill. The task force recommended prohibiting the sending of spam without the prior consent of recipients; prohibiting the use of false or misleading statements that disguise the origin and true intent of the email; prohibiting the installation of unauthorized programs; and prohibiting the unauthorized collection of personal information or email addresses.

We will support this bill now and hopefully make any needed changes at committee.

It is important for Canadians that we take action to challenge this growing problem. It is also important for people in all countries that we work together in order to hold those who commit these acts responsible for their actions no matter where they live or operate.

• (1335)

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, by way of illustration my colleague brought up some very good points, especially concerning a theme that we touched on earlier regarding the public perception of what is spam and how some people, especially the most vulnerable, are not familiar with spam material that comes through emails, Facebook and other types of medium and how to recognize what it is. He provided great illustrations about his bank and credit card information, as well as the Harry Potter movie and kids. It is a way of luring people into a very vulnerable position. It is a massive global effort.

Would he comment on the need to illustrate these examples to the public and how we can go about doing this in addition to passing the legislation and regulations that will follow?

Mr. Mario Silva: Mr. Speaker, all of us recognize that we are faced with a very serious issue. It is not about getting an email that is a nuisance. Many times it is about criminals taking advantage of individuals in our society.

I agree with the hon. member. There is no question that people need to be more aware about the problem. We need to ensure the government is doing everything possible to get the message out to individuals not just with tough laws but also through the enforcement of the laws. Someone on the Liberal Party's task force said that resources are also needed. We need the resources to be able to deal with this issue effectively. Law enforcement needs the resources not just from the legislative perspective but also the financial perspective, to deal with this very troubling menace that is causing havoc in our society.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the issue of communications purporting to be from financial institutions and bearing their logos I see as a problem. I have received many of those. I have provided the bank with copies of what I have received. I do not know if the member has experienced this but the banks have said that they see them all the time and there is not much that they can do.

That is where clause 61 of the bill comes in. We are dealing with something that originates offshore. A lot of the spam originates offshore and that is the problem. If there is no integration of laws between Canada and foreign jurisdictions, then our laws are not going to be worth very much in terms of dealing with the real threats to personal information and security of information.

I wonder if the member believes that the bill is sufficiently robust with regard to pursuing international agreements to ensure compatibility of the laws and the purpose of the laws.

Government Orders

Mr. Mario Silva: Mr. Speaker, I congratulate the hon. member for Mississauga South. He has spoken quite eloquently to this issue a number of times and to the importance of this legislation and getting it right.

He is absolutely right that it is not just a question of acting locally. We also have to act globally to bring all players and international partners onside. In many ways an international law is needed as well to combat this growing problem.

It comes down to whether there is political will. Will the government go beyond this bill and raise these issues at a global forum, the G8, the G20, or the UN? We need to take whatever action we can to get concrete global action to deal with the issue of spam. It is a serious problem. Criminals use it to attack vulnerable people. We have to see it as a criminal act and we cannot do that, as the member said, because a lot of the activity takes place offshore. We need to have our partners onside. We need global action, but we also need political will from the government in order to do that.

● (1340)

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, I am pleased to speak to Bill C-28, the electronic commerce protection act. The purpose of the bill is to deal with the issue of spam. The act would prohibit the sending of commercial electronic messages, spam, without prior consent of the recipients.

Spam represents about 60% to 80% of Internet traffic worldwide. It is a serious problem for Canadians and Canadian businesses. In recognition of the seriousness, the Liberal government in 2004-05 established an anti-spam task force that came up with the following recommendations.

The Liberal recommendation called for the government to introduce legislation that would do the following: prohibit the sending of spam without the prior consent of recipients; prohibit the use of false or misleading statements that disguise the origins or the true intent of the email; prohibit the installation of unauthorized programs; and prohibit the unauthorized collection of personal information or email addresses.

I am pleased to see that the Conservative government, through Bill C-28, is enacting all of those recommendations.

Twenty years ago a computer was not essential in carrying out our daily duties. However, now it is important to everyone, be it businesses, individuals, corporations, non-profit groups, hospitals, students or seniors. Our parents and grandparents use it. It is a mode of operation. It facilitates and eases transactions. People like to do their banking and bill paying on the Internet.

However, the ease of using computers and sharing information creates another problem of its own: the unwanted advertising, misinformation and potential threats. We all know too well the consequences of spam because it brings with it viruses and worms. In 2003, Canadian consumers and businesses spent approximately \$27 billion to develop a phishing program that would detect fraud and shield businesses from attacks. This is a critical issue and the problem has grown worse since 2003. I am sure we have all had first-hand experience with spam.

I was looking at my own email and noticed that someone had sent me an SOS notice. I wondered who the notice was from. It saw that it was from a constituent of mine. I could not imagine that a constituent's email had been compromised. There was a note asking for help as the constituent was stuck in some foreign land. I had to wonder how a person was able to access a personal email and then send me an SOS note.

The good thing is, if we know our constituents, we can verify who they are. However, for unsuspecting people, if somebody were to send an SOS notice and ask for funds, they might think they know the person and send it. They may not know that person's email has been compromised.

This is a huge problem for all of us. It is important that as a collective we address the issue. Sometimes we think we have secure accounts but we often get unsolicited and junk mail. As I mentioned, I am sure no one can attest to the fact that they have never received junk or spam mail. The junk mail on its own may not be risky if one knows what to do with it and assign it to a junk folder, but there are people who do not know what to do with it and respond to it.

A classic example is when we are told that our Internet has been compromised and that we need download a program. We download the program and our computer is frozen because of a virus. The people who sent the program now want payment for a service that was not needed in the first place. There are a lot of problems going on.

The worms and viruses that can enter a system are problematic for Canadian businesses, Canadians, banks and just about everyone. We just heard that people tend to receive emails that appear to be from their banking institution, financial institution or insurance company asking them to verify information. If people are naive enough to respond to the email, they are now giving information to the person who is trying to hack their system, which can cause people a lot of problems.

● (1345)

Therefore, to address this issue in 2005, the Liberals released a report entitled, "Stopping Spam: Creating a Stronger, Safer Internet". As was mentioned earlier, the task force made many recommendations. Among those were the prohibition of sending unsolicited email or the use of misleading statements, funny titles, products, et cetera. These are important changes and I do not think anyone in the House would object to what Bill C-28 proposes.

Government Orders

I am sure that, like me, many members of the House have received numerous complaints from their constituents on the issue of spam. The issue has compounded because of things that are now delegated to outside of Canada. When people are contracting their telephone services or banking services outside of Canada there is no control over it.

The government's ability to control or combat spam is not just about introducing legislation but also about working with world governments and organizations to develop an international strategy for reducing this ongoing burden of spam.

Internet policing is difficult as the traffic is humongous. We know that 60% to 80% of the Internet traffic is spam. This sheer volume of messages challenges the capacity of Internet providing services or legitimate business to do their business. They have to put in all sorts of firewalls, et cetera.

If the government is serious about introducing legislation and the Industry Canada's committee will be reviewing this legislation, it is important that we move quickly to enforce the legislation. Industry Canada cannot do it on its own without having the necessary resources. I would like know what resources the government will give Industry Canada to ensure an effective corrective solution.

It is extremely important for people everywhere in Canada to have confidence that the legislation provided by the government will be effective and that the sanctions are there. I believe that any legislation brought forward must ensure that we have proper resources and effective coordination.

The more rapid a response to correct this problem would ensure that those who see an opportunity for Canada as a target will find another place. However, we do not want them to find another place because that other place is where we do our business as well, in banking, financial services and whatever we do. It is a global place and we do our business globally.

I hope we will work with the international community to ensure we have a reduction in spam. I hope all members will support the bill, that it will be sent to committee for further review and that it will provide fast relief for Canadians.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windor, Lib.): Mr. Speaker, I have a quick question for my hon. colleague who gave us some great illustrations. We have received many great illustrations today from people with examples of just exactly what it is we are dealing with. I would like to ask the member about the idea of enforcement and how we can get involved.

One of the issues the member talked about was the foreign influence and the offshore influence for many of our young people and our seniors who are the most vulnerable in society. Would the member be the one to encourage our nation, once this is adopted and regulations are put in place, and that we should engage the rest of the world on this? How do we go about doing this? Being the last country of the G8, what are some of the countries that should be brought into this discussion and engaged in the matter of spam emails?

• (1350)

Ms. Yasmin Ratansi: Mr. Speaker, the world is getting smaller. It is becoming an island. We are connected through the Internet. We

can actually go on the Internet and speak to someone in China, India and other faraway lands.

It is important that we take the lead. We in Canada have the resources, the intelligence, the educated staff and people like RIM, for example. We need to take on that role.

Which countries should we engage? Another hon. colleague whispered Nigeria. We need to get countries like China and India onboard because those are the countries where our subcontractors are going.

I hope we do take the lead and that we move forward very quickly on international cohesion.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, when we think about what we are trying to achieve here, certainly the international requirements make it problematic. I wish I had all of the legislation from the other G8 countries and the comparatives to find out whether or not we have covered them all.

I still think that one of the most important progressive things that we could do is to promote the public education part of the equation. I do not know how many members here have ever read the licensing agreement when they install or download a piece of software and fully appreciate it. It is like reading an insurance document with the small letters.

This seems so fundamental to me and yet I do not see, in terms of the government's approach, that commitment to a public education mandate for the Privacy Commissioner so that we as Canadians can be part of the solution to protect our privacy.

The member may want to comment.

Ms. Yasmin Ratansi: Mr. Speaker, when we looked at the financial crisis, for example, we realized that the problem was financial illiteracy. In a similar way, the Internet has been given to us and everybody accesses it without reading the licences. It becomes too cumbersome and we think nobody is taking us for a ride. However, it is in the fine print that we have a problem.

It brings in a very important point. We should have Internet usage literacy which would allow us to understand what we are downloading. The government should implement that education when the committee is looking at the issues around literacy.

[Translation]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I am pleased to be speaking about Bill C-28, Fighting Internet and Wireless Spam Act. The word "wireless" is important, as we will see later on, given that there are important developments in that area, particularly with 3G, which is becoming more significant.

The Bloc Québécois is in favour of the principle of Bill C-28, which was previously Bill C-27 but died on the Order Paper at prorogation. It is important to note that the government is dragging its heels on this file and is taking as long as possible to deal with this problem. However, this new legislation, with a few small amendments, specifically targets unsolicited commercial electronic messages. This bill has been needed and requested by society as a whole for a long time now. Governments, Internet service providers—which I will refer to later as ISPs—network operators and consumers are all affected by the problem of spam.

In this type of bill, it is important to define the terms. What is meant by the term “spam”? Spam can be defined as a commercial electronic message sent without the express consent of the recipient. It can be any text, audio, voice or visual message sent by any means of telecommunication, including email, cellular phone text messaging or instant messaging, whose content is such that it is reasonable to conclude that the purpose of the message is to encourage participation in commercial activity. Any electronic message that offers to purchase, sell, barter or lease a product, goods, services, land or an interest or right in land, or a business, investment or gaming opportunity is considered spam for our purposes.

Note that the following types of commercial messages are not considered as spam: messages sent by an individual to another individual with whom they have a personal or family relationship; messages sent to a person who is engaged in a commercial activity and consist solely of an inquiry or application related to that activity; messages that are, in whole or in part, an interactive two-way voice communication between individuals; and messages that are sent by means of a facsimile to a telephone account. This bill does not include them, but we know that faxes can also be a form of spam. Messages that are voice recordings sent to a telephone account are not spam. Earlier, I mentioned 3G technology, which goes through cell phone towers and is becoming increasingly significant.

We must create safeguards for legitimate electronic commerce. It is now essential to our economy. Not only are commercial emails sent with the prior and ongoing consent of the recipient important to electronic commerce, but they are also essential to the development of the online economy. It is quite clear that our commerce is heading in that direction.

The Bloc Québécois is pleased to see that Bill C-28 takes into account most of the recommendations in the final report of the task force on spam.

• (1355)

I would remind this House that the task force on spam was made up of people from government, industry and consumer advocacy groups. So it was a very broad task force whose members reached a consensus after a few months of work. They tabled their report in 2005. This bill has been on the table for a long time. In 2005, the multipartite task force tabled the bill that the government more or less adopted as its own. It was the task force that essentially came up with this bill.

We are very upset that the legislative process has taken so long. The legislation was tabled in 2005, and it is now 2010. Parliament may have been prorogued, but we are not sure the government really intends to deal with this bill quickly. It is quite likely that the bill will

Statements by Members

be delayed further, because it is hard to know whose interests will be served, so the government does not want to rush this bill through.

The committee study will be an opportunity for many industry stakeholders to come back and update it and for consumer advocacy groups to have their say about the new Electronic Commerce Protection Act. It is a question of updating it—

• (1400)

The Acting Speaker (Mr. Barry Devolin): I am sorry, but I have to interrupt the hon. member. He will have 13 minutes remaining when the House resumes consideration of this bill.

Statements by members. The hon. member for Abbotsford.

STATEMENTS BY MEMBERS

[English]

SMALL BUSINESS ENTREPRENEUR

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, as today marks the first day of Small Business Week in Canada, I wish to recognize an outstanding Canadian from Abbotsford.

Barb Mowat is president and owner of Impact Communications and the founder of other successful enterprises. She is an international leader in the development of small businesses with a special emphasis on women entrepreneurs. Her work has helped business owners throughout Canada and around the world, including Afghanistan.

Barb is a member of a number of influential boards, including the Canadian Council for Small Business and Entrepreneurship and the Treasury Board of Canada's joint forum on small business. She is also a member of the Cherie Blair foundation's global membership circle.

Mr. Speaker, you should therefore not be surprised that today Barb Mowat received the Governor General's award in commemoration of the famous Persons Case.

Barb is joined today by her children, Brittany, Paula and Brent, and her sons-in-law, Jason and Alex. On behalf of myself and all the residents of Abbotsford, I would like to congratulate Barb on her remarkable achievements.

* * *

TODD HARDY

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I rise in tribute to a great Yukon leader, Todd Hardy, who was taken from us at too young an age, yet he accomplished so much to improve the lives of Yukoners.

He stood steadfast to help the poor, the sick and the downtrodden. He was a tireless leader of the Yukon New Democratic Party right to the end, even courageously fighting the last election from his hospital bed.

Statements by Members

When a problem confronted the Yukon, he would search the country for a solution and bring it home to make the Yukon a better place.

He sacrificed so much of his time as a community volunteer, in the labour movement and for karate, Habitat for Humanity, Buddhism and many other causes.

But Todd's number one priority was always his family. We express our deepest sympathies to his mother, Gladys; his wife, former M.P. Louise Hardy; his children, Janelle, Tytus, Tess and Lymond; and his precious granddaughter Ellazora. He was so proud of them all.

Todd always asked, "What are people saying?" Today they are saying that they have lost a champion, a friend and a wonderful human being.

* * *

[Translation]

AHUNTSIC BRAVES

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, I want to bring to the attention of the House the victory of the Ahuntsic Braves U14 AAA men's soccer team at the Canadian soccer championship, held on October 11 in Moncton. This was the fifth time that a team from Quebec won that tournament since its creation in 1984.

Our Braves won the boys final by a score of 1-0 against the NSD Soccer Club, from the riding of Calgary Southeast, to whose member of Parliament I extend cordial greetings. This tightly contested match does honour to the hard work all the players taking part in the tournament have put in over the years. Also noteworthy is the outstanding, ongoing support of volunteers from all the organizations involved and especially that of the parents of these young players, whose perseverance, determination and skill are a source of inspiration.

Long live our champions and three cheers for the Ahuntsic Braves!

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CHILEAN MINERS

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, as a former miner and mining rescue worker, I anxiously followed the rescue of the 33 miners trapped underground for over two months in the San José mine in Chile. Together they courageously survived the difficult conditions of their ordeal. I would also like to commend the excellent work of the rescue workers, engineers, doctors and everyone who worked together to free these men.

This experience serves to remind us of the dangers facing miners every day around the world. Only a few days after the Chilean miners were rescued, an explosion in a mine in China took the lives of 21 miners and buried 16 others underground. And in Ecuador four miners were trapped underground when a tunnel collapsed. Rescuers found three of the miners dead, while the fourth is still missing.

I hope this House will do everything it can to ensure the safety and security of all workers, here and around the globe, and to promote corporate social responsibility.

• (1405)

[English]

STRATFORD SHAKESPEARE FESTIVAL

Mr. Gary Schellenberger (Perth—Wellington, CPC): Mr. Speaker, I rise today to inform my colleagues of a wonderful event that took place on October 4. "Shakespeare on the Hill" gave the Stratford Shakespeare Festival from my riding of Perth—Wellington the opportunity to share its musical and theatrical gifts with the members of the House.

"Shakespeare on the Hill" included performances of songs from *West Side Story* by actors Chilina Kennedy and Paul Nolan and a special preview from Chilina of next year's production of *Jesus Christ Superstar*.

The Stratford Shakespeare Festival came to Ottawa to thank our government for its investment of \$6 million over the past two years through the marquee tourism events program. These funds boosted the theatre's advertising budget and allowed it to increase its promotional activities in the United States. The marketing campaign was successful and resulted in an increase in U.S. ticket sales, which stimulated our economy and helped the festival weather the storm of the recession.

I hope every member of the House will come to the Stratford Shakespeare Festival next summer.

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SMALL BUSINESS WEEK

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, it is Small Business Week in Canada, but it seems there is not a lot to celebrate.

A recent study from the Canadian Federation of Independent Business shows confidence among owners of small businesses has declined for the fourth month in a row.

Last week I travelled to Winnipeg, Calgary and Yellowknife, meeting with chambers and owners of small businesses. I heard that many were struggling to find and retain employees, gain access to credit and deal with bureaucratic red tape.

I also heard strong criticism for how the government's decisions had hurt small businesses. For example, in the Prime Minister's adopted home of Calgary, business leaders complained that the cuts to the long form census would hurt their ability to plan and grow.

The Liberal Party has a different approach. We have a plan to help small businesses expand, attract investment and create jobs. SMEs account for 98% of all businesses in Canada and create 80% of new jobs. We are putting small businesses at the core of our economic vision. It is too bad the Conservatives do not think the same way.

* * *

TERRY FOX

Mr. Ed Holder (London West, CPC): Mr. Speaker, this year is the 30th anniversary of Terry Fox's Marathon of Hope.

This year the Government of Canada has taken significant steps to commemorate this important and historic milestone. A memorial park will be constructed at Mile 0 in St. John's, Newfoundland with a statue of Terry. A nationwide appeal to our youth is now under way for help with the inscription and design. Thirty years later, Terry connects with our youth in ways he could not even have imagined.

Now the national Terry Fox centre project aims to capture his incredible legacy for future generations. The centre, to be located in Vancouver, will be a home where people will experience Terry's values of courage, determination and humility, values that define us all as Canadians. It will document and celebrate Terry's life and the Marathon of Hope. It will have artifacts and memorabilia and include displays and lab space to inform the public about cancer research in Canada.

Once this remarkable facility is completed, I encourage every Canadian to undertake his or her own marathon of hope, visit the centre and honour Terry's legacy.

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[Translation]

LOUISE VANDELAC

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, Louise Vandelac has just won the Jacques Rousseau award from ACFAS for her scientific achievements and the innovative bridges she has built between various disciplines.

Ms. Vandelac is currently a professor in UQAM's sociology department and is director of the institute of environmental science there. In addition to her academic activities, she has sat on the National Council on Bioethics in Human Research, the Royal Commission on Reproductive Technologies and Quebec's Conseil supérieur de l'éducation.

For more than two decades, Louise Vandelac's research has focused on one fundamental theme: the societal and technical transformation of our lives. Her research delves into philosophical, political, economic, social and ecological issues.

I would like to congratulate Louise Vandelac on her remarkable intellectual accomplishments.

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[English]

EMPLOYMENT INSURANCE

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, the Liberal, Bloc and NDP coalition, headed by the Liberal leader, is at it again. It will try yet again with its relentless pursuit to push its irresponsible and costly EI plans when NDP Bill C-280 is debated this Friday.

Our Conservative government does not support the bill or any other expensive coalition EI bills. The idea of getting a year's worth of EI after only having worked 45 days is offensive to hard-working Canadians. The coalition's EI plans would cost workers and job-creating small businesses \$7 billion per year and result in a permanent 35% increase in payroll premiums.

Statements by Members

It is our Conservative government that will stand up for hard-working Canadians and fight against the Liberal leader's coalition plans to increase taxes on workers and job-creating small businesses.

* * *

• (1410)

[Translation]

BROTHER ANDRÉ

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Mr. Speaker, as we saw yesterday morning, the canonization of Brother André is a very joyous and proud occasion for the Catholic community in Quebec and Canada and also for the world's many pilgrims.

His legacy, which is not only physical but also human, is reflected in the magnificent monument that is St. Joseph's Oratory.

He personifies faith and perseverance, and he showed the importance of his charitable work with the poorest and most vulnerable members of society.

Yesterday in Rome, Brother André received the highest recognition the Catholic church can bestow on one of its own. His work and his dedication to others serve as a model of compassion, strength and humility.

We would like to draw members' attention to the recognition of Brother André as a saint and his important contribution to Canadian society and to his religious heritage.

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CO-OPERATIVE WEEK

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Mr. Speaker, Co-operative Week is being held from October 17 to 23. This is a good opportunity to acknowledge the significant contribution that co-operatives make to economic and social development in Canada and around the world.

In recognition of this contribution, the United Nations General Assembly has adopted a resolution on the role of co-operatives in social development. This resolution urges governments to create a supportive environment for the development of co-operatives and proclaims 2012 the International Year of Co-operatives.

Our government fully recognizes the importance of co-operatives and their contribution to Canadian society. The co-operative model represents a valuable tool for urban and rural development. This model has long proven its effectiveness in responding to a host of personal and community needs, particularly in rural and remote communities where co-operatives create jobs and provide the goods and services that are essential for improving quality of life.

The Government of Canada intends to work together with the Canadian co-operative movement in preparation for the International Year of Co-operatives.

Statements by Members

[English]

STATUS OF WOMEN

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, today marks the 81st anniversary of a landmark achievement in the battle for women's equality, the day that women were recognized as persons under Canadian law.

Our Famous Five were dedicated to women's equality and fought for the right of Canadian women to have a voice in Parliament. These women led the way for the appointment of Cairine Wilson to the Senate in 1930. Senator Wilson is honoured with a statue in the Senate lobby.

I would like to express my profound gratitude for the hard work and dedication of my fellow sisters, who are being recognized with the Governor General's Persons Award today: Marie Louise Fish, Lucille Harper, Kerline Joseph, Anne Michaud and Barbara Mowat. They have sought to make a difference in the lives of women.

Shamefully, women still make up only 22% of the members of the Canadian House of Commons. Governments across our nation must make the equal representation of women in places of power, influence and decision making a priority. Our failure to do so fails women's right to equality.

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ELIMINATING ENTITLEMENTS FOR PRISONERS

Mr. Dave MacKenzie (Oxford, CPC): Mr. Speaker, our Conservative government believes that convicted criminals serving time in prison should not be receiving taxpayer-funded old age security benefits that are meant for law-abiding seniors. Canadians already foot the bill for prisoners' expenses and it is grossly unfair for them to be paying for incarcerated criminals twice.

That is why we introduced Bill C-31, the eliminating entitlements for prisoners act. Bill C-31, once passed, will ensure that mass murderers like Clifford Olson, Paul Bernardo, Robert Pickton and Russell Williams do not receive these taxpayer-funded benefits.

My constituents in the riding of Oxford have made their opinions loud and clear, as have Canadians all across the country. They want this bill passed. I implore the opposition to work with our Conservative government to get this bill passed quickly. It is the fair and right thing to do.

* * *

• (1415)

[Translation]

OMAR KHADR

Mrs. Josée Beaudin (Saint-Lambert, BQ): Mr. Speaker, on Wednesday evening, *You don't like the truth—4 days inside Guantánamo*, a documentary on the detention of child soldier Omar Khadr, directed by Luc Côté and Patricio Henriquez, will be screened on Parliament Hill.

Omar Khadr has been imprisoned at Guantanamo since 2002, and is the only westerner still being held there. When he was arrested by the American authorities, he was 15 years old, which makes Khadr a child soldier. He was completely abandoned by the Canadian

government, and could plead guilty to the charges against him, as part of negotiations allegedly being held between his lawyers and lawyers for the American authorities. The Conservative government must immediately recognize its obligations to this young man, whose rights are being violated, and demand his immediate repatriation, as recommended by the Federal Court, the Federal Court of Appeal and the Supreme Court.

I invite all my colleagues, as well as the public, to come out to see the screening of this documentary.

* * *

[English]

STATUS OF WOMEN

Mrs. Michelle Simson (Scarborough Southwest, Lib.): Mr. Speaker, 81 years ago today, the judicial committee of the Privy Council officially declared that Canadian women were legally defined as persons, thanks to the hard work and tenacity of five extraordinary women: Emily Murphy, Nellie McClung, Irene Parlby, Henrietta Muir Edwards and Louise McKinney, the Famous Five.

The historic precedent set by the Persons case established that women could hold any political office and marked a milestone achievement for women's rights in Canada. Despite the advances that have been made in women's equality since the success of the Persons case, there is still much work to be done.

The Liberal Party of Canada is leading the way in the fight for women's equality. This past May, despite government opposition, the House of Commons voted in favour of a Liberal private member's bill on pay equity.

Today, on Persons Day, I salute those fearless women who came before us and reaffirm the Liberal Party's commitment to equality for all Canadians.

* * *

SMALL BUSINESS WEEK

Mr. Andrew Saxton (North Vancouver, CPC): Mr. Speaker, Small Business Week runs from October 17 to October 23. Owners of small businesses are entrepreneurial men and women who have put their dreams into action.

Through their hard work, dedication and vision, owners of small businesses are generating the jobs and economic growth that made Canada a competitive and modern economy. They are helping to ensure that our economy emerges from the global economic recession stronger than ever.

Small businesses are the backbone of the Canadian economy, accounting for 98% of all businesses and nearly half of all jobs in Canada. Our government has made it a priority to provide small businesses with the tools they need to succeed. This includes reducing taxes and regulations that inhibit growth and stifle initiative, helping to ensure they have ready access to financing and investors and expanding trade so they have the broadest possible access to international markets.

This government will continue to ensure small businesses have the opportunity to succeed and grow.

ORAL QUESTIONS

[Translation]

FOREIGN AFFAIRS

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

Instead of blaming the leader of the official opposition, blaming the members of the UN General Assembly and suggesting that having a seat at the Security Council is not important, when will the Conservative government take responsibility for a major defeat for Canada and for our reputation around the world?

[English]

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I want to say at the outset that our government is very proud of the principled foreign policy position that we have taken over the past five years. Our government makes foreign policy decisions based on what is right and not on what is popular, and we have nothing to be apologetic about.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, let us look at the facts: a significant refusal on the part of the government to even talk to the Government of China over many years; a decision to exclude a number of African countries from being recipients of aid; freezing our entire CIDA budget into the indefinite future; and a complete abnegation of responsibility with respect to climate change.

When will the government take responsibility for a major diplomatic failure on the part of Canada?

• (1420)

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, right from the outset, the Prime Minister and this government have taken principled foreign policy decisions. We have nothing to apologize for. We are incredibly proud of the great leadership that the Prime Minister has exhibited, particularly this year when we were able to host both the G8 and the G20.

Again, we make foreign policy on this side of the House based on what is right and not on what is popular.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, since when was incompetence a matter of principle? That is what we are faced with. We are faced with sheer incompetence. When we add to it ideology and neglect, that is what we have. It has nothing to do with principles. It has to do with incompetence.

Oral Questions

There is no finer example than what the government has allowed to happen with the Government of the United Arab Emirates. How could we have sunk so low in our diplomatic capacity that the government would have allowed these negotiations to go completely off the rail, threatening our entire operation in Afghanistan? That is what we are faced with. It is incompetence. It has nothing to do with principle.

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, it is not the practice of this government to comment on operational matters of the Canadian Forces here on the floor of the House of Commons.

However, the government always chooses arrangements that are in the best interest of Canada and that provide value to our men and women in uniform. This government has shown an unprecedented commitment to our men and women in uniform.

I can say, for my friend from Toronto Centre, that thank goodness the dark decade, the 10 lost years of the previous Liberal government, is over, thanks to the leadership of this Prime Minister.

* * *

[Translation]

GOVERNMENT PRIORITIES

Ms. Martha Hall Findlay (Willowdale, Lib.): Mr. Speaker, we now know that the deficit is even larger than what the minister himself said it was just a week ago. Once again, he was wrong. This Conservative government is the one that ran the biggest deficit in Canadian history. What for? For prisons and fighter jets? Those are its priorities. Why not families, youth and seniors?

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the priority is the economic action plan. In fact, I need to correct the member opposite. Our deficit this year is lower than anticipated in this fiscal year. We also have the lowest deficit in the G7 and the best overall fiscal record in the G7.

Since July 2009, with the economic action plan, we have created about 420,000 new jobs. Here is what members opposite would do. They would raise business taxes and kill about 400,000 jobs in Canada.

Ms. Martha Hall Findlay (Willowdale, Lib.): Mr. Speaker, this is the biggest borrowing and spending government in Canadian history. It has done so four years running and it started before the recession. What for? Where are the government's priorities? Biggest spending, biggest borrowing for what? For more prisons and stealth fighter jets?

Why are the government's priorities not on spending money on families, on learning, on home care and on pensions? Let the government answer that.

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I know the member for Willowdale and her colleagues like to bad mouth the Canadian economy but the Canadian economy is actually performing the best in the entire G7. Who said that? The IMF and the OECD said that.

Here is another opinion:

Oral Questions

Everybody looks on [Canada] with envy in terms of our economy...our stability, the fact that we have...the room to spend because we paid down debt. Our debt to GDP ratio is the envy of the rest of the G7....

Who said that? The former Liberal deputy prime minister, John Manley, said that.

* * *

[*Translation*]

FOREIGN AFFAIRS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, a few days after Canada's stinging defeat at the UN, the Prime Minister had the gall to say that his government would stick to its principles and that getting a seat at the United Nations was not a popularity contest.

Does the Prime Minister realize not only that his government has learned nothing from this defeat at the UN, but also that he is stubbornly agreeing to policies that are contrary to a number of United Nations policies?

• (1425)

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, we are proud of our principled positions on foreign affairs. When it comes to foreign affairs, our government will do what is good for Canada, what is good in general when it comes to foreign affairs, not just what is popular.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Canadian government's track record is hardly a glowing one when it comes to adhering to United Nations priorities. The government has opposed all United Nations initiatives in relation to the environment, aboriginal rights and fighting poverty, to name but a few.

Will the Prime Minister admit that he has only himself to blame for Canada's stinging defeat at the United Nations?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, that is false. As I said before, our government acts on principle when it comes to foreign affairs, not according to what is popular. In Copenhagen, for the first time, the major emitters sat down together to tackle environmental problems. Our government showed leadership in making sure that all the major emitters were involved in that discussion.

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, another example of how little regard the Conservatives have for human rights is the case of Canadian Omar Khadr. While all the other western countries have repatriated their citizens, the government has obstinately refused to assist him, in spite of rulings by the Federal Court, the Court of Appeal and the Supreme Court, which have all said that the Canadian government has violated Omar Khadr's rights in Guantanamo.

Does the Prime Minister understand that unprincipled actions like these torpedoed Canada's bid for a seat on the Security Council?

[*English*]

Hon. Peter Kent (Minister of State of Foreign Affairs (Americas), CPC): Mr. Speaker, I do not know how many times this House has been told that Omar Khadr faces serious charges in the United States. These charges include murder. The serious charges must be addressed in the United States.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, Omar Khadr was 15 years old when he was captured by the Americans. That makes him a child soldier who should be protected by the Convention on the Rights of the Child, period.

Will the Conservative government finally acknowledge the reasons for its defeat at the UN last week and make amends by abiding by the Convention on the Rights of the Child and court rulings, and immediately do the principled thing: repatriate Omar Khadr to Canada?

[*English*]

Hon. Peter Kent (Minister of State of Foreign Affairs (Americas), CPC): Mr. Speaker, Canada recognizes the independence of the U.S. proceedings. We are not going to speculate on the outcome of the process. Omar Khadr faces charges in the United States and these charges will be resolved in the United States.

* * *

[*Translation*]

PUBLIC WORKS AND GOVERNMENT SERVICES

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, in 2006, five companies submitted bids for a \$600 million contract. In November 2008, the bids from the three companies on the short list were declared inadmissible by Public Works. In January 2009, the minister met with Joseph Broccolini at a fundraising event. In February 2009, Anthony Broccolini complained to the Canadian International Trade Tribunal, but nothing came of it.

A new call for tenders was then issued, and the winner was Broccolini. Why was that?

[*English*]

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, in relation to those particular contracts to which the member has referred, they were overseen by a fairness monitor who deemed them to be managed openly, transparently and fairly. The member is welcome to look at the website for the fairness monitor's comments.

[*Translation*]

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, we are obviously talking about the minister who remained seated, not about the one who stood up.

On August 4, 2009, Jason Downey was appointed to that same Canadian International Trade Tribunal.

Who is Jason Downey? He is none other than the minister's chief campaign organizer in his riding of Mégantic—L'Érable.

Does the minister understand that he is responsible for the apparent conflict of interest in that file and that he should be the one facing the consequences?

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, if the opposition is trying to suggest that irregularities arose in the context of that particular government contract, my answer is no, absolutely not.

•(1430)

[English]

MINISTER OF NATURAL RESOURCES

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, the Minister of Natural Resources has achieved a rare trifecta of sleaze: first, tampering with access to information requests, second, shaking down contractors for juicy plum contracts on our own Parliament buildings; and third, pure patronage pork in appointing his campaign manager to the trade tribunal that oversees the very government contracting that got him into trouble. That is three strikes. Surely the Prime Minister knows he has his next ambassador to Denmark right here or maybe even Hans Island.

Why is that minister still in cabinet?

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, it will not come as any surprise to my friend from Winnipeg Centre that I do not share his views on this matter.

I can say that the Minister of Natural Resources has always conducted himself with a high ethical standard. Canadians can be very proud of the record of this government in bringing the toughest ethics reform in the history of Canada to clean up the mess that we found before we arrived. Those reforms have worked and we are very privileged to have this minister contributing to Canada, contributing to Quebec and contributing to his constituency.

[Translation]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, the Minister of Natural Resources has told his story three times, and changed it with every version.

The first time, he did not talk about contracts at the cocktail fundraiser with anyone involved in construction.

The second time, he simply congratulated the contractor who organized the cocktail fundraiser on winning a contract.

Now the minister is changing his story again and admits that he discussed the contracting process with another company to which he later granted \$650 million in contracts.

Which of the three versions is true and which two are false?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, as I have already stated in this House and I will say again: there was no discussion of any contracts at that event. Congratulating someone on doing business with the federal government and referring someone to a department because he or she had some questions about the tendering process do not constitute discussions about a contract. If the opposition is insinuating that any irregularities have taken place in the awarding of government contracts, my response to that is no.

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, he discussed the process for the awarding of contracts with a company to which he then awarded contracts. We have not heard the last of this.

[English]

How can Canadians believe the minister after he has changed his story three times?

Oral Questions

How can Canadians believe the government when it has repeatedly denied its links to long-time Conservative operative, Gilles Varin, who took a \$140,000 cut on the West Block contract? Now a second construction firm is walking off the West Block site and again the RCMP has been called in.

What will it take? How many other versions will the minister have to go through before they put him out of his misery and fire him?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, as I have indicated before for the member and the House, no members of this government are part of this inquiry. In fact, the Government of Canada has no contractual relationship with the company that is mentioned. This is a dispute between two private entities.

* * *

HEALTH

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, the Prime Minister has offered to end the federal spending power. The Minister of Finance will no longer guarantee federal health transfers. The member for Beauce wants to give tax points to the provinces in place of transfers. If the federal spending power is eliminated by giving tax points or otherwise, the Canada Health Act would be no more. It would be history.

What does the Minister of Health think about this issue?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, our government is committed to the universal public health care system and we will continue to work with the provinces and territories to ensure that they have the necessary resources to deliver health care to their residents.

We have also increased the transfers to the provinces and territories by 6%, to an all-time high of \$25.4 billion, so that they can continue to meet the health care needs of their residents.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, let me try the Prime Minister.

The leadership candidate from Beauce is parading the firewall federalism nonsense that our charter of health care, the Canada Health Act, violates the Canadian Constitution. Nothing could be further from the truth.

Will the Prime Minister stand in the House today and publicly rebuke the member for Beauce? If not, were the remarks of the leadership candidate from Beauce pre-authorized?

•(1435)

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I do not know what leadership he is referring to.

This government strongly supports the Canada Health Act, and we have always held that position.

Oral Questions

[Translation]

PUBLIC WORKS AND GOVERNMENT SERVICES

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, the Minister of Natural Resources has offered up a third explanation for his presence at a cocktail fundraiser attended by major construction contractors. The minister now admits he talked business with a real estate developer at a fundraiser, even though he had denied having done so.

Will the minister finally admit he used a Conservative Party cocktail fundraiser to discuss government contracts with a contractor who later won lucrative contracts?

[English]

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, let me be very clear. The minister acted entirely appropriately. When an individual approached him and notified him of the fact that he had been awarded a government contract, he congratulated him. When an individual came forward and made an inquiry about an upcoming contract, he did the right thing and referred the individual to a non-partisan public servant.

If the member opposite wants to insinuate that there is anything improper here, the answer would of course be no, nothing is.

[Translation]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, after this cocktail fundraiser at which the former minister of public works and government services passed the hat, Joseph Broccolini won at least three federal contracts worth a total of more than \$650 million to construct federal buildings.

How can the former minister of public works and government services deny that government suppliers are being asked to fund the Conservative Party, just as they were under Alfonso Gagliano?

[English]

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, as I have indicated, a fairness monitor oversaw this process and has tabled reports that are available online. In her summary, she says that decisions were made “objectively, free from personal favouritism and political influence, and encompasses the elements of openness, competitiveness, transparency and compliance”.

* * *

[Translation]

JUSTICE

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Mr. Speaker, separation of church and state is a fundamental principle in our society. However, a decision by the highest court in Ontario might allow women to testify in court wearing a full veil.

Will the Minister of Justice take the necessary measures to prevent individuals from testifying in court with their faces covered for religious reasons?

[English]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, there certainly was a great religious moment in the province of Quebec and across Canada

and that was the canonization by the Catholic Church of Brother André. We can all celebrate that. That is one thing on which we can all agree.

The administration of justice is conducted at the provincial level, and I think that is the appropriate place to deal with that.

[Translation]

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Mr. Speaker, I get the impression that the minister did not fully understand the question. I will start again.

It is the same thing as voting while wearing a veil. The government promised to force all electors to vote with their faces uncovered. Three years later, nothing has been done. In the next general election, individuals will be able to vote without anyone being able to verify their identity.

When will the government admit it does not make sense to allow an individual to testify in court or to vote without allowing anyone to see their face to validate their identity?

[English]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, this is very interesting coming from the Bloc Québécois, in as much as the administration of justice is within provincial jurisdiction. If I understand the hon. member correctly, she wants the federal government to take over that. That would come as a surprise in her province.

* * *

[Translation]

NATIONAL DEFENCE

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, the secrecy surrounding the fighter jets has raised a number of questions to which we have not received any answers. Canadians want to know what role the government has in mind for these jets, and what capabilities they should have.

What do we get instead? A table of contents of the needs, while the rest of the document is hidden on the desk of the Minister of National Defence. When will the government announce a transparent competition, and make public the specific needs?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, the member had several opportunities to ask that question in committee.

[English]

We have had a very open discussion about this for some time. In fact, this entire process goes back to 1997, when the previous Liberal government entered into a process to replace what will be a 40-year-old aircraft by the time we get to the year 2020. In addition to the importance of supporting the military, it also supports Canadian aerospace.

I know the member opposite also received a letter today that talks about that, from Canadian Manufacturers & Exporters and the aerospace industry, wherein it is stated that the JSF program is the largest advanced technology opportunity ever presented to the Canadian aerospace industry.

• (1440)

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, we are talking about the largest military purchase in Canadian history with no transparency and no public competition.

The parliamentary secretary falsely claimed that Boeing, for example, was unable to lower its price when everyone knows that an open competitive process lowers the price across the board.

What proof does the government have that the F-35 provides the lowest cost at the best value to Canadian taxpayers when even the Pentagon thinks the costs are out of control? Why will the government not make any of this information public?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, that was a fact-free question. This process goes back many years. It goes back to a time when the member opposite was, wait for it, the parliamentary secretary to the minister of defence. In 2003, he had this to say:

Our cooperation with the United States, for example on joint strike fighters has earned Canadian companies substantial industrial benefits.

At that time he was for the process and wanted to replace the aircraft. Now he has changed his position. We will not play politics on the backs of the military. We are going to replace—

The Speaker: Order. The hon. member for Halifax West.

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, taxpayers will pay the price for the government's insistence on sole sourcing the \$16 billion stealth fighter contract. The lack of competition will result in billions of dollars being squandered and lost business opportunities. That is the evidence of expert Alan Williams, who contradicted every falsehood the government has used to defend this sole-source contract.

Why not hold an open competition so we can get the best plane for the best price?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, putting aside some of the rhetoric, we are doing just that. We are getting the best aircraft at the best price. We are in fact ensuring that by the year 2020 the brave pilots and the men and women of the Canadian Forces will have a fifth generation fighter aircraft to help them do their jobs. However, let us listen to a real expert, not the member opposite. Let us listen to top Canadian Forces pilot André Deschamps, chief of the air staff, who said:

In summary, the F-35 Lightning II will provide Canada with the greatest probability of mission success, and the greatest probability for our men and women will survive, returning safely from their missions.

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, Canadians have had enough of the Prime Minister's attempts to smear anyone who questions the F-35 contract.

Alan Williams was in charge of defence procurement for seven years. He wrote the book on it. On October 7, he testified:

Undertaking sole-source deals leaves the procurement process more vulnerable to fraud, bribery, and behind the scenes deal-making....

Oral Questions

Maybe that is why the Conservatives are afraid of a fair and open competition.

Who are we supposed to believe, a defence expert or a defensive Prime Minister and Minister of National Defence?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, we have been listening to the lecturing and the harping of the member opposite who was part of a government that cancelled the maritime helicopter program, and 17 years later we are still flying that aircraft.

Let us listen to a current expert, Dan Ross, who is the assistant deputy minister for materiel. He said that officials looked at that and with their colleagues in Public Works asked was it sufficiently transparent, was that sufficiently rigorous, fair and open and obviously did it deliver the solution that here in 2010 was the most appropriate solution.

That is what the current assistant deputy minister for materiel is saying. I will take his word.

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SMALL BUSINESS

Mr. LaVar Payne (Medicine Hat, CPC): Mr. Speaker, this week is Small Business Week which recognizes the entrepreneurial men and women who put their dreams into action and help grow our economy. Could the Minister of Industry please let us know what this government has done for Canadian small business?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, I would first like to thank the hon. member for Medicine Hat for all that he does to defend the interests of Canadian small business. I would also like to thank those Canadian entrepreneurs who, through their hard work, dedication and vision, generate the jobs and economic growth that is making Canada a competitive modern economy.

Our government is there with them. We are lowering taxes and reducing regulations. We are making it easier to access financing. We are increasing international trade opportunities. We are doing all of that with the lowest deficit in the G7 and the best fiscal position.

Oral Questions

• (1445)

FOREIGN AFFAIRS

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, in Canada's campaign for a UN Security Council seat, the Conservatives snatched defeat from the jaws of victory. They have no one to blame but themselves. The government failed to make an impact at the G8 and G20. The Conservatives went to Copenhagen and actually worked against climate change. They turned their backs on Africa, abandoned their own citizen in Guantanamo Bay and failed on foreign aid.

What is the government going to do to rehabilitate Canada's reputation on the world stage?

Hon. Peter Kent (Minister of State of Foreign Affairs (Americas), CPC): Mr. Speaker, as the House has heard today, this government is proud of our principled foreign policy positions. We were disappointed last week, but we ran and are proud of our principled campaign for the Security Council seat. I will say that Canada will continue to demonstrate a strong and constructive leadership on the international scene and our commitment to the United Nations and to the Security Council.

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, the first thing the Conservatives have to do is admit they have a problem. Every day they campaigned, we lost support for a Security Council seat. For almost a decade the United Arab Emirates have hosted our troops on their soil, but the government has now squandered this important relationship with a key Middle Eastern ally.

Have the Conservatives even met with the ambassador to work this out, or are they content to play amateur politics? What are they going to do to deal with this problem? What are they going to do to deal with the problem of global representation for Canada and the UAE?

Hon. Peter Kent (Minister of State of Foreign Affairs (Americas), CPC): Mr. Speaker, first let me say that the hon. member is either deliberately or naively misinformed on our campaign for the Security Council seat. With regard to the United Arab Emirates, the Government of Canada always chooses arrangements that are in the best interests of the people and the taxpayers of Canada. Let me say that the deal offered by the UAE was not in the best interests of Canada.

* * *

[Translation]

QUEBEC CITY ARENA

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, when it comes to the multi-purpose arena for Quebec City, the Conservatives' shilly-shallying has been a disgrace. On the one hand, the hon. member for Lévis—Bellechasse says that advance seat sales are enough to meet the government's requirement for private sector participation. On the other hand, the Minister of Finance and the Minister responsible for the Quebec City region are saying now that there will have to be a major contribution from the private sector.

Instead of looking for a way out, what is the federal government waiting for to join with the Government of Quebec and the City of Quebec and announce its financial participation?

Hon. Christian Paradis (Minister of Natural Resources, CPC):

Mr. Speaker, the Minister responsible for the Quebec City region had a positive and constructive meeting with the mayor of Quebec City on October 8. At that meeting, there was mention of how important it was to get private sector participation. As we have always said, we will study this project in the entire context of the various requests from all over the country.

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, Mayor Labeaume needs an answer before December 31. After that, Quebec City's Olympic bid could be compromised.

Will the government be fair to Quebec City and treat it the same way it treated Toronto by announcing its financial pledge to the construction of the multi-purpose arena in Quebec City?

Hon. Christian Paradis (Minister of Natural Resources, CPC):

Mr. Speaker, we receive requests of this kind from all over the country. This one must be evaluated in view of the big picture and the similar projects elsewhere in Canada. To that extent, the federal government has a role to play. If we have a role to play, it must be done fairly and with a view to our fiscal constraints and general affordability.

* * *

[English]

FOREIGN AFFAIRS

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, the United Arab Emirates have given the Canadian Conservative government the boot out of Camp Mirage, leaving the defence minister scrambling to find an alternative location to serve Canada's operations in Afghanistan.

Moving a base on 30-days' notice, less than a year before the Canadian Forces withdraw from Afghanistan, is an expensive logistical nightmare.

The minister has indicated that discussions are under way for a new location. What is the cost to move out of Camp Mirage and into a new base on such short notice?

• (1450)

Hon. Peter Kent (Minister of State of Foreign Affairs (Americas), CPC): I would be glad to answer the hon. member's question, Mr. Speaker, but I will remind her, as she may have heard earlier during question period, that the government does not comment on operational matters concerning the deployment of Canadian Forces personnel abroad.

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, this is another embarrassing example of the government's incompetence and inability to negotiate with our international partners.

The Canadian Forces have been guests of the United Arab Emirates since 2001. The Prime Minister cut the Minister of National Defence out of negotiations, giving preference to the opinion of the government House leader.

Not surprisingly, Canada is now in a foreign policy debacle entirely of the government's making.

*Oral Questions***CITIZENSHIP AND IMMIGRATION**

Why is the government creating obstacles for our soldiers and enormous costs for Canadians instead of being competent and negotiating with our international partners?

Hon. Peter Kent (Minister of State of Foreign Affairs (Americas), CPC): Let me remind the hon. member again, Mr. Speaker, that the Government of Canada always chooses arrangements that are in the best interests of Canada and Canadian taxpayers.

I will say again that the deal offered by the UAE was not in the best interests of Canada.

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THE ECONOMY

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, the Minister of Finance is clearly not in touch with reality.

Two years ago, he denied the looming economic crisis. Now, in his fiscal update he says the crisis is over, even though one and a half million Canadians are still out of work.

The minister's friends on Bay Street may be doing better, but the crisis is not over until there is a recovery for the middle class.

When will the government quit hiding behind part-time job numbers and get serious about creating full-time, family-sustaining jobs?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I hate to correct the member, but there were 37,000 net new full-time jobs in Canada last month.

The economic action plan continues to work. We continue to implement the economic action plan: the tax reductions, the EI measures, and the stimulus measures in ridings all across Canada, including the riding of the hon. member opposite.

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, those lines do not fly here, and they do not fly in Hamilton.

In just two weeks, 1,000 steelworkers are likely to be locked out by a company whose purchase of Stelco the Minister of Industry approved. The minister said that he has "a lot of sympathy" for the workers, but that there was nothing his government could do.

Steel workers do not need sympathy. They need a steel sector strategy that will protect Canadian production and Canadian jobs.

Will the minister admit that signing off on the foreign takeover by U.S. Steel was a mistake and apologize to the hard-working men and women of Local 1005 for bungling this file?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, as fate would have it, I was in Hamilton on Friday announcing a wonderful new initiative for McMaster University, local researchers, and local workers. Because of this initiative, McMaster and Hamilton will be at the forefront of the automotive research sector, producing better cars, better composites, and better car batteries.

That is how we are supporting the people of Hamilton: new jobs, new opportunities. This is something for our kids and our grandkids. That is what this government is all about.

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, Canada is an open and generous society.

Every year we welcome hundreds of thousands of immigrants from around the world. They work hard and play by the rules for the opportunity to live, work, and raise a family in our great country.

Unfortunately, our immigration system has been under attack. Human smugglers are treating our country like a doormat. The problem is growing and must be stopped.

Can the Minister of Citizenship, Immigration and Multiculturalism tell the House how our government is going to prevent this abuse of our immigration system?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, first of all I would like to commend the Thai authorities for their recent successful action to help interdict apparent human smuggling. We know that Thailand has been a transit point for the dangerous exploitation represented by the criminal syndicates running the human smuggling business.

We resettle more refugees than any other country in the world on a per capita basis. We receive more immigrants than any other developed country, but we will not allow exploitive human smugglers to violate our immigration laws or compromise the fairness of our immigration system. We will take action against them.

* * *

● (1455)

INFRASTRUCTURE

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, this government promised recreational infrastructure, then turned down thousands of qualified projects across Canada. In B.C. alone, almost half of the proposals were rejected. Instead this government wasted millions of dollars in B.C. for expensive action-plan signage that it forced communities to install.

The minister obviously considers self-promoting signs more important than inner-city playgrounds for kids. Why?

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, the member is absolutely incorrect. There were a number of projects that were accepted across this country, creating jobs from coast to coast to coast.

What is interesting is that the member opposite, together with the members opposite, voted against any money for any arena in any part of Canada.

This government is getting it done for Canadians.

Oral Questions

[Translation]

SECURITIES INDUSTRY

Mr. Daniel Paillé (Hochelaga, BQ): Mr. Speaker, the Conservatives' securities commission project is facing increasingly fierce opposition. In addition to Quebec, Manitoba and Alberta, other provinces are hesitating to sign the agreements, which is forcing the minister to eliminate his deadline.

Does the government realize that it is not the deadline that is putting the provinces off, but the entire project, which is both useless and harmful to the economy, investors and entrepreneurs?

The minister needs to show some humility; his sinister ship is sinking. He needs to abandon it and withdraw it immediately.

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, it is an initiative with voluntary membership that respects the jurisdictions of Quebec and the other provinces. We will continue along this track.

* * *

[English]

AGRICULTURE AND AGRI-FOOD

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, Canadian families are demanding farm-fresh, organic and local food. Farmers want to know that the food they grow will have a market, yet large corporate interests are always ready with a legion of lobbyists to kill any bill that might threaten their profits and control.

My Bill C-474 will ensure that alfalfa and wheat farmers do not lose their markets. Will the minister continue to cave in to threats and intimidation from the powerful biotech industry, or will he support Canadian farmers?

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, the NDP has continually shown how disconnected it is from rural Canada, and this piece of legislation that it is bringing in does this one more time.

The member opposite knows that these measures do nothing to help Canadian farmers. They originate in special interest groups that so much support the NDP and its ag policy.

* * *

INTERNATIONAL TRADE

Mrs. Tilly O'Neill-Gordon (Miramichi, CPC): Mr. Speaker, today the fifth round of trade negotiations between Canada and the European Union began here in Ottawa. In the year since these negotiations began, great progress has been made toward an ambitious agreement. The *Montreal Gazette* published an editorial calling for greater support of this deal, and said that the progress to date is encouraging.

Could the minister please inform the House how Canada's trade negotiations with the European Union will benefit Canadian workers and businesses?

Hon. Peter Van Loan (Minister of International Trade, CPC): Mr. Speaker, the hon. member is interested in jobs and opportunity,

and jobs and opportunity in Canada depend greatly upon trade. We are a trading country. Our government is working to create jobs and opportunity by negotiating trade agreements right now with close to 50 different countries. This is in addition to the eight trade deals we have already concluded.

Our negotiations with the European Union promise to lead to a trade agreement that will deliver a \$12 billion annual boost to the Canadian economy. The *Montreal Gazette* put it well when it said, "Nothing should be allowed to forestall the promise inherent in more open trade".

* * *

INFRASTRUCTURE

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, what the Conservative government is getting done for Canadians is to abuse their taxpayer dollars at a time of record deficits. Citizens in my riding of Vancouver Quadra are wondering why it wasted a record \$130 million on shameless self-promotion while rejecting applications for playgrounds, seniors' recreation facilities, and fields for soccer and baseball.

Why is this government wasting millions of dollars on partisan billboards rather than investing in the badly needed recreation and fitness facilities that Canadians actually want?

• (1500)

Hon. Lynne Yelich (Minister of State (Western Economic Diversification), CPC): Mr. Speaker, our government is working very hard for British Columbians. Our economic action plan has funded 224 RInC projects and 174 CAF projects in British Columbia.

Our government believes that creating jobs and opportunity is a priority, and that is why we are helping all families in all communities across the country.

* * *

[Translation]

CITIZENSHIP AND IMMIGRATION

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, according to *Rue Frontenac*, most of the decisions handed down last year by the immigration appeal division in Montreal were in English. First the IRB refused to translate documents into French and provide functional interpretation in French, and now we learn that two board members in Montreal are unilingual anglophones who are unable to hear cases in French.

When will the Minister of Citizenship, Immigration and Multiculturalism stop making life difficult for applicants who want to be heard in French?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, any applicant can tell the IRB in which official language he or she wants the hearing to be held. If the applicant chooses French, the hearing will take place in French. This may come as news to the member, but there are some anglophones in Montreal.

[English]

STATUS OF WOMEN

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, despite the fact that it has been 81 years since women were recognized as persons, gender equality in Canada has not been achieved.

Not only has the government undermined women's equality in Canada by providing mere band-aid solutions to systemic problems, it has incrementally and purposefully destroyed frameworks intended to advance women's equality by cancelling the court challenges program, removing question 33 from the census, and defunding research and advocacy.

When will the government take gender equality seriously and start providing real solutions to advancing women's rights?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, as the member knows, our government has now increased the funding for women to its highest level ever in the history of Canada. We have almost doubled the funding that was provided under the previous Liberal government. We are supporting new projects for women in every province and every territory.

In fact, today it was my honour to be with the Governor General at Rideau Hall to honour the five recipients of the Governor General's Awards in Commemoration of the Persons Case. They are in the gallery today. I ask that the member congratulate them with me.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the recipients of the Governor General's Awards in Commemoration of the Persons Case: Marie Louise Fish, Lucille Harper, Kerline Joseph, Anne Michaud, and Barbara Mowat.

Some hon. members: Hear, hear!

ROUTINE PROCEEDINGS

[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 36(8) I have the honour to table, in both official languages, the government's response to 25 petitions.

* * *

• (1505)

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Joe Preston (Elgin—Middlesex—London, CPC) Mr. Speaker, I have the honour to present, in both official languages,

Routine Proceedings

the 17th report of the Standing Committee on Procedure and House Affairs regarding the use of electronic-assisted voting devices.

If the House gives its consent, I intend to move concurrence in the report later this day.

STATUS OF WOMEN

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on the Status of Women in relation to the tone of the debate in the House of Commons.

The committee unanimously endorsed the initiative by equal voice on October 19 to elevate the tone of debate in the House in order to attract and retain more women in politics and to showcase the good work that is being done in Parliament, and that this endorsement be reported to the House as soon as possible.

* * *

STATUS OF WOMEN CANADA ACT

Ms. Irene Mathyssen (London—Fanshawe, NDP) moved for leave to introduce Bill C-581, An Act respecting Status of Women Canada.

She said: Mr. Speaker, I am pleased to bring forward by my private member's bill, an act to establish the office of Status of Women Canada. My goal is to legislate the office and mandate of Status of Women Canada, whose function it is to coordinate policy with respect to the Status of Women and administer related programs.

In 1967, a Royal Commission on the Status of Women made significant recommendations regarding the steps to be taken by the federal government to ensure equal opportunities for women with men in all aspects of Canadian society having regard for distribution of legislative powers under the Constitution of Canada, particularly with reference to federal statutes, regulations and policies that concern or affect the rights and activities of women.

Status of Women Canada is a vital agency that should work to advance women's human rights in Canada. The current mandate needs to be replaced by one that follows the spirit of the UN Convention on the Elimination of All Forms of Discrimination against Women and Canada's own Royal Commission on the Status of Women report, and then be enshrined in Canadian law.

It is most certainly in the interest of Canadians to identify and raise awareness on issues that affect the social, economic and democratic rights of women. Canada has one of the largest wage gaps between men and women among developed countries. Women's political participation has stagnated at 20% and they make up a disproportionate number of Canadians living in poverty. Women in Canada are still far from reaching full equality.

Routine Proceedings

Status of Women Canada should not just provide band-aid solutions to the serious systemic problems facing women. My bill would give Status of Women Canada the authority to address systemic inequality issues through research, advocacy, gender-based analysis and ongoing reviews of the status of women in Canada.

I am convinced that the Famous Five would support this bill and I call upon my colleagues in the House of Commons to give it the careful consideration and support it merits.

There needs to be a senior and equal minister for Status of Women Canada sitting at the cabinet table of this and future governments. Anything less relegates women to the inequality they continue to suffer in this country.

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

* * *

[*Translation*]

NATIONAL HOUSING ACT

Mr. Roger Gaudet (Montcalm, BQ) moved for leave to introduce Bill C-582, An Act to amend the National Housing Act (payment to provinces).

He said: Mr. Speaker, I have the honour to introduce today a bill to amend the National Housing Act, the purpose of which is to transfer to Quebec and the provinces a portion of the undistributed profits of the Canadian Mortgage and Housing Corporation from its housing loan insurance activities.

The Bloc Québécois introduced a similar bill in the past. We therefore based our decision to introduce a new and improved bill today, with the same objectives, on the comments and criticisms voiced during those debates. We have therefore provided that CMHC will be required to comply with the guidelines issued by the Office of the Superintendent of Financial Institutions regarding the capitalization needed for its housing loan insurance activities. The effect of these measures will be that the surplus above the amounts provided for in the reserve fund and assets will be returned to Quebec and the provinces so they can invest the money, among other things to meet the increasingly glaring need for social and affordable housing.

The federal cutbacks in the 1990s have shown that Quebec and the provinces are in the best position to understand the needs of their own populations and in their own jurisdictions. This will mean that Quebec's social and affordable housing strategy will be decided by Quebec, not by Saskatoon or Victoria, and vice versa. It is essential that the resources needed for planning how to combat poverty effectively be placed in the hands of the governments that have the necessary expertise and that are in touch with their own populations.

The bill introduced today would thus allow for a portion of CMHC's surpluses to be transferred to Quebec and the provinces, which will then have the money they need to develop their own social and affordable housing strategies, strategies that, need I remind the House, are a central factor in combating poverty.

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

• (1510)

[*English*]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, if the House gives its consent, I move that the 17th report of the Standing Committee on Procedure and House Affairs presented to the House earlier today be concurred in.

The Speaker: Does the hon. member for Elgin—Middlesex—London have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

The Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

* * *

[*Translation*]

PETITIONS

PORT INFRASTRUCTURE

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, thank you for allowing me to present a petition that is very important to the region, and I am honoured to be presenting it today.

It is signed by over 2,300 people, primarily from the Gaspé region, but also from other areas. These people are calling on the government, the Department of Transport and the Department of Fisheries and Oceans to work together on a wharf that finally meets the needs of the people of the region. The wharf needs repairs, close attention, and also concrete action, in order to meet the needs of the people in the region.

GUARANTEED INCOME SUPPLEMENT

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I have the pleasure of presenting a petition signed by over 1,000 people calling on the federal government to improve the guaranteed income supplement, the spouse's allowance and the surviving spouse's allowance. I congratulate FADOQ, and particularly FADOQ in central Quebec, for initiating this petition, which aims to improve the assistance paid to our poorest seniors. I also congratulate my colleague from Châteauguay—Saint-Constant for her hard work on this issue.

[*English*]

MULTIPLE SCLEROSIS

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, I have the pleasure of tabling another petition today signed by a number of individuals mostly from eastern Ontario but not only.

The petition requests that the federal and provincial Ministers of Health discuss allowing hospitals, private clinics and individual doctors to test for and treat CCSVI in all Canadians who so desire testing and treating, and to plan and implement a nationwide clinical trial for the evaluation of venography and balloon angioplasty for the treatment of CCSVI in persons who are diagnosed with multiple sclerosis.

VETERANS AFFAIRS

Ms. Irene Mathysen (London—Fanshawe, NDP): Mr. Speaker, I have a petition from citizens across many communities and from all walks of life who wish Parliament to know that they genuinely support and value the contributions of our veterans and that they regard a veteran as a veteran regardless of which deployment or where an individual may have served.

The petitioners join the veterans ombudsman and General Walter Natynczyk in condemning the new veterans charter and the Department of Veterans Affairs for creating barriers to serving Canada's veterans.

Petitioners also demand that existing services, such as veterans hospitals, be mandated to serve modern-day veterans, including the more than 200,000 members of the armed forces who have served in peacekeeping missions since the Korean War.

The petitioners want there to be a full hearing in the House of Commons in response to the issues of pensions, special care, programs, services and the preservation of an independent Department of Veterans Affairs, and that Parliament act to ensure veterans and their families receive the supports they have been promised and to which they are entitled as members of the armed forces past, present and future.

• (1515)

EMPLOYMENT INSURANCE

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windor, Lib.): Mr. Speaker, I have a petition from two weeks ago concerning the extension of the EI pilot projects. There was the eight-month extension and this is a petition that was left over from that.

I want to present this in the House because, even though there is an eight-month extension with the expiry in June, a good deal of this petition deals with the permanent nature, or what should be a permanent nature, of these pilot projects. Pilot projects can last five and a half to six years before we realize whether they are good or bad.

I would like to present this in the House for a response from the government as the campaign starts anew to make these programs permanent before they expire in the middle of June.

ANIMAL WELFARE

Ms. Denise Savoie (Victoria, NDP): Mr. Speaker, I am pleased to present two petitions on behalf of my constituents.

The first petition, with almost 150 signatures, is from constituents who want to prohibit the import and export of horses for slaughter and human consumption as well as horse meat products for human consumption. The petitioners believe that Bill C-544 would do just that.

Routine Proceedings

Since horses are not generally raised as food producing animals, the petitioners believe they are likely to contain prohibited drugs that ought to be kept far from our food supply. They also believe it runs counter to our culture to use companion animals such as horses in this way.

COSMETIC PESTICIDES

Ms. Denise Savoie (Victoria, NDP): Mr. Speaker, the second petition is from residents of Victoria who support a growing campaign for Bill C-368, a ban calling on a federal moratorium on non-essential cosmetic pesticides.

The petitioners express concern that the autonomy of municipal and provincial governments is being eroded by the gradual transfer of authority by the federal government to corporate interests, in this case the chemical industry. They worry about the way that American chemical giants are using NAFTA's chapter 11 to challenge such pesticide bans across the country.

The petitioners want to be heard.

COPYRIGHT ACT

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I am honoured to bring forward a petition from people who are concerned about the misuse of digital rights management to digital locks on copyrighted material. Of specific concern is the move by the government to support the sacrosanct protection for digital locks that will override existing copyright rights that exist for Canadian citizens, educators, consumers, people who buy products and for people who use copyrighted works. They are not able to access them because the digital locks placed on top of them interfere with legal rights.

We know that many of the WIPO compliant countries have dealt with the issue of digital locks by ensuring that those that remain on products are not counterfeited or broken. However, in other WIPO compliant countries they have a balance so that citizens are still able to use and be educated with materials that they have a legal right to.

The Conservative government, of course, has it all wrong in terms of digital rights management.

The petitioners are calling upon Parliament to restore some sense of balance between the rights of creators and ensuring protection for copyrighted works, but also ensuring that we have a vibrant domain where people can actually access works within a digital realm.

Government Orders

PASSPORT FEES

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, my petition calls upon the Canadian government to negotiate with the United States government to reduce the United States and Canadian passport fees. The number of American tourists visiting Canada is at its lowest level since 1972. It has fallen by five million visits in the last seven years alone, from 16 million in 2002 to only 11 million in 2009.

Passport fees for an American family of four can be over \$500 U.S. While 50% of Canadians have passports, only 25% of Americans do.

At the recent Midwestern Legislators Conference of the Council and State Governments attended by myself and over 500 elected representatives from 11 border states and three provinces, the following resolution was passed unanimously. It reads:

RESOLVED, that the...Conference...calls on President Barack Obama and [the Canadian] Prime Minister...to immediately examine a reduced fee for passports to facilitate cross-border tourism; and be it further

RESOLVED, that [the Conference] encourage[s] the governments to examine the idea of a limited...two-for-one passport renewal or new application;

To be a fair process, passport fees must be reduced on both sides of the border. Therefore, the petitioners call upon the government to work with the American government to examine a mutual reduction in passport fees to facilitate tourism and to promote a limited time two-for-one passport renewal for renewed application fees on a mutual basis with the United States.

* * *

• (1520)

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

FIGHTING INTERNET AND WIRELESS SPAM ACT

The House resumed consideration of the motion that Bill C-28, An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act, be read the second time and sent to a committee.

The Speaker: Before question period, the hon. member for Brome—Missisquoi had the floor. He still has 13 minutes left to conclude his remarks. The hon. member for Brome—Missisquoi.

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I was saying in regard to Bill C-28 that there is a lot of spam and I

defined what spam is. I have the pleasure now of putting all that in the current context because intrusions into people's private lives are nothing new. Companies and corporations tried for decades to sell their products through publications people received in the mail. That was an intrusion into our private lives but a fairly minor one in comparison with the spam we receive directly on our home computers. First of all, intrusive junk mail could be eliminated because there were ways of doing that and second, it amounted to only a small fraction of the mail we received, while the amount of spam we get can sometimes exceed the number of legitimate e-mails on our home computers.

Things certainly change over time. Back in the days when there were only postal deliveries, concern about intrusions into our private lives focused almost exclusively on government intrusions. We all remember such great novels as George Orwell's *1984* and other similar works. Nowadays, intrusions come much more from the business world. This is a new threat. I did not say that the fear of government intrusion has disappeared, but it is just one of a number of possible intrusions into our private lives. There are some recent developments, such as Facebook. Concern about intrusions into our private lives is now greater than the fear of government intrusion. We are afraid of intrusions by our neighbours, friends, relatives and family. They can get right into our private lives. That shows just how fast things are changing.

And then there is the task force that I mentioned earlier. This task force was struck in 2004 and presented its report in 2005. A lot has changed since 2005, which is why I feel that the committee must work openly with a view to improving this bill. That type of openness is rarely found in legislation. We get the impression that this legislation will already be practically outdated if it is not updated. It is very important to keep in mind that computer usage evolves rapidly so that the legislation can be relevant and valid.

And coming back to that task force, it brought together Internet service providers—not just companies—electronic marketing experts, and government and consumer representatives. It was a broad-based group of people in the know. More than 60 groups from the sectors concerned took part and did an admirable job. I want to emphasize that. But this work absolutely must be put into the 2010-11 context because this evolution needs to be taken seriously.

In addition to the online anti-spam awareness campaign launched to provide users with tips on how to limit the amount of spam they receive, it should be mentioned that the task force on spam presented its final report to the Minister of Industry in May 2005.

Government Orders

● (1525)

The report was entitled *Stopping Spam: Creating a Stronger, Safer Internet*.

We need to create a stronger, safer Internet because it has become a vitally important economic tool. Simply prohibiting all economic communications and marketing through email is out of the question, because that would limit the freedom of those who want to receive such material. The bill must allow people to continue receiving emails of this nature if they so desire. People must be able to receive communications from a company or group of companies that they have clearly identified.

Consider for example the paper catalogues people receive. Personally, I have quite a bit of experience as a handyman. I receive very specialized catalogues in woodworking, which is a real passion of mine. When people receive them electronically, it means the companies have our permission to send them and solicit our business in that way. That is why we cannot simply eliminate all forms of commercial correspondence on the Internet. This legislation will be difficult to create and enforce. Consider the example of Facebook. People trusted it and posted things without thinking about the fact that neighbours and family could see into their private lives.

Using the same kind of procedures and programs on the computer, people could find ways around this legislation if it were too simple or simplistic. This legislation will have to be fine-tuned. That is why it is crucial that all the recommendations made in the report are included, even if they need to be tweaked later.

One of the recommendations had to do with proposed legislation and more vigorous enforcement measures. The report recommended drafting legislation to prohibit spam and to safeguard personal information and privacy as well as email, networks and computers, which, of course, can be made to crash.

The legislation is designed to allow individuals and companies to sue spammers. This applies not only to products, but also to services that people promote. Some might argue that people promote and advertise things on television and that this comes into our homes. That is true, but we can all choose not to watch television. If the Chamber of Notaries runs an ad to promote the need for notaries, then we just have to click a button if we do not want to see it. However, if we receive 10 or 15 pop-up ads that we cannot avoid and that take up space to announce that the Chamber of Notaries is the best in the world and that it is absolutely necessary, we might find that to be an invasion of privacy, and rightfully so.

The task force also recommended the creation of a centre of expertise on spam. The centre would coordinate the government's anti-spam initiatives. A new agency will have to be created. The centre would be responsible for coordinating policies, awareness campaigns and providing support to enforcement agencies. It would also receive complaints and compile statistics on spam.

● (1530)

It will be important to have a place where complaints could be lodged. Not all people who receive spam are capable of going after the company directly. The government will have to keep a record of the companies that send this type of message and take action directly.

The public awareness campaign I just mentioned is an interesting aspect. I do not think we could implement a modern or new law—spam has not been around for that long—without conducting a broad public awareness campaign. This campaign would also help businesses. There are small businesses that do not know and would not know that they cannot solicit business by email without running into problems. Awareness has to be raised on different levels. The campaign will have to address businesses that sell goods and services as well as the users. There are all sorts of users, including young children. Quite often, children aged 10 or 11 already have a laptop; if not a laptop, then an iPad or some other electronic gadget of that kind. They, too, can be inundated with email. We can see how quickly this is all evolving.

When this bill is studied in committee, the members will have to consider what is likely to happen in the near future. Because things change so quickly, the committee will not be able to consider what is going to happen in 10 years, but it could at least consider what is going to happen in the next few years.

The task force on spam also recommended establishing solid best practices for the industry, and it will be important to show that the industry can put an end to misleading information.

Lastly, there will have to be international co-operation and improved enforcement measures that are known around the world. France is an example of this. It passed legislation in 2004, but I would caution the committee that we cannot do what France did, because 2004 was a long time ago. The United States is perhaps more advanced. We need to look at this in an international context, and our law has to dovetail with other countries' legislation.

[English]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, my hon. colleague spoke very well on this issue.

We have already filled up a significant amount of time in this Parliament dealing with this issue, and yet the government felt that this was such an unnecessary bill that it allowed it to be flushed along with all of last year's legislation. We are the only country in the G8 without anti-spam legislation.

The government continues to play out petty personal vendettas in the House of Commons. It has taken important legislation that we are seen on the international stage as having and that we need to have, and it flushes it down the political loo. Then we have to go through this whole process again.

I would like to ask my hon. colleague why he thinks it is that in this House of Commons, thanks to the government, it takes up to two years to debate something as simple and straightforward as spam. We should have had this bill done long ago, but we had to be prorogued to allow the government to escape whatever political heat it was feeling at the time.

Government Orders

• (1535)

[*Translation*]

Mr. Christian Ouellet: Mr. Speaker, I thank my colleague for his question, which is almost the same as the one I asked a Conservative colleague this afternoon. I asked him why the government had taken so long to introduce this bill. Was it trying to dodge the issue? Are there business interests behind this, and is that why we are being kept in the dark about why we do not have a law like the one all the other G8 countries have passed, as my colleague said? Certainly there is something we are not being told. When the Conservatives do not do something, it is usually because a lobby is involved and economic interests are at stake.

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I am honoured, as always, to rise in this august chamber and speak on behalf of the wonderful people of Timmins—James Bay who have sent me here to represent them.

I will say at the beginning that I have already spoken on this bill. I have already been through the entire rigmarole about this spam legislation and yet, like spam itself, it seems we never get anywhere with the government and its own legislation.

Last session we had a mere three bills actually get through the process. I do not think there has ever been such a pitiful output by any government in the history of this Parliament. Legislation that needs to be addressed is always deep-sixed for whatever are the needs of the PM's war room. In this case, all the work that was done on the anti-spam legislation had to be tossed aside and flushed so that the government could prorogue, because it was starting to feel heat about the Afghan detainees.

The government felt that people would not notice if it turned out the lights on the democratic institution of Canada. We know that the Canadian public was rightfully outraged at the government's decision to knock off work for three months in January and hope nobody would notice.

In doing that, millions of dollars in time spent in hearing testimony, in developing legislation and in debate was lost. So here we are again, dealing with the issue of spam.

I have watched the government for the last five years. It treats the House of Commons as a sideshow. The real work of the government is behind the scenes, in putting their buddies into key positions, in stripping and vandalizing the public institutions of Canada, like the long form census, and in stripping the tax codes so that its friends in big banks and big oil are getting massive breaks while we are going into deficit.

Whatever happens in this House, we have one crime bill after another that is waved out, and the government jumps up and down but it does not ever seem all that serious about actually coming through with anything. I think it is because there is a fundamental contempt for the important work of this House.

I think it is very clear when we see something like the anti-spam legislation. We are the only G8 country without anti-spam legislation. It would not be all that hard to move on it, and I think it would be very important to move on it.

We are not just talking about an inconvenience. We are not just talking about the fact that, on any given day, my personal email has all kinds of offers for Viagra and trips to the Cayman Islands and all kinds of dodgy email requests that I have to flush and erase.

We are talking about a new form of fraud that works on such sheer levels of numbers that they only need to have 1 in 10,000 or 1 in 100,000 respond. I am sure that back in the fax machine days, people used to receive the famous Nigerian 419 fraud letters. The frauds originally came out of Nigeria and are now centred in eastern Europe.

Back in the days when the old Nigerian 419 scam was being run, and I am sure everyone saw them, there would be a request from somebody trying to get money out of Sierra Leone, Nigeria or Serbia after the Bosnian war. The scammers would say they would transfer the money into an account set up by other people, and of course those people would have to put up a little bit of cash. That is when people got caught in the fraud.

The old 419 fraud actually took a little bit of effort, and it cost the fraudsters a fair amount of time. They had to work the fax machines. It was random, and it was not all that effective. However, the 419 frauds are internationally known as one of the largest international fraud schemes.

When that can be done through the Internet and when people can actually get control of third-party personal computers through spyware and then start multiplying the requests from hundreds to thousands to millions, a high return is not needed to actually have the phenomenal levels of fraud that are happening, because of the third-party control of computers that takes place. This needs to be dealt with.

• (1540)

I am not singling out senior citizens in particular, but I know a number of senior citizens who have been victims of Internet fraud. It is perhaps because they come from a time when there was more trust in how things were done. Now more bank frauds are taking place and people are sending emails with requests for credit card information, banking information. The Internet is a major source of fraud, so we should be moving ahead with this anti-spam legislation.

Anti-spam legislation should be seen as a part of a larger digital strategy. After four years, the Conservative government has started to learn these words. It says the words "digital strategy", but when it comes to digital strategy, it is like the Commodore 64. It is not even in the game in terms of a digital strategy.

What would a digital strategy mean for a government that actually cared about moving forward on issues other than minimum sentences for furniture theft or whatever is the latest issue in the crazy crime agenda that it is trying to push?

We need a forward-looking government. The Conservatives have had five years to bring the WIPO treaty forward in the House, five years. That could have been done, and we would have set a number of international standards, for example, the "making available" right.

Government Orders

Canada would not be under pressure in terms of its copyright legislation if we had dealt with the WIPO treaty five years ago. We could have taken the time to institute a good consultation process on copyright. We had one copyright bill, which was widely ridiculed. It looked like a dog's breakfast when it was brought forward, and the Conservatives had to quickly retract it. Now we have another copyright bill. I would like to say I am hopeful, but I am not holding my breath as to whether the government is actually serious about coming through with a copyright bill before the next election. It will be problematic if they do not. There is a certain element of needing to be seen, on the international stage, to be actually taking this seriously.

If we were going to have a digital strategy dealing with the WIPO treaty, dealing with issues like digital locks and making sure not just that we are WIPO compliant but that we are not just foolhardy, the present government's plan with digital locks would actually lock down content unnecessarily and criminalize individuals who have legal rights. For example, librarians or blind people need to be able to access educational works through digital locks. They will be treated the same as an international counterfeiter under the Conservatives, not surprisingly of course because the Conservatives have a dumb-down approach on pretty much everything. A blind student will be treated the same as an international counterfeiter if he or she has to break a digital lock to access digital works.

The Conservatives do not get it on the issue of copyright. They do not get it on the fact that we should have had spam legislation already in the bag and moving forward.

We need a national broadband strategy. Every time the government gets 50 houses hooked onto fibre, government members get up and announce it as some kind of great success. When the Conservatives took office, Canada was the world leader. If we look at the FCC rankings for the OECD countries, Canada was a world leader in broadband penetration. We have fallen further and further behind in terms of cost, access and speed.

A riding like mine is the size of Great Britain. Right now large sections of my riding are still on dial-up. We might as well have crank phones. The government talks about a broadband strategy of 1.5 megabits per second. That is the Conservatives' idea of our being in the 21st century.

Under the labour government, Australia will hook up 93% of Australia. Australia is a good example because it, like Canada, has a small population spread out over a vast territory. Ninety-three per cent of Australia will be hooked up by fibre at a rate of 100 megabits a second. I would like members to think of our ability to compete at 1.5 megabits. The government might as well lock big cannonballs to our feet and tell us to start running. That is the Conservatives' idea of our competing, not to mention what we are going to be up against with Sweden, which is at gigabyte capacity. South Korea is the same.

Canada is being left behind because the Conservative government does not get it. The Conservatives do not want to get it. They believe, in their blind faith, that the free enterprise system will somehow do this for them.

As we have seen in the rural United States and as we are seeing now in Canada, unless we have a government partnership, there is no

business case that can be made to hook up large rural regions. There will never be a business case. The only business case the government can make is to say that digital strategy is a national priority in terms of competition, in terms of cultural involvement, in terms of the fundamental civic rights of citizens in a digital age to be able to participate. That comes out of a government vision.

• (1545)

Australia, with the labour government, will hook up 93% at 100 megabits per second in national broadband and the other 7% will be hooked up by wireless so nobody will be left behind.

What we have right now is a government that is adrift, a government that has no plan, for example, for the digital transition in television.

If we look at how the United States government prepared for the transition for digital from analog to digital on television, it had a national plan. The government worked with its regions. It had advertisements. It had workshops in communities to prepare people.

We are about 10 months away from the big switch where the analog signals will go dead and we will switch over to digital. Have we seen anything from our august industry minister on this? Have we heard him say a word? Zero, nada. Perhaps if he spent a little less time running the pork barrel projects into his riding and a little more time on the need to have a national digital strategy, he would be prepared for the digital transition that is looming. Canada, quite frankly, will not meet that transition.

When the transition happens, at least 15% of the country will go black. People will start phoning the offices of members of Parliament saying that they cannot get their beloved Montreal Canadiens on Saturday night on television and they will want to know why. We will have to tell them that the government had years to prepare for the digital transition and did nothing. The Conservatives think this will magically be handled for them.

The other issue in terms of a broadband strategy and a digital strategy is the fact that as the analog signals are shut down for television and we move to digital, the analog spectrum, a very juicy chunk of cyber real estate, goes on the block to be sold. The analogue spectrum will be worth billions of dollars. Again, we would think a forward-looking government would consider this. It has a \$56 billion in debt. It needs a national forward-looking plan not for next year or two years, but for the next 10 years. To finance that plan it could sell off the analogue spectrum, take those billions of dollars and commit them to a national broadband digital strategy. Then it could tell people that it was a forward-looking government.

Government Orders

We have not heard a peep from the current government about what it will do with the money. We have not heard how it will break up the analogue spectrum. Even the space between the various parts of the spectrum that used to be used for CTV, or CBC, or Canwest or the Quebec stations is valuable. We could put that to public use, for innovation, for new project ideas. We could reserve part of the analogue space that actually belongs to the people of Canada for innovation, for new ideas. There will be many new forms of communication that are on the verge of being discovered and having access to that spectrum band could put Canada in the lead, where we need to be. However, we are not seeing anything from the government on that.

We have to think about this. If the government had billions of dollars that should be spent to ensure Canada, rural Canada and northern Canada, could participate and compete against competitive countries that will go up to gigabyte-per-second download speeds, the analogue spectrum would be a great place to put that. However, what is the government going to do with that money? I have my own personal bets. I am not a gambling man and I am not offering to take anybody's money, but I think we would have to be quite the old backwoods route not to think what it is going to do with money. The government's forward-looking strategy could be to take the billions from the analogue spectrum and build prison cells.

● (1550)

The cost of building prisons under the government will be \$270,000 per cell. The government does not even have people to put in them. It will just keep bringing up enough private members' bills to find new ways to arrest more Canadians to put them in prison.

We need a plan. Besides the government's ideological bizarre focus on blowing \$10 billion on prisons at a time of the largest deficit in history, we have seen zero from the government in terms of a forward looking digital strategy.

I go back to the issue of spam. Spam should be a fairly straightforward issue to deal with. It is inconvenient. No one likes it except for the lobbyists who always talk to the government because hidden in spam is a lot of useless electronic sales ads that most of the Canadian public does not need. Nevertheless, even with the lobbyists, I am sure we could deal with the spam. The question is this. Where is the vision?

The government brought forward spam legislation. The House debated it. We went through the whole process and the government decided it was more convenient to take all that legislation, flush it down the political loo and suspend the democratic work of the House. It shut everything down and laid waste to its whole legislative agenda. It set the clock back to zero, which is not the first time it has done it. It is something that the government does on a regular basis. Whenever it seems to get bored with almost succeeding and actually getting something done, it seems to get restless.

The government cannot go forward, so it is stuck in the bills it has and it erases them all and it starts all over. We are now in October 2010 and we remain the only country without spam legislation.

I have been saying how the government does not like to move on anything unless it is part of its ideological agenda. It has no forward

thinking vision in terms of copyright and balancing the needs in terms of an innovative agenda on issues like net neutrality, open source and open data, issues that could really excite the Canadian public to move forward.

In all fairness I have seen it move dramatically once or twice in terms of where its agenda is going usually in protecting the tar sands or protecting ideological hacks who are working and supporting the party.

At the Copenhagen conference back in December 2009, Canada was once again embarrassed on the international stage by our horrific standards on the environment. The government would say that it was a principled stand, just like I am sure Harold Ballard thought that the Leafs losing every year was a principled stand.

In the Copenhagen Conference there was a group called the "Yes Men". The Yes Men are international political pranksters who set up a fake website. That fake website said that Canada would reduce greenhouse gas emissions in 2020 by 40% from 1990 levels and they would be down to 80% by the year 2050. Of course that was a total fraud. Canada was not going to do that. However, they were trying to make a political statement about the Conservative government's defence of the tar sands and how it embarrassed us politically.

The Canadian government moved against that website immediately. It went after the ISP in another jurisdiction and it ended up shutting down 4,500 websites because the government did not want to be challenged internationally on the tar sands. I think even red China would be awe struck by the willingness of the government to shut down democratic sites because it does not like what they have to say.

The government will do nothing about the fact that we have international fraudsters on the spam, but it will shut down democratic websites. The government has failed again and it will continue to fail on the international innovative agenda.

● (1555)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, the member hit a very solid topic in dealing with the lack of the broadband strategy from the government.

I note that the violations are not criminal offences under the bill. Recently we had a situation where Facebook had a judgment against a Canadian spammer for I believe \$1 billion. All the spammer did was declare bankruptcy and got out of the problem.

If we pass bills like this that simply offer a fine, in essence, and if the spammer simply declares bankruptcy, then what have we really accomplished? Perhaps a threat of jail time might have a better effect in forcing spammers to pay attention. I only say that on the basis of what happened recently with that court case.

Government Orders

Mr. Charlie Angus: Mr. Speaker, my hon. colleague raises an excellent point. Again, when we are dealing with spam, we are not just dealing with irritating emails we have to spend a lot of time flushing. The fact it does intervene and impedes competitiveness and the ability of businesses to work, it has also become very much tied to cases of international fraud on a massive scale through the use of phishing to the taking over of third party computers.

If we do not have some real and clear punishments for shutting down spam sites, then Canada will continue to be seen as a spam haven. Under the Conservative government, any spam artist in the world knows that the worst he or she will get is a slap on the wrist and a peck on the cheek. The government is more willing to go after 15-year-old punks in Winnipeg and other cities, but international spammers seem to be welcome. The government does not seem to get it when it comes to the importance of dealing with spam and sending a message to spam artists.

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, my colleague enlightened a number of us in regard to this situation. I was quite taken with his discussion in regard to the democratic protest by the group protesting the tar sands. It reminded me of the government shutting down people like Pat Stogran, the ombudsman for veterans, and Richard Colvin who wanted justice and blew the whistle in regard to Afghan detainees.

I think about democracy and the peril that democracy has faced with the government. Could the member comment on the impact of those 4,500 legitimate websites that were closed down and what does that say about the state of our democracy?

• (1600)

Mr. Charlie Angus: Mr. Speaker, it has become a very clear pattern of how the government will use the levers of power for personal vendettas to attack and attempt to destroy the reputation of critics. It is becoming very disturbing.

The incident that happened during the Copenhagen conference almost slipped by without any real public comment because the media were not paying attention. Government members were getting embarrassed, as they should, by their horrific stand on the tar sands and lack of international commitments, a situation that has obviously come back and bit them with their humiliating vote last week at the UN. However, they went after an ISP provider, serverloft, which responded because the Canadian government told it to shut down sites immediately. In order to do that, it had to interfere with a wide block of ISP server addresses and shut down 4,500 websites of people who were putting up legitimate products and information. It could have been educational resources. These people had their democratic ability to participate in a digital realm interfered with and monkey-wrenched by a government that panicked, was embarrassed and could not seem to deal with any kind of parody from the Yes Men, who are very funny international political comedians.

I would challenge the government. If it believes it can get away with shutting down 4,500 web addresses, then why is it not spending more time with the dictators in Burma and more time with China? It is not sending any kind of message in terms of democratic commitment in a digital age if it will use the levers of government to shut down 4,500 websites in order to get at two hoaxers making fun and making a very fair political parody of the government.

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I would like to thank the hon. member for his great speech. He talked about the shutting down of 4,500 websites. It makes me wonder as to why it would take so long to introduce the legislation we see here, when we know that phishing, for example, is soliciting information from the most vulnerable on the Internet, those who may be seniors and not necessarily astute in the way to deal with some of these issues. They might be giving out their credit card information or other personal information.

Specifically in northern Ontario, PhoneBusters is dealing with so many scams that seniors are encountering. Is there anything else that should be in this bill to ensure that we can protect those who are using the Internet?

Mr. Charlie Angus: Mr. Speaker, my hon. colleague asked an excellent question. Clearly, from his work in terms of trying to protect consumer interests, he has come to see a pattern, which is that the Conservatives are all talk when it comes to protecting individuals, but they draw up a big zero when it comes to serious issues such as, for example, credit cards and credit card fees, and companies that rip off people, especially senior citizens and people on fixed incomes.

Regarding the issue of this spam bill, this bill should have been law a year ago and we are not even there yet. The government seems to be intent on watering down the bill. After having made the announcement that it was going to do something about spam, I think it felt a bit of push-back from its corporate lobbyists and backers, basically the people in the back rooms who pretty much write the ticket for the government.

We are still seeing huge problems with the issue of phishing. People's personal information is being fraudulently garnered on a large scale. Our senior citizens especially are increasingly vulnerable to this. They are being ripped off and have no place to turn. We do not see a government ombudsman out there protecting senior citizens from credit card fraud. Their information is being stolen on the net and they are being left to fend for themselves against some very large international players, players who can hardly even be tracked down. Because of their practice of taking over third-party computers, they could be in any jurisdiction in the world. Canada obviously needs to play a larger international role.

Canada is certainly embarrassing itself on the international stage. I do not see that the government is very focused on the international role right now.

There needs to be a serious criminal law element and there need to be resources. We can bring in all the criminal laws we want but there need to be resources to ensure that the fraud squads have power. They have to be able to keep up with their criminal competition. Every single day that we are in this House debating, they are actually evolving, changing and covering their tracks.

Senior citizens, people on fixed incomes, people who are open to fraud are left to fend for themselves. The government has left a very large hole.

Government Orders

●(1605)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am very pleased to rise on this bill, which is now Bill C-28 and was Bill C-27. As has been indicated before, it has been a very long time getting to this point, in fact, several Parliaments and elections, to the point where Canada is pretty much last in the line of modern developed countries that have such legislation.

I listened very carefully to what the member for Timmins—James Bay had to say. He talked about the lack of a broadband strategy on the part of the government and he is absolutely correct. There are many things the current government could have been doing. There are many things that the former Liberal government was doing when John Manley was industry minister.

There are a lot of innovative ideas in the marketplace. For example, a few years ago it was discovered that school boards, some in the United States, were able to set up dark fibre co-ops. In the past the school boards had been under contract with the telcos and were leasing their broadband from the phone companies. They turned the whole relationship upside down. By the school boards doing their own dark fibre builds, they were able to offer gigabyte Internet access and they sold space to the very telcos that they had been leasing from before.

There is nothing difficult about this. The reality is that the fibre can be laid out on the ground or it can be put through the air or through trenches. Trenching is the most expensive way of laying dark fibre.

In rural communities, for example the community of Churchill in my home province, the government does not have any difficulty because the government has crown lands to work with and rights of way at its disposal. A government that is interested in taking the bull by the horns can mandate in very short order that dark fibre be laid over crown land through pipes that the provinces own. It does not have to make the type of effort that private industry has to.

When a private telco wants to lay fibre, it has to negotiate with the landowners. It has to negotiate rights of way. It is a very involved process. The government has none of that to contend with.

Unfortunately, what has happened in this country is that over the years governments have bowed to the pressure of the telcos that want the good customers. As soon as the government tries to develop a proper broadband strategy, the telcos knock on its door and say that the government cannot do that because it is against the principles of free enterprise. The telcos want the right to offer this service in cities and urban centres where they can run the final mile very cheaply to people's homes. They want to be able to offer that to residents and to control the pipes to the hospitals and schools so they can make tons of money, but they do not want to do it in rural areas. They do not want to do it in the north.

That is the conundrum that governments have faced. While they could have taken charge in a more determined way, they have tended to piece off the private companies within their jurisdictions. They have allowed telcos to take some good sections and then the governments are stuck with the less profitable areas.

●(1610)

Even so, I still say that all is not lost. Fibre is cheap. Fibre is not expensive and is easy to build. We had four or five examples of co-ops and school boards in the United States that developed their own fibre. They took the cost of the fibre, turned it around and not only leased out their extra capacity but they still had enough capacity in their system to fulfill their own needs for free and at much faster rates.

What will happen when the final mile is completed and the thick fibre exists, rural hospitals, for example, will be connected. The last time I toured Brandon Hospital, which is in a city of about 50,000 people in my province, it was still sending the electronic imaging for medical tests by bus to one of the smaller hospitals in Neepawa, which I believe is the closest hospital. That should not be the case. Once we have a proper broadband strategy, those images will be sent electronically, rather than being put in a can and sent on a bus to another hospital. They will be able to be sent electronically to the hospital. That is what we are talking about here.

That is what the member for Timmins—James Bay was alluding to when he talked about the broadband strategy that we do not see the government making efforts toward. I am not a big fan of the previous Liberal government but when it comes to issues like broadband, at least there was a pulse in that government. We do not hear anything from the current government.

Let us take a look at the whole area of government online programs. Ten years ago, in 1999, the prime ministers of Great Britain and Australia would put their vision statements on a website indicating where they saw government online programs rolling out and developing over the next 10 years.

I remember putting a resolution before the Manitoba legislature that government programs should be online by the year 2010 and that they should be transactional. It was recognized that there was no point in putting all government information online. There would be tons of information online, some usable, some not, but the true goal was to offer government services on a transactional basis. For example, a student applying for student aid or a student loan would not have to ride the bus from Sudbury to Toronto, for example, to have the privilege of standing in line at a government office to fill out an application.

There was a student aid online program set up in Manitoba, probably 10 years ago, which worked from the very beginning. It worked from the very beginning because it was a low-hanging fruit that dealt with youth. If it had been a program for senior citizens who were less inclined to use computers, it might not have worked so well. However, it worked very well because we were dealing with people who understand computers, who have worked with computers in their daily lives and in school settings since they started school. It was natural for the government to put student aid online. That is an example of a program that worked very well.

Government Orders

•(1615)

Those sorts of programs should have been replicated right across all jurisdictions. We should not be offering them in one province and not in another. The provinces had to get together to talk about whether they could share these programs. I have always said that the national government, rather than individual governments, should pay for one national computer program to be used in all the hospitals across the country. We had software developers in my own province getting a grant from one arm of the government, the Department of Industry, to develop a software program and then turn around and sell it to individual hospitals. The taxpayers had the privilege of paying for a certain software program that was already paid for in part by the taxpayers through one arm of the government to pay multiple times as each hospital bought the program.

That made no sense at all to me. Where was the direction and leadership of the government. There were some signs under the latter part of the Paul Martin government that it was showing some interest in developing programs that could be used on a national basis.

We did encourage the provinces to get together and exchange programs, which worked to a certain extent, but it fell down because of the silo effect. People in their own little silos in their own parts of the government refused to co-operate with anyone else. We would hear arguments that it was contrary to the legislation, that it would need to alter it to the legislation in its jurisdiction or that it did not meet its capacities.

However, there were these off the shelf programs. For example, the Securities Commission in Alberta had a program that Manitoba could simply adapt because it was exactly what it needed. However, we found a lot of silo thinking where people would say that was specialized for Alberta and that they needed to have their own made in Manitoba.

In many ways we find ourselves working against ourselves and perhaps that is why the system is not as advanced as it should be.

A few minutes ago my colleague mentioned consumer legislation. In 2002 in Manitoba, we put together bill 31. I was asked to be the coordinator of it. We had to pull in all the people from four or five departments and we had that typical silo problem. Before we got them together in one room, we heard all the reasons that it could not be done or could never be done. We called them together in one room and asked them what their problems were. In a group environment they did not have a problem.

Therefore, we proceeded with a very big omnibus bill. As a matter of fact, it was designed and crafted under the Uniform Law Conference of Canada suggested wordings and it was the most comprehensive of its type in Canada at the time.

One of the things that got the bill moving a lot quicker was the idea of putting in some consumer legislation. We discovered that there were between one and four states in the United States that had laws that said that if people did not receive their product or service that they ordered on line that the credit card companies would be held responsible to reimburse them. That sounded very intriguing. That was 10 years ago. That was at a time when Internet commerce was still in its infancy and we were trying to encourage it in Manitoba. However, we did not want people to be afraid of it and

think that somehow if they bought something on line and they did not get it they would be out their money and would not know how to retrieve it.

In bill 31, we made the credit card companies responsible for any Manitoban's purchases online and if they did not receive the product or the service, the credit card company would be responsible.

Can anyone guess what happened? We went to committee and we heard from the credit card companies. Some of them were not too happy about this but Visa, which is a very big organization, did not put up that much of a fight.

•(1620)

We put forward that particular piece of consumer-friendly legislation and we put forward other pieces of consumer legislation but the reason we brought in this legislation in the first place was to streamline the government and make it more efficient.

We were trying to use the common business identifier. In the old days, the federal government and the provinces were using their own business numbers. We had situations in provincial governments where people were not even paying their PST or GST to the government and, in fact, were in receipt of grants from other parts of the government. This was an intolerable situation and it is something that should never happen.

Therefore, by having a common business identifier and a centralized computing system, we were able to tell if a person had applied for a grant from a certain department and whether the person was in arrears on his or her PST or whether the person owed the taxpayers all sorts of money that he or she had not paid back through taxes. We were trying to put a stop to that. We were also trying to make the system easier to use for businesses so they could file their returns. We were cutting down the paperwork involved in business.

The Conservatives just love to talk about red tape. One of the first things Conservative politicians love to talk for hours about is reducing red tape. The former member for Portage—La Prairie, who was in this House for several years, made his career on cutting red tape in the Manitoba legislature. He also made his career on eliminating the pension plan in the Manitoba legislative assembly. I can tell the House that it was not a very happy group of former MLAs when he moved to the federal scene and proceeded to collect his own federal pension when they in fact had lost their own, but that is an aside.

Nevertheless, the legislation before us today is long overdue. As a matter of fact, we have a danger here that this legislation will need to be re-tweaked. As I mentioned at the beginning of my speech in response to some comments by the member for Timmins—James Bay, nothing in this bill involves any criminality.

Government Orders

We just had a case in the last two weeks where Facebook got a judgment against a Canadian guy for \$1 billion. He did a huge amount of spamming on the Facebook system and has made a hero out of himself by getting all kinds of free publicity around the world. What has he done? He has simply declared bankruptcy. We could go to all this trouble of finally passing this bill after all these years and find out that it is totally ineffective when we have people running huge spamming operations in this country right under the noses of the authorities and then, when they finally do end up in court and get sued, they just simply declare bankruptcy and are gone or simply change countries.

Clearly, if we are passing legislation now, we should ensure there are enough penalties in here that will make people responsible and try to correct the behaviours that we are seeing.

However, as we indicated, there are bigger issues. This is an important issue and we need to deal with it, but the member for Timmins—James Bay talked about the other areas, such as the broadband strategy that is lacking from the government. The vision on broadband is very vital to this country and especially to the survival and development of rural Canada. There is also the whole issue of government online programs, which we hear nothing about from the government.

• (1625)

The Acting Speaker (Mr. Barry Devolin): It is my duty, pursuant to Standing Order 38, to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Yukon, Offshore Drilling.

Questions and comments. The hon. member for Sudbury.

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, my hon. colleague talked about consumer protection. It is important to note that some good electronic commerce does take place on the Internet. Businesses use it effectively for advertising their services and consumers use the electronic commerce medium and will continue to do so. He also talked about the history when he was in Manitoba as an MLA and what they did to implement it there.

Under this bill, I know there will be some regulations that could take away some of the offensive issues of electronic commerce. Individuals would be penalized and private action could take place as well, which is another strong point of this bill.

On the consumer protection piece that we have talked about, does the hon. member feel that there is enough protection in place for the consumers? With his experience, what type of penalties would be fair to ensure we can protect Canadians?

Mr. Jim Maloway: Mr. Speaker, I have always been amazed that governments do not see open opportunities to bring in consumer legislation, particularly when governments are looking to be relevant to their voters and populace. Consumer legislation is the type of legislation that costs the government nothing. We cannot get better results than bringing in consumer legislation that costs the government nothing, makes it look good, and not only protects the consumers but also protects business.

Business organizations tell us that they want to see regulation. Business want to compete with one another but they want to compete on a reasonable level playing field and they want some

rules in place. They want to know what the rules are before they spend a lot of money developing their business plans.

If we allow spammers to come in and do whatever they want anytime they want without any sort of penalty, businesses will not be agreeable to that. Whatever we do, we need to have the same rules for everybody, but consumer legislation is something the government does not seem to pay a lot of attention to.

I know the member has introduced a lot of legislation dealing with consumer-type activities and I encourage him to continue doing that but expecting results from the government is something that maybe we should not have too high hopes about.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, my hon. colleague gave an excellent overview. He has a very long history in dealing with consumer rights issues. The issue of consumer rights go to the very heart of the need for a digital strategy in this country because more and more consumers and businesses are on line. We are in a digital realm where we need broadband and certain levels and standards.

We see the government with its very retrograde of are there no workhouses for the poor approach to government when what we are hearing from small business is that we need standards on broadband. We have none from the government. We are hearing that we need a plan for net neutrality to ensure that the data being transmitted from small business to small business, from consumer to consumer across this country and around the world has protections in place to ensure people who are paying for service are not being ripped off.

Why does my hon. colleague think it is that the government seems so stuck, not even in the 20th century but in the 19th century, with so many of its attitudes. Meanwhile, the rest of the world, whether we look at South Korea, Sweden, Australia or Europe, is moving far ahead of us. The best the government can offer is that in the next year it will spend whatever is left of the debt, whatever money it can borrow, on prisons while everyone else is building international and national standards for broadband.

• (1630)

Mr. Jim Maloway: Mr. Speaker, fundamentally it is a government based on free enterprise, and it really does not care about a lot of the activities it should be encouraging. I mentioned the dark fibre builds that can be done on a cooperative basis. School divisions in the United States 10 years ago were paying through the nose for slow broadband service through their telephone companies, and they finally decided to build their own dark fibre network. For a very low cost they built a dark fibre system. They used their entrepreneurial spirit to fill their own needs, while using extra capacity to lease space back.

It is this kind of activity that government should be fostering, but it does not fit the corporate agenda. It does not make the big telephone companies happy, or attract the big money on Bay Street. What interest does the CEO of a big telephone company or a big Bay Street company have in developing a dark fibre co-op in northern Manitoba or northern Saskatchewan?

On native reserves across the country, we could have inexpensive dark fibre builds. Why is it not happening?

Government Orders

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): I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Industry, Science and Technology.

(Motion agreed to, bill read the second time and referred to a committee)

* * *

ENDING EARLY RELEASE FOR CRIMINALS AND INCREASING OFFENDER ACCOUNTABILITY ACT

Hon. Lynne Yelich (for the Minister of Public Safety) moved that Bill C-39, An Act to amend the Corrections and Conditional Release Act and to make consequential amendments to other Acts, be read the second time and referred to a committee.

Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, it is a pleasure to rise today in support of Bill C-39, An Act to amend the Corrections and Conditional Release Act.

Our Conservative government has been hard at work, delivering on our commitment to make our streets and communities safer for all Canadians, and to ensure that victims have a say in the justice system. Today, I am grateful for the chance to continue those efforts. Our government told Canadians when it was first elected that we would do things differently. We said we would get tough on crime. We have delivered. We said we would make sure that people convicted of serious gun crimes were given sentences that fit the nature of their act. We have delivered. We said we would give the police the tools they need to do their jobs. Again, we have delivered.

Over the last four years, this government has done what it said it would do to keep Canadian families safe in their homes and communities. We have done what we said we would do to help victims and ensure that their rights come before the rights of criminals.

I am therefore pleased to have this chance to speak to the legislation before us today, which would further strengthen this record, and which I know has the support of law enforcement officials, victims' rights groups, and all hon. members.

The bill before us today would strengthen the system of corrections and conditional release in this country in two important ways.

First, it would enhance offender responsibility and accountability, while strengthening the management of offenders during their incarceration and parole. It would also give victims access to more information and modernize disciplinary actions for offenders.

Second, the legislation before us would catch up with the seriousness of non-violent or white-collar crimes.

Let me address each of these in turn.

Bill C-39 would, first and foremost, amend the Corrections and Conditional Release Act to emphasize that the primary goal of corrections and conditional release is to protect the safety and security of Canadians. This is in line with key recommendations from the independent review panel that our government established in 2007 to review Correctional Service of Canada's operational priorities, strategies, and business plans. It is also in line with our commitment to put the interest and safety of law-abiding Canadians first in the justice system.

Specifically, the amendments before us today would require offenders to conduct themselves in a way that demonstrates respect for other people and property. In addition, they would require all offenders to obey all penitentiary rules and release conditions, while also actively participating in the setting and achieving of objectives in the correctional plans.

Since rehabilitation is a two-way commitment, Bill C-39 proposes amendments to ensure that a correctional plan is completed for each offender. The correctional plan sets out objectives for behaviour, program participation, and the meeting of court-ordered obligations, such as restitution to victims.

As well, Bill C-39 would modernize the system of discipline in federal penitentiaries by, for example, specifically addressing disrespectful, intimidating, and assaultive behaviour by inmates.

Bill C-39 also proposes to strengthen the management of offenders and their reintegration into society by allowing police officers to arrest offenders who appear to be in violation of their parole without having to wait for a warrant to be issued. Police and other criminal justice partners have asked for these changes, and our government is delivering on them.

Victims, of course, have long requested access to more information on offenders and a greater say in the justice system. Bill C-39 would deliver on this in a number of ways. The bill would allow victims to get information on the reasons for a temporary absence, an offender transfer, offender program participation, and any offender convictions for serious disciplinary offences.

A victim's right to attend and make statements at Parole Board of Canada hearings would also be enshrined in law, and offenders would in most cases be prevented from withdrawing their parole applications 14 days or less before a hearing date.

These proposed amendments are balanced and fair. They respond to the needs of victims, as well as those of offenders who want to rejoin society as law-abiding citizens and lead useful and productive lives. They respond to the needs of staff in correctional facilities, who have a right to expect a safe and secure work environment. They also respond to the needs of all Canadians, who have a fundamental right to expect that the corrections system will work the way it should, and that their safety and security is regarded as paramount.

Government Orders

●(1635)

The second set of fundamental requirements proposed by Bill C-39 relate to the current system of accelerated parole review.

As Canadians have been made painfully aware over the last few months, not all criminals carry guns. Their weapons of choice may be phony balance sheets or glitzy portfolios designed to deceive honest Canadians into handing over their hard-earned money, often their life savings.

Recently the Minister of Justice introduced legislation to impose mandatory jail time on so-called white collar criminals who commit fraud over \$1 million. That legislation would also ensure that the courts will consider requiring these criminals to make restitution to their victims. This would build upon our government's other measures to ensure that the punishment fits the crime. But it is one thing to increase sentences; it is another to make sure offenders serve a portion of those sentences in custody before they are released into our communities to finish serving their sentences there.

Currently, many offenders are released through a process called accelerated parole review. First-time penitentiary inmates who have committed non-violent offences can access day parole at one-sixth of their sentences, and full parole at one-third of their sentences, through a test less rigorous than that required for regular full parole. Unless the Parole Board of Canada has reasonable grounds to believe that these offenders will commit a violent offence if released, they must release them into the community. This means that in some cases a serious fraudster, thief, or drug dealer, for example, can be sentenced to 12 years but actually be released into the community on day parole in just two years and fully paroled at four years.

The status quo gives the Parole Board no discretion in dealing with these cases. The test is whether an offender is likely to commit a violent offence. As a result, even if the Parole Board believes the offender is likely to commit another fraud or theft, or continue dealing drugs, it is compelled to release him and to try to manage him under conditions. In many cases, offenders who have been given what might sound like a proper sentence can be back on our streets not long after their crimes hit the headlines. This offends many Canadians' sense of justice. It undermines their faith in our justice and corrections system. Canadians want change and that is what our government is delivering.

Bill C-39 will abolish accelerated parole review and repeal the sections of the Corrections and Conditional Release Act that govern the accelerated parole review regime. It will mean that offenders who commit non-violent or white collar crimes are put on the same footing as other offenders. They will be eligible for regular day parole review six months prior to full parole eligibility, and they will be eligible for full parole review after serving one-third of their sentences. Rather than benefiting from a paper review, they will be subject to an in-person hearing, and the test for whether they should be released will be whether they pose an undue risk of committing another crime.

With the legislation our government is proposing, serious crime will mean serious time for non-violent or white-collar criminals in the same way that it does today for violent offenders. Our government agrees with Canadians that the corrections and

conditional release system should put public safety first. The punishment should fit the crime and the rights of criminals should not come ahead of the rights of victims and law-abiding citizens.

Taken together, the changes proposed by Bill C-39 will bring the Corrections and Conditional Release Act in line with the needs of law-abiding Canadians, who have the right to feel safe in their own homes. The bill will also help to ensure that victims can get justice and have a voice in the justice system. I therefore urge all members to work with our government to ensure that the legislation before us today receives the speedy passage it deserves.

●(1640)

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, we are going to support this bill, to send it to committee at second reading where we think it should be studied. Nevertheless, we have serious concerns about the government's overall policies in relation to justice matters.

I note that we recently had an announcement by the Minister of Finance that the deficit for last year was \$2 billion more than previously reported. It is in the range of \$56 billion, the largest deficit in Canadian history, and part of what we see in the future is that we are going to continue to have huge costs. The government will be spending something in the range of \$10 billion on prisons in the coming years, and not spending in areas that will help to prevent crime.

Therefore, I want to ask my hon. colleague this: what is the government's forecast for the costs that will result from this bill?

Mr. Dave MacKenzie: Mr. Speaker, with all due respect to my colleague across the floor, the Liberals are always concerned about the cost of keeping criminals behind bars.

We on this side of the House know that Canadians have to be safe and feel safe. We understand that there is a cost associated with keeping criminals behind bars. We feel that Canadians are asking for that, and we are willing to pay for it. It is a small amount to pay for safety in our communities.

I do not know where on the scale my friend would put the cost of criminal acts committed against Canadian citizens, but this cost will be minimal compared to the cost of the damage done to our society.

●(1645)

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, we have been critical of some of the government's policies on criminal justice, particularly the way it rushes things through.

Government Orders

I would like my friend on the other side to explain one of the things that makes no sense at all. I want him to pay close attention to section 15.1 in the bill, which I have here. I have the act in my hand here. Section 15.1 actually just describes Newfoundland. According to their own bill, what the Conservatives are about to amend will only apply to Newfoundland. They clearly have not done their homework. I have the act here, and 15(1) says, "Newfoundland" and the agreement to bring Newfoundland in, I guess, and make criminal justice and the Criminal Code congruent. The way the Conservatives have written the bill, section 15.1, which actually has some good things in it, will only apply to Newfoundland.

I would like my colleague's response on this matter and why this was missed.

Mr. Dave MacKenzie: Mr. Speaker, my hon. colleague is always concerned about the rights of the criminal. He rarely, if ever, is concerned about the rights of victims. This bill is all about bringing the rights of Canadian citizens ahead of those of convicted criminals. It is about making the system fair and responsive to the needs of Canadians.

That is why we will see in this bill, for instance, the whole issue dealing with parole where, in the past, the criminal has had the upper hand. We are now putting some of this power back into the hands of the average Canadian citizen, putting power into the hands of the police who, when they find these people breaching terms, can now arrest them as opposed to having to wait for a warrant.

This is a good bill. I hope my hon. colleague will support it.

Mr. Paul Dewar: Mr. Speaker, I asked a very specific question. I said that there are some good ideas in this part of the bill.

I asked why the government did not even read the act because section 15(1) of the act applies to Newfoundland. It was a very simple question. I was not asking for talking points or hyperbole. If the member is not aware, I will give him a copy of the act as I have it here. Section 15(1) applies to Newfoundland. This bill would only amend provisions with respect to Newfoundland. Why did the government miss that? Is it going to change it? It is a very simple question.

Mr. Dave MacKenzie: Mr. Speaker, with all due respect, I did not bring today's copy of the Criminal Code that my colleague has.

I would ask him to please join with us in supporting this bill as we move forward. It is all about Canadians. It will give Canadians an opportunity—

Mr. Paul Dewar: You do not even know what you are talking about. You don't even have the Criminal Code, and you are amending the Criminal Code.

Mr. Dave MacKenzie: I do not think my friend wants to hear me, Mr. Speaker.

This bill is about giving Canadians an opportunity to honestly see what is happening in our system with respect to parole and the early release of criminals convicted of the most serious offences.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, we all know that as bills go to committee there are things that do need a bit of adjustment.

I would like my colleague to highlight why this bill is going to be so important for Canadians and so important for victims.

Mr. Dave MacKenzie: Absolutely, Mr. Speaker. My colleague raised a good question. This is what we have been trying to illustrate here. This is a bill about bringing responsibility back into the system. It is about giving offenders the opportunity to show the parole system that they are willing to work on rehabilitation. The real advantage of all of this is that, when offenders are released into Canadian society, they have seen the need to be rehabilitated, to take part in the programs that are in the prison system.

There are lots of good things in this bill for every aspect of this House to be willing to support as we go forward. It certainly is a good bill. It is good for Canadians as a whole.

• (1650)

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, I am pleased to speak to this bill.

I am going to start by talking a little bit about some of the elements of the bill, some areas where I think we are going to have to look further, then some general concerns and some very specific concerns about the direction the government is heading overall, and some concerns about the document upon which this bill is built, which is the Conservative 2007 road map.

Before I get to that, in its first clauses and in what it is seeking to do, this bill changes the nature of the mandate of Correctional Service Canada. Traditionally its mandate has been rehabilitation. What this bill is seeking to do is to clarify that it is the protection of society.

This is placebo policy in my opinion. It is supportable, but let us admit that the principle objective of rehabilitation is to make people better and to not have them offend. Therefore, when somebody does not re-offend and does not commit a crime, there is a safer society. That could be worded differently and that is fine, but obviously rehabilitation is central, if not essential, to that particular objective.

The second clause is concerning, because it does not add any specificity as to how the government would actually implement it. The government is saying in this bill that every inmate would provide a correctional plan to include the level of intervention of their behaviour and their participation in programs, meetings and co-ordinated obligations.

It is all well and good for the government to say to have a plan, but right now there are no resources. Oftentimes in talking to corrections officials or inmates in facilities as I tour the country, I find there are no resources for them to actually carry out their plan. There could be a situation where inmates are forced to have a plan and their parole or release is conditional upon achieving the plan, and yet it is impossible for them to achieve their plan because there are no resources for them to be able to go through and do the programs to meet what they have been asked to establish.

Government Orders

I would have no problem with the idea of saying to an inmate that they have to have a plan and that they have to meet that plan, but correspondingly there have to be resources, plans and programs to ensure that, in fact, happens and that plan can be met. If not, it is an exercise in futility and it means those people are going to be trapped in a situation where they cannot get out and cannot meet the objectives established for them.

The expanded range of disciplinary offences to include intimidation, false claims and throwing a bodily substance are not particularly objectionable.

The establishment of the right of the victim to make a statement at parole hearings is something that I think is very supportable. I think we would have to hear more about how that would work specifically.

There are some concerns, and I think we would have to talk about that at committee, with respect to permitting the disclosure to the victim of the name and location of the institution to which the offender is being transferred, the reason for the transfer, information about the offender's participation, et cetera. We would have to know how that was happening and how we would deal with the privacy laws that exist in the country.

There is a provision that would eliminate the accelerated parole review. It is important for members to know that the accelerated parole review is only applicable to non-violent offenders. There has been some debate in this House previously about eliminating the accelerated parole review for individuals who committed non-violent offences that were still extremely serious.

A white collar crime that victimized a great number of people clearly is a very serious crime, and we would want to make sure that there is an appropriate sentence for it and that the person who committed it is not given the opportunity to end a sentence early.

However, to eliminate all accelerated parole review might be a concern, particularly when we look at the fact that in 2006 and 2007 an offender on conditional release cost an average of \$23,000, and this is to correctional services, while an incarcerated offender cost an average of \$93,000. So if these are non-violent individuals and there is another way for them to serve that sentence, the question has to be asked whether or not the country should bear those kinds of costs, or whether or not that is in fact appropriate.

There are also provisions to authorize a peace officer to arrest offenders without warrant for breach of conditions of their conditional release. There may be legal issues with that. We would have to take a look at it.

If I could, I think we should look at the document upon which this is founded, the road map that the Conservatives were following with respect to the corrections system and with their agenda as it comes to prisons overall.

• (1655)

Both Mr. Jackson and Mr. Stewart reviewed this particular road map in a report entitled, "A Flawed Compass: A Human Rights Analysis of the Roadmap to Strengthening Public Safety". They stated they had three very specific areas. They called them three strikes. They started with the fact that:

It tramples on human rights and human dignity—strike one.

It will threaten public safety by making conditions in prisons more dangerous and undermine the pathways to prisoners' reintegration—strike two.

It will place enormous financial burdens on taxpayers in lengthening and deepening the level of imprisonment, the disastrous path the U.S. has travelled—strike three.

They went on to say:

And lest there be any doubt of its abject failure as an exercise in principled and effective corrections, there is a fourth strike—it will intensify what the Supreme Court has characterized already as "staggering injustice" of the overrepresentation of Aboriginal people in the prisons of Canada.

In his portion of the address, Stewart noted a fifth strike against the so-called roadmap, "the near total absence of evidence to support its conclusions and recommendations".

We need to consider this carefully not only because this plan is ineffective, because it has been tried in other jurisdictions and failed so miserably, but because the costs are so staggering that they have already buried other jurisdictions that have attempted this. The government is chasing after California when California itself is running away from the disaster it created.

We know that California adopted a very similar strategy with respect to corrections, building ever-larger prisons, upping the number of people and the time they spent in them. The result was not safe for communities. It was staggering debt, unbelievable cost and, in fact, less-safe communities.

In California the rate of recidivism, the rate at which people reoffend, has now crossed the 70% line. That means 7 out of 10 people who will walk out of a prison will recommit a crime, or recidivate. It is not exactly an example we want to follow, particularly when California is left in a situation where prisons, like a vacuum, have sucked money out of health care, education, infrastructure and priorities that Californians otherwise would want to see their government invest in.

We are barreling down this path and what is particularly concerning with all the bills in front of us, not just this bill but others, is that there is not even a bother to offer a costing of this direction. In fact, the public safety minister has said he knows the cost but will not tell.

What we do know in just one bill is that the former public safety minister told the House that a bill was going to cost \$90 million. I requested Mr. Kevin Page, the Parliamentary Budget Officer, to do a review and he agreed to do that review. As soon as there was the threat of review, that number changed from \$90 million to the minister saying he made a mistake and it is \$2 billion. When the Parliamentary Budget Officer concluded his report, he did not say it was \$2 billion but said it was going to be \$10 billion to \$13 billion in costs over the same period of time that they were talking about \$90 million. This is an egregious amount of money but it is only one bill.

Government Orders

When we consider the fact that Canada right now is suffering under the largest deficit in its history, where the country is going to have to make tough choices about how to undo the fiscal mismanagement that we have seen over the last number of years, one has to ask how we can possibly afford tens of billions of dollars in constructing new prisons. The problem with this strategy is that at the same time the government is building all these prisons and ratcheting up all these costs, it is slashing from the very things that stop crime from happening in the first place.

As an example, crime prevention has been cut by more than 70%. The victims of crime initiative has been cut by 41%. The very things that develop community capacity, that allow for organizations at a community level to break cycles of violence, addiction and the things that drive crime, are being cut.

When I go across the country and talk to people in communities, whether it is boys and girls clubs, church organizations or not-for-profit groups, they talk about how that cut in funding has impacted on their ability to make a difference in their communities. They talk about the fact that they have no doubt in their minds that it will lead to more crime, less safety. We need to reflect on that.

• (1700)

Dr. Irvin Waller, a leading thinker in the country about how we should approach preventing crime and keeping our communities safe, has quite clearly proven that for every dollar we invest in prevention, we save \$11 in other costs, whether it is incarceration, probation, parole, or all the other things that are related. If we are cutting from the thing that saves money at a ratio of \$11 for every dollar we spend and at the same time we are ratcheting up prison spending, it is a disaster in terms of its fiscal impact. It will blow a crater into the budget the likes of which it will be almost impossible to repair.

We are at a critical juncture where we have to make a choice about what road map, using Conservative language, we choose and how we deal moving forward. I would suggest that beyond reinvesting that money in crime prevention, going back to those communities, that we should go one step further. In communities like Kitchener-Waterloo or Summerside, P.E.I., I was able to visit crime prevention councils, which developed an action plan to enhance safety in those communities. It was driven from the ground up, saying exactly what they needed to make communities safe places, not some federal dictate that comes down, or some federal program they have to twist and contort themselves to fit into, but a locally driven community action plan that the federal government gets behind and supports, a plan that recognizes the importance of breaking cycles of violence, that recognizes that for inmates more than 80% of them are facing addiction issues and that for most crime that is being faced in communities it stems back to problems with substance abuse.

We need programs that recognize that victims of crime often later become perpetrators of crime in a cycle of victimization that must be broken at a community level. They recognize as well that having additional police on the ground, having proactive policing, going out and engaging young people in a positive meaningful way, giving them positive outlets to express themselves are all ways of making our communities actually safe, not just using words or trying to play politics with crime.

However, it does not end there. We also have to look at what we do in the prisons. At a point at which a young person first has their interaction with the law and makes a mistake, what is the course of action we will take? Right now too many young people, when they first commit a crime, are stuck in remand, where they are unable to get access to any programs or services to make them better. I do not disagree with elimination as an example of the two-for-one remand credit, but let us understand why the remand credits existed. It is because the conditions in remand were so reprehensible and young people going into conditions as minor criminals were spending time with major criminals and coming out ready to commit major offences. In essence we were creating crime factories.

If we are interested in breaking these cycles, we need to do what so many parents have done when faced with the struggle of having a young person who is heading down a dark path. They told me if they had a place to take their son or daughter and know that by bringing them there they would become better and be able to break that addiction, they would walk them to the door themselves. However, they know prison is not that place. They know that when they go to prison, their addiction issues get worse, not better. They are facing not only addiction issues, but when they get there, they are often facing extremely high rates of infectious disease.

Some people have said who cares if the HIV rate is four or five times the rate of the general population, or the hepatitis rate is many more times in prison than the general population. We have to remember that more than 90% of people who walk in a prison door will walk back out. Their health, their rehabilitation is not some criminal hugging interest. It is a self-interest. It is an interest of every Canadian because it has a direct and deep impact on community safety and on public health. Therefore, we need to have places where people actually go to get better.

What is disturbing about the path the Conservatives are choosing to walk down is at the same time they cutting from prevention and cutting from support for victims, they are cutting programs in the prisons.

• (1705)

I had an opportunity to visit every prison farm in the country. I talked with correctional officers who worked in these facilities, in some cases for longer than 30 years. To a last one, every one told me it was the best program we had in corrections. I met with inmates who went through the prison farm program, looked them in their eyes as they talked about the transformation that it caused within them, how working with animals bred empathy and compassion, about how the program placed at the end of their sentence got them ready to reintegrate.

Government Orders

It is not because agriculture on to itself is the solution, although unlike the government I do believe agriculture is still relevant. Believe it or not the Minister of Public Safety said that agriculture was essentially a dead end and there was no purpose for teaching it to people. However, it misses the fundamental point. These men were going through the program. They were spending 10 hours a day working on a farm. Because it was a voluntary program, they had to wake up on their own will at five or six o'clock in the morning, go in and put in a full day's work, working with animals, understanding empathy, understanding the value of work. The dignity and structure of that work is fundamentally what has changed them.

When I talked to employers in the construction industry or elsewhere, I was told they were some of the best inmates they could hope to hire because they understood the value of work.

While it is true that not every one of them was hired in agriculture, in fact the vast majority were not, they were hired and they were engaged in meaningful ways. What correctional officer after correctional officer told me was there was not a single rate of recidivism.

This program is dead. Its cost was \$4 million a year. Four million dollars is a lot of money. It is two fake lakes, but it is not a lot of money relative to the cost benefit that it provides. It is deeply shameful that at the same time we are ballooning prison populations, we are cutting some of the most effective programs at making people better. We are cutting prevention. We are cutting from victims. Now we are cutting from programs inside a prison. The argument is that this is going to make us safer.

When I dare to speak out against this agenda, what do I get day in and day out in question period? Members stand up and talk about how I am a criminal huffer, about how I do not care about public safety, about how somehow I care less about the safety of my children than they do theirs.

I believe Conservatives are misguided on these issues. I believe they are taking us down a wrong and perilous path, which has proven that in every jurisdiction it has been tried, it has failed. However, I would not subscribe to one of them, a motif that did not care about community safety, and they should not impart it upon any other member. It does a disservice to this chamber.

We also have to recognize the impact of mental health and the importance of dealing with mental health in our prisons, particularly in female institutions, where very serious mental health issues will often make up more than 25% of a prison's population. In the male population the number is lower but still startlingly high.

What I hear from police chiefs across the country is more often than not we are using our prisons as repositories for people with mental illness. We are taking those who are suffering from mental conditions, who have no support and no way of getting off the streets, and waiting for them to commit crimes so the police can do something with them. Then they are transferred into prisons, where prisons are woefully under-prepared to deal with their mental illness. As a result, they often put them into segregation. In these segregation cells their conditions further deteriorate.

We are all aware of the story of Ashley Smith. Ashley was a 17-year-old girl whose crime was to throw an apple at a postman and to

steal a CD. Ashley had mental challenges. When she was put into prison, they got much worse. The prison system did not know how to deal with her and had her in a segregated cell for 11 solid months. As Ashley tried to kill herself and kill herself, there was no interjection until finally Ashley self-asphyxiated and died.

We need to do much better than that. We cannot allow the mentally ill to languish in prisons with no hope of getting better or for people, like when I was in Her Majesty's penitentiary in St. John's, to be locked into a facility where they have no hope of getting out and getting better.

There needs to be a road map but it is not this one. We can do a lot better.

• (1710)

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, I recommend the hon. member go back and take a look at budgets that this government has introduced over the last four years. In my recollection it is this government that has increased the budgets for front-line police assistance. We have put prevention in as part of that budget.

I am a regular volunteer with the York Regional Police in York region. Our chief of police is very thankful for the budget allocations that this government has made. We also have five former police officers on this side of the House. It is important to recognize that they bring with them great expertise.

I do agree with the hon. member that having a rehabilitation program in place is the most important. Before I was elected to the House, I worked in disability management. We regularly had to put rehabilitation programs in place for injured workers. Building a rehabilitation plan for an injured employee is the most cost effective course of action for both the injured employee and for the employer.

When we are looking at these resources and how we use them, building a rehabilitation plan that takes place when an offender has the opportunity to build real skill and go out into the employment places afterwards is going to really help him or her.

Would the hon. member not agree that by providing an offender with real opportunities to gain real job skills that will be usable in the workplace is the best plan of action?

Mr. Mark Holland: Mr. Speaker, one of the things we often fail to recognize when we go into our federal facilities is that many of the men and women who are there do not even have the most basic life skills. I am not just talking about literacy. When we put somebody into a literacy program, we do not necessarily hope that he or she becomes an author, but we understand that literacy has a direct ability for employment.

The prison farm program was so important because it taught the skills of the structure of work, the dignity of putting in a full day's job. There was no other program in corrections that allowed somebody to go in and put in a full day like that.

Government Orders

I agree with the hon. member that rehabilitation is essential, but we have to understand that providing skills is more than just taking a class on how to do some specific trade. For many of these men and women, it is much more fundamental than that. They do not understand how to structure their day. They have never had the opportunity to go in and put in a full day's work. They have never known the dignity that comes from work. They should have experiences like working with animals. We have seen in cutting edge research how that builds empathy. These are things we should not turn our backs on.

What concerns me is that we are cutting from programs like that at the same time that we are ratcheting up prison spending. The two are moving in opposite directions and it is going to lead to a disastrous impact.

I encourage the hon. member to read what Steve Sullivan had to say. Unfortunately he was fired because he stood up to the government. Like anybody else who stands up to the government, they are fired or misplaced in some dark corner where they are never heard from again. Mr. Sullivan said that the government's approach to crime was unbalanced, it would not work and it was wrong for victims. The government should look at the types of things he was saying about the cuts to the victims of crime initiative of 41%, or the cuts that have taken place to prevention.

[*Translation*]

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, first of all, I want to congratulate my colleague from Ajax—Pickering on his excellent speech. It is important to note the obvious differences between the speech by our Conservative colleague and the speech by our Liberal colleague. The concerns brought up by our Conservative colleague are certainly laudable, since they have to do with rehabilitation measures. However, our colleague from Ajax—Pickering focused particularly on prevention. Indeed, that is what is the most successful. The figures he gave us were also interesting. Of course, prevention is successful in avoiding crime as much as possible, but it can also be profitable economically. As he said, for every dollar we invest in prevention, we save \$11 in other costs.

To get back to Bill C-39, I have a question for my colleague, and would like to hear what he has to say. Does he see concrete measures or examples in this bill, in terms of prevention, that could give this bill some merit?

• (1715)

Mr. Mark Holland: Mr. Speaker, in my opinion, there is not much in the bill to do with crime prevention. I can certainly support some elements of the bill, which the committee will be able to use constructively. The Conservatives' proposals do not provide for much in terms of crime prevention. The Conservatives are still using crime to win votes. They are not protecting our communities. That is the problem.

[*English*]

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, I must say that the speech from my colleague from Ajax—Pickering was extremely rational and was one of the better speeches I have heard in this place.

I want to follow up on the question from the member for Chambly—Borduas.

Thirty-four per cent of aboriginal Canadians between the ages of 25 and 64 do not have a high school degree. We know that many people who live in poverty have a disproportionate likelihood of ending up incarcerated.

There are a number of ways we can affect this problem. We all need to have security in Canada. We want to have prisons. They need to be places where people come out better than they were when they went in. But we also want to keep people out of jail. Whether it is early learning and childcare, literacy programs, or lifting caps on aboriginal education, I wonder if my colleague would agree that these are the ways that we need to go as a country. We cannot equalize our income across Canada, but we can do more to equalize opportunities so that people do not end up in a life of crime. I wonder if he might comment on that.

Mr. Mark Holland: Mr. Speaker, the member talks about the interconnection of these issues far more broadly than even I have, and I think this broad view is important.

When I was in Regina, I had an opportunity to tour the worst areas with the former police chief. He took me to neighbourhoods where children were growing up in homes with no heat, where a meal was a scarce thing, where they had to walk through streets that were unbelievably violent, where, even when I was there, the police had to call in paddy wagons because there had been a shooting. Can members imagine somebody trying to learn in an environment without food or heat? The chief told me about another home where, for six months, raw sewage was being dumped into the basement because they had no solution. And somebody says, "Well, pick up your bootstraps kid and make a go of it".

If we want to stop crime, we cannot allow children to live in those conditions. If we are interested in making our communities safer, then we have to go to the places where crime originates.

My colleague makes an important point when he talks about how disproportionately represented aboriginal and first nations peoples are in our prisons. They are 10 times more likely than anybody else to be in a prison. This is a national disgrace and we have to look at the reason for it.

More often than not, the reason is that first nations youth do not believe there is a future for them. They have lost hope. They do not feel that this country has opportunities for them to be successful, to set goals and realize them. As long as they lack that hope, as long as they lack that belief that they can cross through and have a successful future, then we will continue to see this kind of disproportionate representation in our prisons.

The terrible thing about the way this debate has been cast is that it makes it seem as though criminals are just these bad people and all we have to do is hit them harder, with bigger sticks, and all of our problems will go away. However, when we look at the underlying assumptions, when we have an honest conversation about what community safety is about, we get a real and honest picture of what needs to be done. Remarkably, it can be done at a fraction of the cost.

Government Orders

[Translation]

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, as usual, this government is introducing a bill that I have begun referring to as a microwave bill. The Standing Committee on Public Safety and National Security should have been studying this bill long ago, but the Prime Minister decided to abusively prorogue Parliament in December 2009.

In fact, because of the Prime Minister, Bill C-39, introduced on June 15, 2010, is a combination of two bills that died on the order paper, namely Bill C-43, An Act to amend the Corrections and Conditional Release Act and the Criminal Code, introduced in June 2009, and Bill C-53, An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts, whose short title is Protecting Canadians by Ending Early Release for Criminals Act.

As usual, we have become accustomed to this government's showy, dramatic titles that are, of course, always accompanied by a circus when they are introduced.

So there is nothing new on the horizon, which is serious. It is serious because peoples' safety should come before political games. Instead of creating a circus and rejecting Bloc bills in bad faith, this government should start thinking about taking real action in terms of public safety.

One of the provisions in this bill would abolish the opportunity for parole after one-sixth of the sentence. Since June 2007, the Bloc Québécois has been proposing that parole after one-sixth of the sentence be eliminated because we feel it undermines the credibility of the justice system. We believe that such an action would restore the public's confidence that has been abused by people like Vincent Lacroix and Earl Jones.

On September 14, 2009, we introduced a bill specifically focused on that measure. All victims and the general public unanimously agree on that measure. On two separate occasions we called for the unanimous consent of all parties to pass the bill quickly, so it could be applied immediately to people like Earl Jones and Vincent Lacroix. And what did the Conservatives do? Twice—not once, but twice, so no one could say they did not understand at first, but I am sure they must have understood the second time—they refused to pass the Bloc Québécois bill. And that is terrible, given that with this Bill C-39, they have now presented a provision that they could have agreed to in 2007. This provision would have meant that people like Earl Jones and Vincent Lacroix would not be entitled to parole after only one-sixth of their sentence is served. But in reality, now we can debate the bill all we want, and people like Earl Jones and Vincent Lacroix can apply for parole after only one-sixth of their sentence is served—all because the Conservatives refused to take action quickly when we asked them to.

We will not accept that. Despite the Conservatives' bad faith, we will vote in favour of this bill because we want to study it in committee, since we think it has some interesting points and we feel it is extremely important that more consideration be given to victims. We are prepared to look at this and move it along for the benefit of the public.

We will also vote in favour of this bill because the Bloc Québécois already proposed some of these provisions back in 2007, as I mentioned earlier, including eliminating parole after one-sixth of the sentence is served. There is also the notion of making inmates accountable for their reintegration programs and questioning the virtually automatic statutory release that occurs after an inmate has served two-thirds of the sentence.

● (1720)

At present, in order to keep in custody offenders who are known to be dangerous, but who are due to be automatically released after serving two-thirds of their sentence, a parole officer and the whole team have to make a specific request to have these offenders detained, when they know the offenders will reoffend quickly and violently. I have been a part this process, called a detention, as a parole officer.

It takes a huge analytical effort to show that an inmate who is automatically released after serving two-thirds of his sentence will reoffend violently in very little time. There are very few detentions. They are used only for the most dangerous offenders, and that is unacceptable.

The Bloc has been proposing since 2007 that the government do away with automatic release after an offender has served two-thirds of his sentence. I could give some examples, but I would rather go on.

It is important to provide legislative tools for the people who are working very hard to maintain a balance between public safety and inmate rehabilitation. The mission of Correctional Service Canada and Quebec's correctional service is to maintain a balance between public safety and rehabilitation, which is hard work.

We must not lose sight of a very important point: rehabilitation is the key to public safety. If we introduce a system where public safety equals repression, we are going to find ourselves in a society where safety is seriously challenged. When we talk about rehabilitation and prevention, we are talking about public safety.

Unlike what certain demagogues say, prisons and penitentiaries are not some kind of club med. When people go to prison, they enter what we call crime school. People who have committed more or less serious crimes and who have more or less led a life of crime end up in prison and will develop new skills, make contacts and learn ways of doing things that make them more effective criminals.

If they go to prison for drug trafficking or another offence, they will get even better at committing crimes, hence the need for rehabilitation. The point of rehabilitation is to give tools to criminals to make them less dangerous or not at all dangerous to society. That is a key part of ensuring public safety.

It is important to understand that rehabilitation is key to protecting society, especially since many of these prisoners will be released one day, even those who were sentenced to life in prison. A 25-year-old who is serving a life sentence will be released one day, if he is rehabilitated. Sometimes, a prisoner will receive 10 or 15 years, and after going through the correctional system is just as dangerous or less dangerous. All of these people will get out one day, which is why rehabilitation is so important.

Government Orders

Unfortunately, the Conservatives do not understand that word. In fact, they simply do not believe in rehabilitation because they think that repressive incarceration is the answer. Incarceration is the most serious consequence for a criminal offence in Canada.

● (1725)

Incarceration is punishment in itself. Unfortunately, what this government does not understand is that there is a difference between “consequence” and “punishment”. When our children misbehave, there are consequences and rewards, but incarceration in and of itself is punishment and consequence. What more do we want? Why make incarceration even more repressive since being incarcerated is a consequence and punishment in itself? Applying revenge mentality to the law has to stop. The law is there to create justice and fairness and to make society safer.

This bill goes against the current mission of the CSC, which seeks to protect society by assessing the risk posed by inmates and encouraging them to take part in programs. We all agree that society must be protected, but the government is twisting this ideal to insidiously change the CSC's mandate through this bill. It is not very clear. We do not really know where the government is going with this.

I invite all hon. members to look more closely at this attempt to change the mandate that tries to achieve a balance between rehabilitation and protecting society from the perspective that rehabilitation equals protecting society.

As I was saying, the longer people remain incarcerated, the worse things get, but some people do not understand that. In less serious cases, people should be able to benefit from rehabilitation because, in any event, these individuals are assessed at every stage. The correctional plan is updated regularly, after three months, six months, a year. When these people appear before the board, their file is reviewed again. They are monitored. When they are released, because they are eligible or rehabilitated, they are monitored on the outside by Correctional Services. They have a meeting once a week, either at home, at work or at CSC offices. They are monitored closely until the end of their sentence. I think Correctional Services does good work.

However, it needs to be recognized that certain individuals cannot really be rehabilitated, such as those with psychiatric or psychological conditions. In my personal practice I met some who, unfortunately, could never be released because they are too dangerous. We must then ask ourselves if those people should be incarcerated in a prison. Should they not be incarcerated in a psychiatric institute or hospital? Unfortunately, the bill does not really answer this question. What do we do with very dangerous people who have serious psychiatric issues and who cannot be rehabilitated in the community?

Another important point about this bill concerns the place of victims in the correctional system and their right to be involved in parole hearings. There is also the issue of authorizing the correctional services and the National Parole Board to share information with victims. It is fundamental, not only to the healing process, but also to feel safe as a person who was victimized by another person, to have certain information about the offender, such as where they are, what they are doing, and to know if you will run

into them while grocery shopping or at the corner store. It is important to have certain information. However, I wonder—and we can take an in-depth look at this in committee—how much information should be given? What information is relevant? I do not really have an answer to that. The committee will surely enlighten us on that issue.

● (1730)

I really hope victims can have access to information. But what kind of information are we prepared to have? The information should pertain to these people's safety and the healing process.

Even though the Corrections and Conditional Release Act clearly recognizes the interests of victims of crime and the role they can play in the corrections and conditional release process, victims and victims' rights advocates told us that many aspects of the current system made no sense and that victims were dissatisfied. These people will be able to give us some further clarification in committee.

The government tells us that victims have an important role to play. I am trying to understand what the Conservatives have done for victims since they came to power. There was the famous bill that was introduced at one point and then dropped off the radar. It seemed to be designed to give the police tools to fight cyberpedophilia and child pornography. We do not hear anything about it anymore.

The former ombudsman for victims of crime, Mr. Sullivan, was unceremoniously dumped. In mid-August, three and a half months later, he noted in a letter to the minister that the government had found money to expand the prisons yet was cutting funding for victims programs. He also came to see us in committee and told us that this government's actions were all about criminals and that the government was doing very little, if anything, for victims.

This year, the budget for the ombudsman's office will increase by barely 1.08%, and grants and contributions for the victims of crime initiative will decrease from 41% to 34%. Meanwhile, the government is talking about boosting funding for incarceration by several million dollars to build new prisons or expand or renovate prison wings. Mr. Sullivan was right: this government is all about getting tough on crime, but it thinks that by focusing on criminals or increasing sentences, it will solve victims' problems. Unfortunately, that is not what the ombudsman for victims of crime and the victims themselves are saying.

Government Orders

● (1735)

Furthermore, when the government prorogued the House, it killed two bills supported by Canada's police chiefs and the former victims of crime ombudsman, specifically, legislation that would have facilitated online investigations, as I said earlier, especially regarding crimes of a sexual nature against children. I asked Mr. Sullivan what he thought and he told me something rather extraordinary. He told me that if he were prime minister, the Internet legislation would be his top priority and it would be the first bill he would bring forward. Indeed, cyber-pedophilia and child pornography are rampant on the Internet.

A press release I saw on the Internet on October 3 stated that the government is tackling cybercrime. However, after reading the article, I realized that it did not include anything about the Internet legislation.

To close, I would like to mention Bill C-343, introduced by my colleague, the hon. member for Compton—Stanstead. The bill will help victims of crime, particularly by allowing them to be absent from work and receive an income while dealing with their grief or trauma. The bill was introduced in this House but unfortunately, the government voted against it. I thank the other parties for supporting the bill. I truly hope that when it comes back before the House, we will win our case, because it is important for victims.

● (1740)

[English]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I rise today to speak to Bill C-39 with mixed concerns. The bill is 35 pages long and has 66 amendments to the act which are of mixed value.

The government, and so typically of it, has taken what I can only say are significant recommendations in terms of their length but which in many respects are housekeeping-type amendments from the Correctional Service of Canada. We can see that in the way the bill is drafted and in terms of the specific sections and the detail in those specific sections. They are obviously concerns from Correctional Service of Canada of problems it has run into. I would say that at least half of the bill addresses those specific problems, ones that we would generally be supportive of.

On the other hand, which is again typical of the government, once it receives those recommendations, it piles on what are in some cases quite extreme changes to the legislation and the corrections philosophy that we have had in this country for at least 50 years.

The government is attacking some of the fundamental beliefs that we have and that we have used to establish what is the best way to deal with those people who commit violent acts or non-violent criminal acts and who are incarcerated in our federal penitentiaries for more than two years. These are more serious crimes, whether they be property crimes or violent crimes. Those are the people we are talking about.

We currently have between 13,000 and 14,000 people incarcerated at the federal level. One of the concerns we have is that because of this piling on of some of the government's ideological inclinations to punish people rather than rehabilitate them, there is no indication from anything we have heard from the government side as to what

the impact will be on the incarceration rate. Are we going to keep, on an annual basis, another 1,000, another 1,500 or another 2,000? Those are the kinds of figures I would suggest are likely to come out of this legislation if it were to pass.

It is obvious from the comments that we have heard from the Bloc just now that they will be supportive. I am not sure what the Liberals are doing because typically Liberals do not know what they are doing yet. The Bloc will support this going through second reading and on to the public safety committee.

What hopefully will happen at the public safety committee is that those sections of the bill that are offensive to some of the fundamental principles that we have lived by in our corrections system for the last five decades can be stripped out of the bill. I will address my comments with regard to some of those.

As the bill stands right now, there is an expression in clauses 3 and 4 of the bill that set out the guiding principles for Correctional Service of Canada. What it does now is it sets a balance between the safety of the staff and the inmates in our prisons and, looking forward to those inmates being released at some point, the safety of the public in general when they are released.

There is a balancing act that is in the legislation now. This bill would upset that balance and set as an absolute fundamental priority the protection of the public, again being driven by that ideology that we hear from the Conservatives that somehow the protection of the public and rehabilitation of the incarcerated individual are mutually exclusive. Quite frankly, that is absolutely wrong.

● (1745)

In fact, if we do not rehabilitate, if we do not reduce the recidivism rates with an effective treatment for the person incarcerated, we enhance the likelihood of that person committing more crimes, often more violent crimes, when they are ultimately released. We have that from all sorts of sociological studies, not only in Canada, but in any country where there is a reasonably vibrant democracy.

When we see the shift in this fundamental approach, we have to say that we cannot support it. At committee, we hope a majority will see it that way and those provisions will be struck out, so that we stay with the existing balance that has served us so well. It is not perfect, and that is why we are supportive of some of the other amendments. There are changes that could be made that would enhance the safety of staff in our prisons, the inmates, and ultimately society when those inmates are released.

There are other provisions in here, and we are hearing this from some of the critics of this bill, that are an attack on the fundamental rights of Canadian citizens, which rights should continue when a person is incarcerated. As I am sure most members of this House know, there was a battle at one point under the charter on whether people incarcerated at the federal level were entitled to vote in federal, provincial, and municipal elections. Ultimately, the Supreme Court of Canada decided that this was a fundamental right that was not taken away by a conviction and sentence in a federal penitentiary. That was not implied in the charter. Corrections Canada could not take away the right to vote and it was reinstated.

Government Orders

Because of the way Bill C-39 is drafted, there will be attempts in the future to undermine the basic rights that our Supreme Court has said continue to exist under the charter. For instance, there are several paragraphs in which rights that are now recognized under the existing law are being called “privileges”. If they were called “privileges” before, they are now being removed from the law completely. We can see this shift quite clearly in several sections in which there is an attempt to undermine the ability of the inmate to continue to function, at least to some degree, within the normal parameters.

We know this is important. Anybody who has worked in corrections knows that even somebody serving life is ultimately, in the vast majority of cases, going to be released. They have to be released in a position to function in society. If we take away all those rights, if we turn them into non-citizens, the chances of rehabilitation go down dramatically. The likelihood of recidivism goes up correspondingly and dramatically. It is important to maintain that balance. There is a clear attempt on the part of this government to undermine that balance at this time in this bill.

The other significant concern that I have, and that my party has, with regard to Bill C-39 is that, although we support the concept, it is proposing that the responsibility should lie with the inmates to take advantage of programs that would assist in their rehabilitation.

● (1750)

That can take a number of different directions. Sometimes it is just teaching basic life skills. It was one of the reasons we heard such a negative reaction to the decision by the government to close the prisons in farm settings. Above and beyond just about anything else, they taught inmates, often young inmates, some basic life skills. They had to get up in the morning. They had to get ready to do their work. They had to go to their work. They had to perform the jobs they were assigned to. They had to do everything with a reasonable amount of diligence.

We learn those skills by experience. It is hard to learn them when sitting in a cell for 23 hours a day. It does not work that way. It is one of the major reasons we saw such an overwhelming response and opposition to the government's decision to close those prisons. It was a major mistake, one that the rest of society will suffer from for quite some time, at least until we get rid of the government and reopen those prisons, which allow people to learn on-the-job life skills.

There is other programming such as education, but the most important is psychiatric counselling and treatment. I say this from the experience I had sitting on both the justice committee and the public safety committee, where I listened to the staff in the corrections services who actually worked in the prisons. A number of those were in administrative positions but came from front-line positions. Psychiatric counselling and treatment may include pharmacare to deal with what are often chemical imbalances. Our prison system is woefully inadequate in providing those services.

I remember one time the deputy head, now the head of Corrections Canada, estimated that of the 13,500 inmates in the federal penitentiaries close to 50% had serious psychiatric problems, and that a majority of that 50%, if they were out in society, could be confined to a psychiatric institution. The sad part was his admission that they were getting nowhere near the treatment that they required,

which was an absolute necessity if they were going to be rehabilitated.

The other point that he made was that, with respect to education and lifestyle-type programs, all too many of our inmates have access to them only late in their sentences. A large number of them are released before they can complete the programs, whether it is psychiatric treatment, an educational program, or a lifestyle program. They never get to finish them because they are not available to them. They are put on a priority list when they come in, but those who are already there get the first shot at them. As they move up the list, they are also spending more time. By the time they get to the top of the list, they are about to be released. In effect, few inmates benefit from the programs because there are all too few of them available.

We know, from admissions from the government, that it is going to spend somewhere around \$9 billion on concrete, glass, and steel to build new prisons. There is no corresponding increase in funding for programming, none whatsoever.

It was interesting to listen to the staff who were out picketing the minister at one of those announcements, when he was running around the country making announcements of new prisons, the amount of money being spent, and the number of new beds there were going to be.

● (1755)

The people in those institutions now working with those inmates, our professional staff, said to him that this was crazy, that instead of more cells, they needed more programs and more staff. There is a stress level among the staff because there are not enough of them. A large percentage are often off on stress leave, which only places additional burdens on the remaining staff. So we have a staff morale problem in prisons, and it comes down to two fundamental issues: first, we do not have enough staff, and second, we do not have enough programming for the inmates.

We have a government that is quite prepared to spend taxpayers' dollars to follow its theme of punishing people, making people accountable. But it is not going to spend any money on what is really necessary: to rehabilitate inmates while they are incarcerated. It boggles the mind. Imagine historians 50 years or 100 years from now looking back at this period of time and wondering what we were doing. The government cannot see that we have a rare opportunity to turn these inmates' lives around, to make them responsible citizens so that they no longer prey on citizens.

We will blow the opportunity, because on that side of the chamber it is all about punishment. Conservatives cannot get their heads wrapped around the fact that we need to rehabilitate. If we are going to have an effective correction program, whether it is at the provincial or federal level, while we have that person in our control, and I am being serious, we have to force them to turn their lives around. To do that, they need to be provided with the necessary support.

Government Orders

This fundamental approach is a real problem in the bill. All it does is perpetuate the notion that, to solve our crime problem, all we have to do is build more prisons, more beds, incarcerate more people. All we have to do is look across the border to see that this does not work. It is quite interesting to see what is happening there. In many states, including Michigan, which is adjacent to my hometown, prisons have been built that they no longer can afford, just to punish people.

Conservatives will know that, for the last decade, more and more states have been closing prisons, reducing their prison populations because they cannot afford to keep them. There are states that are spending more money on prisons than on post-secondary education. That is a ludicrous position, and we are moving that way when we see these kind of decisions.

There are some fundamental changes required for this bill, and I hope that the committee will agree. On the other hand, there are provisions that our corrections staff are telling us they need. We support them on that. We would be supportive of giving authority to the Parole Board to accept victim impact statements. That is not done in parole now. Corrections Canada would advise when parole was coming up or when the person was being transferred.

● (1800)

A number of mechanisms that are being put in place now make good sense. They will assist victims and victims' families to deal with the reality of the person who is going to be released from custody.

Hopefully at committee those changes will be made, the good parts of the bill will ultimately get through and the bad parts will be removed.

Mr. Phil McColeman (Brant, CPC): Mr. Speaker, I appreciate the opportunity to speak in support of Bill C-39.

The legislation before us today would strengthen our correctional system and sets the stage for implementing a number of fundamental reforms identified by the Correctional Service Canada's 2007 independent review panel report, "A Roadmap to Strengthening Public Safety".

The panel made 109 recommendations under five themes: offender accountability, eliminating drugs from prison, physical infrastructure, employability and employment, as well as eliminating statutory release and moving to earned parole. Its recommendations also specifically address the concerns of victims.

We have made progress in responding to these recommendations and we intend to continue this good work as part of this government's commitment to making public safety a priority and to put the rights of victims and law-abiding citizens ahead of those of criminals.

The legislation before us today would help ensure that the system of corrections better meets the needs of victims while also improving offender accountability. It would also ensure that so-called white collar offenders serve appropriate time in custody.

The current Corrections and Conditional Release Act recognizes the interests of victims of crime and the role they play in the correctional and conditional release process. However, victims and

victims' advocates have voiced dissatisfaction with the current provisions and have called for enhancements.

That is why Bill C-39 proposes to enshrine in law a victim's right to attend and make statements at Parole Board of Canada hearings.

Additionally, the Corrections and Conditional Release Act would be amended to expand the information that may be disclosed to victims by Correctional Service Canada and the Parole Board of Canada. This would include: first, providing information on the reason or reasons for offender transfers with, whenever possible, advance notice of transfer to minimum security institutions; second, disclosing information on offender program participation and any convictions for serious disciplinary offences; third, sharing the reasons for a temporary absence from a correctional facility; and four, providing guardians or caregivers of dependants of victims who are deceased, ill or otherwise incapacitated with the same information that the victims themselves can receive.

As well, when offenders withdraw their participation 14 days or less before a parole hearing date, the board would now be able to proceed with the review and the decision in their case. This would ensure that victims would no longer travel long distances to attend a parole hearing which is then cancelled at the last minute. Victims would also be able to request information on the reasons for a waiver of a parole hearing.

In addition to the proposed reforms to maximize the knowledge and access to services offered to victims of a crime, a national advisory committee on victims' issues, co-chaired by the Departments of Justice and Public Safety, would be created. This committee would give victims the opportunity to provide input into the policies and procedures that impact victims and victims' services. Such changes would help ensure the interests of victims are front and centre.

In line with recommendations from the 2007 independent review panel on corrections that our government established, Bill C-39 proposes to make offender rehabilitation as well as reintegration into the community a shared responsibility between offenders and Correctional Service Canada. Offenders would therefore be specifically required to: one, conduct themselves in a manner that demonstrates respect for other persons and property; two, obey all penitentiary rules and conditions governing release; and three, actively participate in the setting and achieving of the objectives in their correctional plan.

● (1805)

Furthermore, to underscore the importance of managing an offender's sentence, when Correctional Service Canada is completing a correctional plan for each offender, components of that plan would be required by the legislation. These include expectations for behaviour, program participation and fulfillment of any court-ordered financial obligations, such as restitution to victims.

Government Orders

As well, Bill C-39 would modernize the system of discipline in federal penitentiaries by, for example, specifically addressing disrespectful, intimidating and assaultive behaviour by inmates. This legislation would also respond to police concerns by authorizing police officers to arrest, without warrant, an offender who appears to be in breach of a condition of any conditional release.

As we have heard, the legislation before us today would do away with a system of parole in this country that lets some offenders spend very little time behind bars. It would mean that stiffer sentences handed out for non-violent or white-collar crimes are actually served in custody longer and that victims of fraud can see justice done. It would mean that offenders can no longer hide behind a veneer of fancy suits to evade the full consequences of their actions.

The proposed amendments abolish accelerated parole review, which currently provides these offenders with day parole after serving as little as one-sixth of their sentences and full-day parole after serving one-third of their sentences. Under the reforms our government is proposing, individuals who commit crimes such as fraud would be treated the same way as violent offenders. They would be eligible for regular day parole review six months prior to full parole eligibility and full parole review after serving one-third of their sentences.

What is more, the test for parole would no longer be whether they are likely to commit a violent offence as it is today. Like other offenders, they would only qualify for parole if the Parole Board of Canada is convinced, during a face-to-face hearing, that they do not pose an undue risk of committing any type of crime, including fraud.

Together with reforms recently proposed by the justice minister, the reforms which the government is proposing today would mean that fraudsters and scam artists would get the time in custody that their crimes deserve. This change also sets the stage for earned parole, a cornerstone of many reforms suggested by the review panel.

In order to better protect society, this legislation would also ensure that the Parole Board of Canada has the capacity and power it needs to do its job. Recognizing the weight of the decisions that the Parole Board of Canada must make on an ongoing basis, the CCRA would be amended to: first, increase the number of full-time board members from 45 to 60 to reduce the reliance on part-time members; second, to allow for the direct appointment of part-time members to the appeal division; third, to clarify that Parole Board decisions are consistent with the protection of society and are necessary and proportionate to support conditional release; and fourth, to provide that the parole or statutory release of offenders who receive a new custodial sentence is automatically suspended.

We are taking this stand on behalf of all Canadians who want the rights of law-abiding people properly balanced with the rights of offenders. We are taking this stand on behalf of everyone who wants action on crime now. That is what we intend to deliver now and in the coming days and weeks as we introduce legislation on other matters affecting the safety and security of Canadians. That is what our government was elected to do and we intend to do it.

● (1810)

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, I am pleased to speak to Bill C-39, An Act to amend the Corrections and Conditional Release Act. Although I support the bill being sent to committee, the bill has many flaws. When we deal with a crime agenda or matters relating to correctional or conditional release or safety issues, it is important that we take a very thoughtful approach to it.

I have been in Parliament since 2004. In 2006, when the present government took over, it introduced crime bill after crime bill. It talked about getting tough on crime and then prorogued Parliament. It reintroduced similar bills under different names and then prorogued Parliament again. It has now introduced this bill for a third time.

I think Canadians are getting tired of this game of chicken. If the government is really concerned about the safety of Canadians, then it should have attended to the bills. The normal modus operandi of the government is to blame the opposition. I do not think that is a good idea because the opposition did get all those bills through in the previous Parliament. I hope this time Bill C-39 will go off to committee and be addressed there.

The issue of being tough on crime does not necessarily result in the safety of citizens. Why do I say that? Statistics and experts have proven that it is not the super jails that keep citizens safe. It is the deterrent or prevention of crime that is the better approach. If building super jails and having tougher sentences was the panacea, our neighbours to the south would have the safest country in the world. Unfortunately, they do not. In fact, the recidivism rate is 70% in the United States. This is the rate of reoffending. People should know that when offenders get out of jail their potential to reoffend gets greater. Why does it get greater? For example, if a person is put in jailed for petty theft and put in jail with criminals who have committed worse criminal offences or who have worse criminal records, then they get to meet with those types of people and in fact learn skills.

What could we do to overcome these types of issues? We could have areas within prisons where we could teach inmates life skills. Many of the prisoners in jail do not have life skills. They commit petty crimes and then commit more and more crimes. I think it is important to look at the whole cost of prevention rather than cure.

Government Orders

Experts have told us that the deterrent to crime is investment in literacy, investment in job creation, investment in affordable housing and investment in mental health.

Why do I talk about literacy? As I mentioned, people who have been in jail are not functioning at the level they need to function at. I have been on the board of the Centre for Addiction and Mental Health for 12 years, so I know what I am talking about. When we ask police why crimes are taking place, the one word they use constantly is “drugs”. When we ask them what we can do about it, they say that more beds and more rehabilitation centres are needed. We were told that no resources were available for helping the mentally ill and that once people were out of jail there was no affordable housing. When they come out of jail, they have nowhere to sleep and nowhere to go and, therefore, this vicious cycle continues.

It is important that when we, as a country, look at issues surrounding our criminal offences, our jails and our whole justice system, we are cognizant of what we should do in order to prevent crime rather than find solutions after the fact.

● (1815)

When people are in jail, there is another issue, and that issue is they are also exposed to people with drugs. It is sad to say but there are a lot of drugs available in prisons. Then what happens? There is the sharing of needles and through the sharing of needles, prisoners get AIDS.

We may turn a blind eye saying that it is too bad and that this type of people is not what we cater to, but it is sad day when in a developed democracy we do not look after the marginalized or the vulnerable. What is it that we are supposed to do? If we do not address the problem, we will have a huge problem in terms of our health care.

Everyone in here and all of our constituents want to be safe. All of us realize that safety is a critical issue for us. Unfortunately we do not live in a Utopia and therefore when we have to live and work within an environment that does not allow everybody to have equal opportunities, there are areas where we may not be safe.

If we are told that prevention is better than a cure, then what are some of the things we can do? What are priorities should the government have?

The current government's priorities have not been economically sensible. There has been a lot of waste. There has been hype and talk about crime agendas without an intelligent solution. The government wants to spend \$9 billion on building super jails for unreported crimes. That is a little tedious for anyone to understand.

Why would the government put in so much money when statistics show that the crime rates are on the decline? In fact, what are some of the opportunities lost? We know that a lot of prisoners cannot function. For them to function, we need to invest in literacy. In this day and age when we talk about globalization, Internet savvy and computer literacy, it is hard to imagine there are those within our society who cannot function at any level and who need assistance.

People suffer from many forms of mental illness. It is important therefore, instead of wasting money on building super jails, that the

government invest in areas such as social housing, literacy and mental health.

What is also of a great concern is that despite repeated demands, the government has still not revealed the cost of the so-called road map, the tough on crime agenda. It has frustrated the efforts of the Parliamentary Budget Officer who is trying to do his job to get the accurate figures.

We in Parliament need to operate on accurate figures. We need to know how much things cost, so we can make the necessary choices, whether it is this opportunity or that opportunity. The Parliamentary Budget Officer was established as part of the Federal Accountability Act. It is a shame that the government, which brought in the Federal Accountability Act, plays games with accountability. It does not want to be accountable.

My question for the government is this. If the government is so concerned with the safety of Canadians, I would like to know, and the House would like to know, what the cost is? Then Canadians can decide whether the investment the government is proposing is going to keep us safe.

When we talk about the road map to strengthening public safety, the government made an assertion that crimes were on the rise, but that has been challenged by experts. We need to ensure the bill provides proper provisions. The bill's provisions should be the establishment of the right of a victim to make a statement, to hold hearings, et cetera. It authorizes police officers to arrest, without warrant, an offender for a breach of a condition while on conditional release.

● (1820)

Some of these issues are important, but we have had experts such as the UBC Professors Michael Jackson and Graham Stewart, the former director of the John Howard Society, who released a scathing human rights analysis of the government's correction policy.

It is important, as we move forward with any agenda, that we give it a thoughtful process. I strongly recommend that when this bill goes to committee, we have the proper hearings, that we come up with a proper solution, that we collectively work for the safety of all Canadians and that we use intelligent, smart solutions and not hype up the talk. I do not think there is anybody in the House who would like to have criminals roaming around the street and who would not want the safety of Canadians.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am very pleased to speak to Bill C-39. Once again this is an example of the government having bills under different numbers at different times. Just last year we were speaking to this bill, which was Bill C-43 at that time. Now because the Prime Minister once again prorogued the House and shifted us back to having to start over again, we have no choice but to go through that process again.

Nevertheless, as previous speakers have addressed the bill today, we have observed that there are some parts of the bill we support, but we have some other issues with other parts of the bill. As has been indicated by the Bloc speaker, the Bloc will support the bill going to committee. One would hope that we will be able to resolve differences on these issues at the committee stage.

Bill C-39, An Act to amend the Corrections and Conditional Release Act and to make consequential amendments to other Acts. The short title of the bill is strengthening Canada's corrections system act. It was introduced and received first reading in the House under the original Bill C-43 in June 2009. That is how long we have been dealing with this bill.

The bill is designed to improve public safety in a number of ways: first, stating explicitly that the act of participation of offenders in attaining the objectives of the correctional plan is an essential requirement for their conditional release or any other privilege; second, expanding the categories of offenders who are ineligible for an accelerated parole review and the categories of offenders subject to continued detention after the statutory release date when they serve two-thirds of their sentence, for example, offenders convicted of child pornography, luring a child or breaking and entering to steal a firearm; and third, extending the length of time that offenders convicted of a subsequent offence must serve before being eligible for parole and increasing from six months to a year the waiting period for a hearing after the National Parole Board has turned down a parole application.

In addition, it would authorize a peace officer to arrest, without warrant, an offender who is on conditional release for a breach of conditions and it grants the Corrections Services Canada permission to oblige an offender to wear a monitoring device as a condition of release when release is subject to special conditions regarding restrictions on access to a victim or geographical areas.

As the critic for our party pointed out, this is a very lengthy bill and there are many changes, improvements and amendments to the bill.

Also, it would increase the number of reasons for the search of vehicles at a penitentiary to prevent the entry of contraband or the commission of an offence.

The bill also focuses specifically on the interests of victims, which has been dealt with by several of the previous speakers. For example, initially the bill would expand the definition of a victim to anyone who has custody of or is responsible for a dependant of the main victim if the main victim is either dead, ill or otherwise incapacitated. Also it would allow disclosure to a victim of the programs in which an offender has participated for the purpose of reintegration into society, the location of the institution to which an offender is transferred and the reasons for the transfer. These are additional benefits to expand the interests of victims of crime.

● (1825)

In addition, the bill entrenches in the act the right of victims to make a statement at parole hearings. As the member for Windsor—Tecumseh pointed out, this is a new section of the act. It is something that certainly will be appreciated by victims and victims groups in this country.

As well, a number of the clauses of the bill make minor amendments to the Corrections and Conditional Release Act, such as linguistic modifications or re-formulations designed to clarify legislative intent. Some sections are also designed to make the administration of sentences more effective, for example, increasing the maximum number of members that may sit on the National

Adjournment Proceedings

Parole Board. A government member talked about the number of National Parole Board members being increased from the current 45, I believe, to 60. The difference is that they would be full-time members rather than part-time members. We do not see a problem with that.

I understand my time is up for today and that I will have further time to complete my remarks the next time we debate this bill.

The Deputy Speaker: The member will have 13 minutes to conclude his remarks the next time this bill is before the House.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

OFFSHORE DRILLING

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, as a result of a question I asked on May 26 in question period, the private members' office has assigned this late show forum tonight for asking the government to ensure that Arctic waters will be protected from environmental catastrophe should drilling activity result in a well blowout.

In some responses the minister or parliamentary secretary indicated that there is no drilling activity in Arctic waters, which is true today, but let me tell them that there is certainly an interest in drilling.

In August the parliamentary secretary's government gave Chevron a licence to explore for oil in the Beaufort Sea off the coast of the Northwest Territories and Yukon after winning the bidding process with a \$103 million bid. In the last few weeks Greenland has found oil drilling in waters adjacent to Canadian waters.

The parliamentary secretary may not be aware but Wednesday will mark the six-month anniversary since the BP Gulf of Mexico blowout unleashed the biggest offshore oil spill in history.

Although I have been raising concerns for over a year, it is not just me; the media too is asking hard questions of the government. I quote from Postmedia News yesterday:

[A]s the United States imposes strict new drilling standards, critics say the attitude of oil companies and regulators in Canada remains essentially the same: Trust us.

William Amos, the director of the uOttawa-Ecojustice Environmental Law Clinic, a non-profit environmental law organization, is quoted in various media as saying, "In the U.S., there is a new era that has dawned in offshore oil development and, in Canada, we are still asleep".

The Obama administration unveiled sweeping reforms that will tighten rules on everything from environmental assessments to drilling permits, safeguards against blowouts, and spill response procedures.

Adjournment Proceedings

Under the new rules, companies will have to install specific types of equipment to prevent blowouts, such as a “deadman” system that automatically shears the drill pipe and seals the well when the signal to the rig is lost. In Canada the government quietly enacted regulations last December that loosened the requirements for operators to install specific safeguards.

We could not meet the drilling standards of Greenland and now the United States is beating us. Does the parliamentary secretary still support the minister's claim that we have the strongest drilling requirements in the world?

We know that the NEB is doing a review of drilling regulations in the Arctic, but what is the Government of Canada doing to prepare for spills from Greenland or Alaska?

As mentioned, companies are lining up to drill in the Arctic and many expect to get a green light from the NEB for drilling in the near future.

When responding to questions raised by the opposition during question period, the government has had 12 chances to reassure Canadians that it understands the complexity of the north, the pristine environment, and the drastic impact an oil spill could have anywhere in the region.

Unfortunately, the government has said nothing about the number of ships, harbours, boom disbursements, and nothing about preparedness should oil from neighbouring countries make its way into Arctic waters.

The government has been warned about the seriousness of the issue and has failed to act accordingly.

Tonight the government has a 13th chance to demonstrate that it has a plan and is prepared.

● (1830)

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, if the member wants to count, for the 13th time he is going to get an explanation.

He knows full well that the government has answered his questions. He knows as well that responses to oil spills in Canada are always a combined effort by industry, by federal, provincial, municipal and territorial governments, and by regulators and non-government organizations.

He knows that beyond the highest standards for offshore training, safety and equipment in Canada, oil and gas companies are also required to maintain environmental protection and spill response plans. He knows that the regulator would be the government's lead agency in the situation. He knows that federal oil and gas legislation dictates the industry is responsible for cleaning up its own spills and operators are liable for the costs and expenses related to that.

He also knows that Environment Canada is the federal government's expert in the detection of spills. It uses things like aerial surveillance and satellite imagery for detection and tracking. It can provide advice about spill trajectory, weather and sea state forecasts, and those kinds of things.

As I have mentioned before, the real issue is one of integrity and who really stands up for the people in the north. The member opposite would want us to believe that he might do that, but we have some evidence that he does not do that and will not do that. I will come back to an issue that was very important to his constituents.

He knew that something like 88% of his constituents took a strong position on an issue, yet when it came to voting in the House on that issue, he chose to vote against his constituents because his leader told him he had to. He was willing to sell out his constituents in order to get the approval of his leader in Ottawa. We all know what that issue was. It did not happen that long ago. It was the gun registry. It pained me to watch him stand up and vote against the interests of his constituents. Almost 100% of them agreed with the position of the government. In the past he had agreed with the position of the government, but for his own political reasons, he chose to turn his back on the people of the north and support the position of his leader who, as everyone knows, has not spent the majority of his life in Canada.

The question really is, if the member opposite would abandon his constituents on an issue like that, why would they have any confidence that he would represent their interests on this issue? The key for Yukoners is to ask themselves who they want to represent them.

If they want a member of Parliament who is going to stand up for their interests, it looks as though they are going to have to change their member, or do they want a member who is going to represent Ottawa's interests? Even on issues that are of critical importance to them, are they willing to have the member opposite represent them and take the chance that he will turn his back on them on those issues and walk away?

● (1835)

Hon. Larry Bagnell: Mr. Speaker, the parliamentary secretary has just condemned himself, his minister and his government for the 15th time.

Canadians all across Canada saw the biggest environmental disaster in North America, with black ooze destroying their beaches and waters. They are aghast that for the 15th time in a year, they hear that their government in Parliament has no plan to clean up a similar spill in Canadian waters. The member suggested it is industry's responsibility. If it can do it, that is great. It really worked in the gulf, did it not?

Other countries and governments have plans that if industry cannot clean up a spill, they will take care of it. Norway has a specific guaranteed response time. Canada does not even claim to have the ships and equipment to clean up a major spill like in the gulf.

As I quoted from the media, Canada is falling behind. Canadians are very worried about their pristine Arctic environment and the government's inability to do anything about it, the government's total lack of concern and the lack of a demonstrated plan to deal with it after being asked 15 times in the House of Commons.

Adjournment Proceedings

Mr. David Anderson: Mr. Speaker, this is strange. The last time we were here he said it was the ninth time. Earlier today he said it was the 13th time and now he is saying it is the 15th time. Maybe the member opposite has as great math skills as he does integrity. It is punishment to be here day after day and watch him almost take delight in the idea that there might be a spill in the north because then he would be able to get up again on this issue.

It comes back to integrity. Even the premier and MLAs in the Yukon have questioned the member's commitment to his constituents when they said on the issue of the gun registry, "We don't change our

mind, like the Liberals, on the long gun registry. We didn't hide from our verbal commitments to Yukoners. We backed it up with action".

The real issue here is whether the member will ever again back up his words with action.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24.

(The House adjourned at 6:38 p.m.)

CONTENTS

Monday, October 18, 2010

PRIVATE MEMBERS' BUSINESS

Employment Insurance Act

Mr. André	4961
Bill C-395. Third reading	4961
Mr. Szabo	4962
Ms. Bonsant	4962
Mr. Komarnicki	4963
Ms. Minna	4964
Mr. Godin	4965
Mr. Lévesque	4966
Mr. André	4967

GOVERNMENT ORDERS

Fighting Internet and Wireless Spam Act

Bill C-28. Second reading	4968
Mr. Bellavance	4968
Mr. Szabo	4970
Mr. Thibeault	4971
Mr. Ouellet	4971
Mr. Simms	4971
Mr. Szabo	4974
Mr. Thibeault	4974
Mr. Thibeault	4975
Mr. Szabo	4976
Mr. Dewar	4976
Mr. Simms	4977
Mr. Dewar	4977
Mr. Simms	4978
Mr. Szabo	4978
Mr. Silva	4979
Mr. Simms	4980
Mr. Szabo	4980
Ms. Ratansi	4981
Mr. Simms	4982
Mr. Szabo	4982
Mr. Ouellet	4982

STATEMENTS BY MEMBERS

Small Business Entrepreneur

Mr. Fast	4983
----------------	------

Todd Hardy

Mr. Bagnell	4983
-------------------	------

Ahuntsic Braves

Mrs. Mourani	4984
--------------------	------

Chilean Miners

Mr. Godin	4984
-----------------	------

Stratford Shakespeare Festival

Mr. Schellenberger	4984
--------------------------	------

Small Business Week

Mr. Bains	4984
-----------------	------

Terry Fox

Mr. Holder	4984
------------------	------

Louise Vandelaac

Mr. Bigras	4985
------------------	------

Employment Insurance

Mrs. Grewal	4985
-------------------	------

Brother André

Mr. Pacetti	4985
-------------------	------

Co-operative week

Mr. Généreux	4985
--------------------	------

Status of Women

Ms. Mathysen	4986
--------------------	------

Eliminating Entitlements for Prisoners

Mr. MacKenzie	4986
---------------------	------

Omar Khadr

Mrs. Beaudin	4986
--------------------	------

Status of Women

Mrs. Simson	4986
-------------------	------

Small Business Week

Mr. Saxton	4986
------------------	------

ORAL QUESTIONS

Foreign Affairs

Mr. Rae	4987
---------------	------

Mr. Baird	4987
-----------------	------

Mr. Rae	4987
---------------	------

Mr. Baird	4987
-----------------	------

Mr. Rae	4987
---------------	------

Mr. Baird	4987
-----------------	------

Government Priorities

Ms. Hall Findlay	4987
------------------------	------

Mr. Flaherty	4987
--------------------	------

Ms. Hall Findlay	4987
------------------------	------

Mr. Flaherty	4987
--------------------	------

Foreign Affairs

Mr. Duceppe	4988
-------------------	------

Mr. Paradis	4988
-------------------	------

Mr. Duceppe	4988
-------------------	------

Mr. Paradis	4988
-------------------	------

Mr. Paquette	4988
--------------------	------

Mr. Kent	4988
----------------	------

Mr. Paquette	4988
--------------------	------

Mr. Kent	4988
----------------	------

Public Works and Government Services

Mr. Mulcair	4988
-------------------	------

Ms. Ambrose	4988
-------------------	------

Mr. Mulcair	4988
-------------------	------

Mr. Baird	4988
-----------------	------

Petitions	
Port Infrastructure	
Mr. Blais	4996
Guaranteed Income Supplement	
Mr. Bellavance	4996
Multiple Sclerosis	
Mr. Bélanger	4996
Veterans Affairs	
Ms. Mathysen	4997
Employment Insurance	
Mr. Simms	4997
Animal Welfare	
Ms. Savoie	4997
Cosmetic Pesticides	
Ms. Savoie	4997
Copyright Act	
Mr. Angus	4997
Passport Fees	
Mr. Maloway	4998
Questions on the Order Paper	
Mr. Lukiwski	4998

GOVERNMENT ORDERS

Fighting Internet and Wireless Spam Act	
Bill C-28. Second reading	4998
Mr. Ouellet	4998
Mr. Angus	4999
Mr. Angus	5000
Mr. Maloway	5002

Ms. Mathysen	5003
Mr. Thibeault	5003
Mr. Maloway	5004
Mr. Thibeault	5006
Mr. Angus	5006
(Motion agreed to, bill read the second time and referred to a committee)	5007
Ending Early Release for Criminals and Increasing Offender Accountability Act	
Mrs. Yelich (for the Minister of Public Safety)	5007
Bill C-39. Second reading	5007
Mr. MacKenzie	5007
Mr. Regan	5008
Mr. Dewar	5008
Mrs. McLeod	5009
Mr. Holland	5009
Ms. Brown (Newmarket—Aurora)	5012
Mr. Lessard	5013
Mr. Savage	5013
Mrs. Mourani	5014
Mr. Comartin	5016
Mr. McColeman	5018
Ms. Ratansi	5019
Mr. Maloway	5020

ADJOURNMENT PROCEEDINGS

Offshore Drilling	
Mr. Bagnell	5021
Mr. Anderson	5022

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