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OFFICIAL REPORT
(HANSARD)

Tuesday, November 2, 2010
(Part A)

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, November 2, 2010

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

•(1000)

[English]

COMMISSIONER OF OFFICIAL LANGUAGES

The Speaker: I have the honour, pursuant to section 66 of the Official Languages Act, to lay upon the table Volume II of the annual report of the Commissioner of Official Languages covering the period from April 1, 2009 to March 31, 2010.

[Translation]

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

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[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 23 petitions.

* * *

FAIR AND EFFICIENT CRIMINAL TRIALS ACT

Hon. Rob Merrifield (for the Minister of Justice and Attorney General of Canada) moved for leave to introduce Bill C-53, An Act to amend the Criminal Code (mega-trials).

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

* * *

COMMITTEES OF THE HOUSE

STANDING COMMITTEE ON INTERNATIONAL TRADE

Mr. Lee Richardson (Calgary Centre, CPC): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on International Trade.

In accordance with the order of reference of Monday, September 27, your committee has considered Bill C-8, An Act to implement the Free Trade Agreement between Canada and the Hashemite Kingdom of Jordan, the Agreement on the Environment between Canada and the Hashemite Kingdom of Jordan and the Agreement on Labour Cooperation between Canada and the Hashemite Kingdom of Jordan, and agreed on Monday, November 1, to report it without amendment.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I rise today to seek unanimous consent for the following motion, seconded by my colleague from Timmins—James Bay: That Bill C-565, An Act to amend the Criminal Code (arrest without warrant by owner), better known as the lucky moose bill, be deemed read a second time, deemed referred to a committee of the whole, deemed reported back from the committee of the whole without amendment, deemed concurred in at report stage and deemed read a third time and passed.

The Speaker: Does the hon. member for Trinity—Spadina have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

Some hon. members: No.

* * *

PETITIONS

NORTH KOREAN REFUGEES

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I am pleased to present a petition from several dozen residents of Toronto, Mississauga and Oakville in southern Ontario.

The petitioners are concerned about the plight of North Korean refugees. Many people have escaped the despotic regime in North Korea. Despite the widespread human rights violations, they managed to make their way to the People's Republic of China but, unfortunately, the Chinese government returned some to North Korea to certain torture and often death.

These many residents of southern Ontario call upon the House of Commons and the Government of Canada to support a number of motions that deal with the plight of North Korean refugees, including my Motion No. 383 that requests the Canadian government to intervene very strongly with the Chinese government to ensure that North Korean refugees are treated as refugees.

Routine Proceedings

• (1005)

CORPORATE ACCOUNTABILITY

Mr. Stephen Woodworth (Kitchener Centre, CPC): Mr. Speaker, I wish to present a petition from about 50 residents of the Kitchener—Waterloo area who wish to draw the attention of the Government of Canada to alleged abuses of human rights and environmental degradation and who would have wanted the Government of Canada to consent to the expeditious passage of Bill C-300 and also create effective laws regarding corporate responsibility.

[*Translation*]

AEROSPACE INDUSTRY

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, I am pleased to present to the House a petition signed by 260 people on behalf of the workers of the International Association of Machinists and Aerospace Workers and the unionized workers of Air Canada. The petitioners are calling on the Government of Canada to ensure full compliance with the 1988 Air Canada Public Participation Act, which requires that Air Canada maintain operational centres in Mississauga, Winnipeg and Montreal. More than 23,000 direct and indirect jobs are at stake.

[*English*]

HARMONIZED SALES TAX

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, winter is coming and our heating bills are starting to go up in northern Ontario. In fact, just this week we have had a number of people in our office who are concerned. Not surprisingly, they have brought forward petitions about the regressive HST and how it is affecting people, particularly people on fixed incomes and people in rural areas who need to heat with older heating units. The government, of course, has cancelled the energy retrofit program that would have helped many of these families.

The petitioners are calling upon the government to stop punishing northern and rural residents with this regressive tax, the HST.

PASSPORT FEES

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, my petition is a call on 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, from 16 million in 2002 to only 11 million in 2009.

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

At the recent Midwestern Legislative Conference of the Council of State Governments, attended by myself and over 500 elected representatives from 11 border states and 3 provinces, the following resolution was passed unanimously:

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 the governments to examine the idea of a limited time 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, finally, to promote a limited time two-for-one passport renewal or new application fee on a mutual basis with the United States

EMPLOYMENT INSURANCE

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Wind-sor, Lib.): Mr. Speaker, this is a petition among several petitions I have presented for the last month and will continue to do so over the course of the winter which asks for continued measures to improve employment insurance. Throughout Newfoundland and Labrador, and certainly throughout my riding, these petitions have been coming in fast and furious, to say the least.

This petition comes from areas such as Seldom and Joe Batt's Arm on Fogo Island, and Bonavista, primarily around fish plants, including OCI in Bonavista, as well as the Fogo Island Co-op.

The petitioners are calling for particular measures. A very important one is the fact that we have a pilot project that is still in place which allows the best 14 weeks as a way of formulating benefits. I would implore the government to reconsider this option. It has extended it by only eight months, which tells me that there is not a lot of sincerity about keeping these programs. The best 14 weeks is great for employees but it is also very good for employers who are able to hire people, otherwise they would turn down work in a case where they would only receive less benefits.

* * *

• (1010)

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, the following questions will be answered today: Nos. 365, 368, 371 and 372.

[*Text*]

Question No. 365—**Ms. Olivia Chow:**

With regard to immigration applications or sponsorship files, from 2006 to present: (a) how many immigration applications or sponsorship files are lost each year, listing for each file the class (economic, family, protected persons, and others), visa office involved, rationale for the missing file and wait times resulting from the loss of the file; and (b) what actions are being taken to reduce the number of lost files?

Routine Proceedings

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Mr. Speaker, Citizenship and Immigration Canada does not keep statistics on lost files. However, the following procedures, implemented at various offices and missions, mitigate the chances of a file being misdirected: Files are kept in a secure registry. Access to the mail room and file storage registry is restricted to staff who require access. Each file or application is assigned a specific file number. A tracking database is used to record the movement of files. Staff are trained on proper use of the tracking database. Files are stored in the registry until requested for processing. Inventory exercises are conducted by registry staff for misfiled documents or files. Specific procedures are established for the transfer of files from one office to another.

Question No. 368—**Mr. Brian Murphy:**

With respect to Conservative Senator Pamela Wallin's position as Honorary Colonel of the Air Force: (a) since August 1, 2009, what is the total cost associated with the position including a breakdown of any spending for travel based on air travel, accommodations, per diems, meals, hospitality, gifts and all other expenses; and (b) what department or agency paid for these expenses?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, since August 1, 2009, the Department of National Defence air staff has expended a total of \$2,004.89 in public funds on travel, accommodation, per diems, meals and associated costs specifically to cover three engagements by Honorary Colonel Wallin in the performance of her appointment. The following is a list of those three engagements along with a breakdown of the costs involved:

On November 16, 2009, Honorary Colonel Wallin attended her investiture as Honorary Colonel of the Air Force. The public funds expended for the reception following the ceremony totalled \$1,414.50. This amount provided refreshments, no alcohol, for 110 people in attendance. Honorary Colonel Wallin received no reimbursement for this event nor were gifts, other than a framed investiture certificate, presented during the ceremony.

On January 14 and 15, 2010, Honorary Colonel Wallin accompanied the chief of the air staff in a military aircraft during his official visit to 1 Wing Kingston and 22 Wing North Bay. The total claim for that visit reimbursed to Honorary Colonel Wallin was \$34.60 to cover incidental expenses for two days.

From June 23 to 25, 2010, Honorary Colonel Wallin attended the annual Air Force Honorary Colonel's conference held at 8 Wing Trenton. The total claim for her attendance included:

Transportation	\$251.89
Food	\$152.00
Accommodation	\$100.00 (on base for two nights)
Incidentals	\$51.90
Hospitality	\$0.00
Gifts	\$0.00
Total	\$555.79

All expenses were paid by the Department of National Defence air staff.

Question No. 371—**Hon. John McCallum:**

With regard to the Canadian Secured Credit Facility: (a) how much of the \$12 billion was allocated by Business Development Canada (BDC); (b) how much of the \$12 billion was actually utilized by BDC; (c) how many people did BDC hire to work for the program; and (d) how much money has BDC spent setting up and administering the program?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, with regard to the Canadian Secured Credit Facility, CSCF, in response to (a), Business Development Bank of Canada, BDC, was granted the authority to purchase up to \$12 billion in securities, and was provided with a \$945 million capital injection from the shareholder to do so. The remainder of the funds were to have been borrowed by BDC. The bank allocated funds on a first come, first served basis in the amount of \$3.7 billion, with the private sector meeting the rest of the demand.

In response to (b), BDC purchased \$3.7 billion in securities which facilitated a total of \$4.3 billion in funding to the companies that participated in the program. The \$0.6 billion balance came from private investors that participated in CSCF transactions.

In response to (c), BDC hired five full-time employees.

In response to (d), the operating and administration costs for the securitization group stood at \$1 million and \$3.678 million in fiscal years 2009 and 2010, respectively. This includes legal and consulting set-up costs which stood at \$305,372.09 and \$1,128,682.32, respectively.

Question No. 372—**Mr. Francis Scarpaleggia:**

With regard to the statement made by the Minister of the Environment during Question Period on March 23, 2010, that the government spends \$15 million annually on the St. Lawrence River: (a) how much did the government spend on activities related to the protection, restoration, and management of the St. Lawrence River, excluding spending on wastewater infrastructure, in fiscal years 2006-2007, 2007-2008, 2008-2009 and 2009-2010; (b) through which departments and programs were these funds spent; (c) how much does the government plan to spend on these same activities in fiscal year 2010-2011 and which departments and programs will fund these activities; and (d) what has the government negotiated with the province of Quebec as concerns the renewal of the St. Lawrence Action Plan?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, in response to (a), as part of the 2005-2010 St. Lawrence plan, which results from a Canada-Quebec agreement that consolidates the government's long-term commitment to conserve, protect and enhance the St. Lawrence ecosystem, all the investments granted were focused on the protection, restoration and management of the St. Lawrence River. No government expenditure was invested in infrastructure for wastewater treatment.

Federal government expenditures under the 2005-2010 St. Lawrence plan were in the neighbourhood of \$72 million and were intended to promote ecological integrity, environmentally responsible economic activities, community commitment and informed, concerted and integrated governance of the St. Lawrence.

Points of Order

On an annual basis, federal government investments in the St. Lawrence plan were in the order of: for 2005-06, \$17 million; for 2006-07, \$16 million; for 2007-08, \$12 million; and for 2008-09, \$15 million. For 2009-10 the amount is estimated to be \$12 million. The final amount will appear in the 2005–2010 five year report that is being prepared.

The information for the first four years of the SLP is presented in the 2005–2007 and 2007–2009 biennial reports: http://www.planstlaurent.qc.ca/centre_ref/publications/rap_bien_05_07/Rap_biennal_e.pdf http://www.planstlaurent.qc.ca/centre_ref/publications/rap_bien_07_09/Rap_biennal_e.pdf

In response to (b), federal government funds invested in the St. Lawrence plan come from regular programs of the Canada-Quebec agreement partner departments and agencies: Canadian Space Agency; Parks Canada; Agriculture and Agri-Food Canada; Environment Canada; Fisheries and Oceans Canada; Transport Canada; and Public Works and Government Services Canada.

In response to (c), since we are currently in a transition phase, we are unable to quantify our investments. Nevertheless, the St. Lawrence ecosystem protection and conservation activities are continuing through regular departmental and agency programs, demonstrating an unequivocal commitment to protecting this ecosystem.

In response to (d), negotiation of the new Canada-Quebec agreement for renewal of the St. Lawrence plan are under way with the Government of Quebec and are going well. The two governments are discussing a long-term Canada-Quebec agreement in order to co operate and coordinate their efforts to conserve and enhance the St. Lawrence in a sustainable manner. They are also addressing the issue of solidifying their efforts through implementation of a short-term action plan and by discussing common goals related to the three priority issues identified for the St. Lawrence: biodiversity conservation, sustainable use and water quality improvement.

* * *

[English]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, a supplementary response to Question No. 258, originally tabled on September 20, will be tabled today.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[Text]

Question No. 258—**Hon. Navdeep Bains:**

With regard to the Economic Action Plan: (a) how has the government informed Canadians about the Economic Action Plan; (b) how much has the government spent on announcements relating to the Economic Action Plan; (c) what is the breakdown of these expenses by event and by type of expense; (d) how much has been spent on (i) consultants, (ii) flights, (iii) media and logistic companies, (iv) props and backdrops; (e) what are the names of companies contracted and the amount of funds spent for media consultants, logistics, props, and advertising; (f) what is the breakdown of this funding by city; (g) how much has the government spent

producing advertisements; (h) when have these advertisements aired; and (i) what are the events and what are the total costs for each?

(Return tabled)

[English]

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

POINTS OF ORDER

PRIVATE MEMBERS' BUSINESS—BILL C-507

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, on October 7, 2010, you raised concerns about four private members' bills, which, in your view, appeared to impinge on the financial prerogative of the Crown and you invited members to comment. One of the bills you mentioned was Bill C-507, An Act to amend the Financial Administration Act (federal spending power). I am rising today on a very lengthy point of order regarding that bill.

Bill C-507 would amend section 26 of the Financial Administration Act, which states:

Subject to the Constitution Acts, 1867 to 1982, no payments shall be made out of the Consolidated Revenue Fund without the authority of Parliament.

In other words, section 26 does not provide authority to make payments out of the Consolidated Revenue Fund but establishes that payments out of the fund can only be made with the authority of Parliament.

Clause 2 of Bill C-507 would add a series of subsections to section 26. A new subsection 26.1(1) would provide that no payment from the consolidated revenue fund shall be made for matters listed in section 92 and paragraph 92A(1) of the Constitution Act, 1867, that are under provincial jurisdiction.

A new subsection 26.1(2) would enable payments to be made from the consolidated revenue fund to provinces which have delegated to the government the power to incur expenditures referred to in subsection 26.1(1) or the responsibility to administer programs associated with those expenditures, or both.

A new subsection 26.1(3) would set out the duration and nature of the delegation referred to in subclause 2(2). A new subsection 26.1(4) would enable the federal government to make a payment out of the consolidated revenue fund to a province where the federal government proposes incurring expenditures or administering a program. A new subsection 26.1(5) specifies that such a payment may be made in the form of a transfer of a taxation field.

The provisions of Bill C-507 have two impacts related to the need for a royal recommendation. The first impact is to alter the terms and conditions of original royal recommendations authorizing existing payments out of the consolidated revenue fund for grants or direct payments to provinces and municipalities.

Government Orders

In the case of grants, under existing statutes, federal grants to the provinces can be either conditional or unconditional. Two examples of conditional grants to provinces are the Canadian health transfer, also known as the CHT, and the Canadian social transfer, also known as the CST.

In order to receive the CHT, provinces must meet federal standards and comply with the requirements of the Canada Health Act in sections 7 to 12. In order for the provinces to receive the CST, grants are subject to a prohibition on minimum residency requirements for social assistance. Bill C-507 would change the terms and conditions of these existing grants or transfer of grants to the provinces by making them unconditional, thereby waiving the conditions related to these transfers.

In the case of direct spending, under existing statutes direct spending in the areas of provincial jurisdiction occurs when the federal government allocates money directly to individuals, agencies or municipalities. An example is the transfer of federal gas revenues to municipalities and the universal child care benefit. Bill C-507 would no longer allow these transfers for direct spending to be made to municipalities but, rather, would only allow the federal government to transfer money directly to the provinces.

This would change the manner in which existing direct payments are made since these payments would no longer be made to the currently authorized recipients but to the provinces. Precedents indicate that changes to the terms and conditions of a royal recommendation require a new royal recommendation.

On June 21, 1972, the Speaker ruled in the case of Bill C-220, respecting regional incentives development data:

...it is not only the amount approved or recommended by the royal recommendation that cannot be changed but there is also a prohibition against a redirection of the amount that is approved or recommended to the House in the royal recommendation.

The second impact of Bill C-507 relates to how its provisions would authorize payments out of the consolidated revenue fund to provinces that choose to opt out of federal programs in areas of provincial jurisdiction.

• (1015)

I would note that on April 14, 2010, the member for Saint-Lambert introduced Bill C-507 and stated that the bill would:

...introduce an automatic and unconditional right to opt out with full financial compensation and would establish permanent compensation in the form of the transfer of tax room.

In other words, the bill would provide for the authorization of payments out of the consolidated revenue fund to provinces for purposes not currently authorized in statute. Page 834 of *House of Commons Procedure and Practice*, second edition, states:

A royal recommendation not only fixes the allowable charge, but also its objects, purposes, conditions and qualifications. For this reason, a royal recommendation is required not only in the case where money is being appropriated, but also in the case where the authorization to spend for a specific purpose is significantly altered.

Precedents demonstrate that the Crown alone institutes all public expenditure and Parliament may only authorize spending that has been recommended by the Governor General.

On October 13, 1983, the Speaker ruled certain motions in an amendment at report stage that would have directed the government

to establish a system of payments to agricultural producers inadmissible because they imposed a charge upon the treasury.

On May 28, 1990, the Speaker ruled motions in amendment at report stage, which would have substituted a different escalator clause for fiscal arrangements, inadmissible because they infringe upon the financial initiative of the Crown.

On June 13, 2005, the Speaker ruled on Bill C-280, An Act to amend the Employment Insurance Act (Employment Insurance Account and premium rate setting) and another Act in consequence that:

...Bill C-280 effects an appropriation by spending or authorizing the spending of public funds by transfer of the funds from the Consolidated Revenue Fund to a separate EI Fund with the result that these monies are no longer available for other appropriations Parliament may make. ... Such a transfer...constitutes an appropriation within the meaning of section 54 of the Constitution Act, 1867 and for this reason a royal recommendation is required...

The precedents have parallels to the impacts of provisions in Bill C-507 for authorizing a new and distinct spending in that Bill C-507 proposes a new scheme for making payments out of the consolidated revenue fund in matters and for purposes not currently authorized by Parliament.

I submit that Bill C-507 would change the authorization for grants and direct payments, as well as payments to provinces that choose to opt out of federal programs in areas of provincial jurisdiction. These changes, in our view, would therefore require a royal recommendation.

The Speaker: I thank the hon. parliamentary secretary for his diligence. It is clear he spends many nights reading private members' bills and all the precedents in connection therewith so he can make these arguments in the House the next day. I appreciate his enthusiasm and diligence for his work.

I look forward to further submissions on the matter and will get back to the House in due course with the ruling in respect of this bill. I note it is up for its first hour of debate this evening, so I assume the urgency in the ruling will not be apparent, and I will have to get to work now and see that a ruling is prepared in the matter.

GOVERNMENT ORDERS

• (1020)

[English]

COPYRIGHT MODERNIZATION ACT

Hon. Tony Clement (Minister of Industry, CPC) moved that Bill C-32, An Act to amend the Copyright Act, be read the second time and referred to a committee.

He said: Mr. Speaker, if it were possible I would like to split my time with my hon. colleague, the Minister of Canadian Heritage and Official Languages.

[Translation]

I am pleased to speak today to begin second reading—

Government Orders

[English]

The Speaker: Order, could I interrupt the minister? Is there agreement that the minister be allowed to split his time? I understand this requires consent.

Some hon. members: Agreed.

The Speaker: Then it will be duly split. The hon. Minister of Industry.

[Translation]

Hon. Tony Clement: Mr. Speaker, as I was saying before you rightly interrupted me, I am pleased to speak today to begin second reading of Bill C-32, the Copyright Modernization Act.

[English]

This bill is a key pillar in the commitment this government made in the Speech from the Throne to position Canada as a leader in the global digital economy. We promised a bill that would modernize Canada's copyright law for the digital age, protect and create jobs, promote innovation and attract new investment to Canada.

[Translation]

With this bill, we are ensuring that Canada's Copyright Act is focused on the future and is responsive to an environment in which things happen quickly and change is constant.

[English]

A primary aim of any copyright reform must be balance. The copyright system must find a balance between interests that can seem to be competing, for example, between consumers who want access to material and artists and innovators who want to be and should be rewarded for their creativity.

However as hon. members are well aware, finding that balance can be and has been very difficult. It has eluded the House for over a decade, and balance for one group may be seen as unfair to another.

From July to September of last year, the hon. heritage minister and I held a national consultation on copyright issues. The bill before us was guided by the input of thousands of Canadians, creators, consumers, businesses, educators and intermediaries.

Let me begin with creators. During the consultations, creators told us they needed new rights and protections to succeed in a digital environment, and so the bill before us implements those kinds of rights and protections of the WIPO Internet Treaties and paves the way for a future decision on ratification.

The bill also empowers copyright owners to pursue those who enable copyright infringement, such as illegal peer-to-peer file sharing websites. At the same time, Canadians participating in the consultations told us they did not think it was fair for consumers to face exorbitant penalties for minor copyright infringement, and so the bill before us significantly reduces existing penalties for non-commercial infringement. It introduces the test of proportionality as a factor for the courts to consider when awarding statutory damages.

This brings me to the perspective of consumers and users. During the consultations, Canadians told us they wanted to use the content they had legally acquired. They wanted to time-shift television programs. They wanted to shift format from CDs to iPods. They

wanted to post mashups on the web. They wanted to make backup copies.

Canadians will be able to record television, radio and Internet programming to enjoy it at a later time, if the bill is passed, with no restrictions as to the device or medium they wish to use. Just as important, this bill would remove any barriers in the Copyright Act to the introduction of new technologies like the network personal video recorder and cloud computing. The latter is critical to Canada's ability to participate in the digital world as a full partner. As well, for their private use, Canadians will be able to copy any legitimately acquired music, film or any other works on to any device or medium and make a backup copy.

There are some who would argue that consumers should have to pay a levy on iPods, smart phones and Internet services, the iPod tax as it were, to compensate artists. We disagree. We oppose the iPod tax as regressive, unfair and economically destructive. Why should consumers pay more for an iPhone or a BlackBerry even if the device is not used for music? It is unfair. It would make devices costlier, would not prevent piracy and would encourage more black markets.

Let us help artists by cracking down on those who would destroy value, not innocent purchasers of hardware.

Let us return to the provisions of the bill. The bill permits the inclusion of copyrighted material in user-generated content created for non-commercial purposes. The provisions will not interfere with markets for the original work, nor will they disrupt the growth of business models that have developed around the dissemination of user-generated content online.

The bill also includes important new measures for the print-disabled. Recognizing the opportunities that today's technology allows, it permits a person to adapt a copyright work into an accessible format on his or her own behalf.

For computer program innovators, the bill includes measures to enable activities related to reverse engineering for software interoperability, security testing and encryption research. It clarifies that the making of temporary technical and incidental reproductions of copyrighted material as a part of a technological process is acceptable.

What did we hear in our consultations from educators, museums and researchers? They told us that they needed more flexibility to use copyright material in the service of education and learning. The bill proposes new exceptions that would recognize the enormous potential that technology offers students.

The bill before us expands the existing uses allowed as fair dealing. It adds education, parody and satire, reconfirming this government's commitment to structured education and creativity.

Government Orders

•(1025)

We are building on a well-established feature of Canadian copyright law to respond to and meet the needs of educators, be they in the classroom, in a home-school setting or for training in the workplace.

Finally, let me outline how this bill responds to the needs of Internet service providers. The bill clarifies that ISPs and search engines are exempt from liability when they act strictly as intermediaries in communication, caching and hosting activities, but at the same time, ISPs will play a role in helping combat copyright infringement.

Fair, balanced and technologically neutral, this bill accomplishes all of these things, but it also helps our economy by encouraging two of the most powerful forces we have, consumers and creators. They are sometimes the same people. Regardless, they are the force that guarantees that Canadians are innovators and are capable of growing the knowledge economy. But consumers and creators cannot do it alone. They need modern copyright laws, and that is what Bill C-32 is all about.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Madam Speaker, I want to thank the minister for finally getting to this issue. I do not lay blame on any particular party. This is an issue that we have been dealing with, but under the radar. We have seldom dealt with it in the House, which is what we should be doing, and I congratulate all members for getting involved in this particular debate.

Specifically regarding the WIPO ratification, could the minister please point out in this bill where we are WIPO compliant particularly? What has compelled him to be WIPO compliant?

As well, this particular government has already put in one copyright bill. That was from some time ago. What has changed in Bill C-32 from the prior bill that he has put in the House? What does he consider the fundamental change?

Finally, he talked about the iPod levy. Could he please point out in the bill where he addresses the iPod levy exactly?

Hon. Tony Clement: Madam Speaker, what I can say about the iPod levy is that it is not in the bill because we do not believe in it. If we believed in it, we would put it in the bill of course.

In terms of the main change in this bill compared to previous bills, including a Liberal bill back in the days of the previous Liberal government, I would say that the purpose of this bill is to be as technologically neutral as possible, to not specifically put in clauses dealing with iPods, PVRs or other technology that could change in five years, in two years. Who knows what will happen? Therefore what we tried to do with this bill was to make it principle-based and technologically neutral, so that the principles can be applied not only to the present technology but also the future technology. That is an important principle of the bill, so it can stand the test of time.

Finally, the bill is WIPO compliant. When we look at certain provisions such as the notice provisions, we believe those to be WIPO compliant. Cracking down on those who are destroying wealth by use of the Internet, by flouting copyright laws, that is

consistent with WIPO. Basically we have WIPO-tested every provision of the bill and we find it to be WIPO compliant.

•(1030)

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Madam Speaker, I thank the Minister of Industry for his speech. I will share the Bloc's position later on, but for now, one thing is really bothering me and has been nagging at me deep down.

How can a minister, a sensible and intelligent man, be unable to distinguish between taxes and royalties?

A tax is money that is collected from consumers and given to the government that is running the country. A royalty is money that is collected when a consumer purchases something and forwarded to a collective society, which redistributes this money to the copyright holders.

How can a minister not distinguish between those terms?

Hon. Tony Clement: Madam Speaker, I would like to thank my colleague for her question. In my opinion, it is not a good policy for our country to adopt another tax on devices such as iPods or BlackBerrys because it is a direct tax for consumers.

The consumer decided that this device was not for music and other media such as film, for example, but at the same time there is a tax. That is not fair. It is not our policy to create another tax.

[*English*]

I would say that we are trying to be fair to people, and that means being fair to consumers. We have to be fair to artists too, but there are other ways that we can help artists maintain the value of their creation without taxing everyone who decides to buy a smart phone, an iPod or another device of that sort.

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Madam Speaker, I thank the Minister of Industry for starting off this debate and I am very pleased to be a part of this as well as we take a historic step in this country.

We made a commitment as a government in the last election campaign, and also as part of our throne speech, that we would table new copyright legislation, and so we have. Bill C-32, the copyright modernization act, is our effort to get it right. The last time copyright legislation was dealt with in the House of Commons, there were some concerns raised by Canadians across the country and we have listened to those concerns. We have come forward with legislation that we think should have the support of enough members of Parliament in order to move Canada forward.

Canadians, more than ever before, are active consumers in digital media. We are increasingly purchasing our music online, as well as films and television shows. We are connecting with friends and colleagues via Facebook, Twitter and web interfaces in ways that were not imagined just a little over a year ago. As a country we have, by and large, fully embraced the Internet and how it has changed the way we innovate, create and live our lives.

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Unfortunately, Canada's copyright regime has not kept up with the pace of change. The last time our copyright laws were updated, people were buying CDs and using pagers, not iPads and Netflix. The reality is that our copyright laws are older than most of the technologies that we enjoy today. That is why on June 2 of this year our government introduced Bill C-32 here in the House of the Commons.

• (1035)

[*Translation*]

We consulted Canadians before doing this. This bill reflects the diversity of opinions expressed during consultations held last summer. These consultations took the form of an interactive website, public meetings, round tables and written submissions from average Canadians. And because each region was included in these consultations, we received opinions from across Canada. Numerous Canadians spoke to the government, and it listened to them.

Copyright holders told us that their 21st-century business model depends on strong technological protection measures. And we listened: Bill C-32 contains protection measures such as digital locks to protect against piracy and to allow creators to choose how they wish to protect their works.

Artists and creators also told us that they deserve to be fairly compensated for their works, and we listened.

[*English*]

Likewise, consumers asked specifically for legislation that would reflect how content is delivered and stored in a myriad of devices. We listened, which is why this legislation, as the minister said, is technology neutral and clarifies for consumers the fact that they can now legally format shift and time shift the products they have purchased. Bill C-32 is forward-looking and flexible. It implements the WIPO treaties and brings Canada in line with international standards.

During our consultations last summer, Canadians were also clear with us on the issue of fair dealing. They wanted to see it expanded and improved. This bill accommodates that desire by adding education, parody and satire to the existing uses of what is called "fair dealing". It recognizes legitimate rights of Canadian families, schools and libraries to make use of copyrighted materials for their purposes.

Canadians were also very clear that they do not want to pay unnecessary taxes or new levies on iPods, iPhones, laptops or computers, or even on automobile hard drives that CDs can be ripped directly into. We do not believe this is necessary. We do not think it is right. We think that is an old solution for an old problem and it does not embrace the fact of new media. Our government has been clear that we oppose any new tax or levy, which is why the levy issue has been left out of this legislation.

[*Translation*]

The government made a commitment to protect businesses, which are absolutely essential to Canada's economic success, and this commitment is at the centre of our copyright modernization bill.

[*English*]

I just want to let the House know about some of the support that this legislation has received. It has been broad based and quite substantial in terms of the number of people who have come on board to support this legislation.

The Entertainment Software Association of Canada, which represents Canada's video gaming industry, supports this legislation. It accounts for over 14,000 jobs across this country. In Montreal, Burnaby, Toronto and Charlottetown, P.E.I., in places all across this country, I met with video game and software developers who support this legislation. Here is what ESAC had to say. It believes this bill is "critical to the success of Canada's digital economy"; it is good public policy and is essential to our economy. It said:

We applaud the government for showing leadership on this complex issue

The film and television industry also supports this legislation. Over 150,000 jobs are involved in this sector from coast to coast, representing \$5.2 billion in the Canadian economy. The Canadian Film and Television Production Association said it applauds the government's copyright reform. The government is playing an important role "in ensuring that those jobs are maintained and that new jobs are added over time".

Canada's recording industry is a multi-million dollar industry and producer of world-class musical acts in this country. It told us that it wants strong protection for artists to compete with the world's best. We agree and we listened. Let us hear what it has to say about our legislation. The CRIA applauds the government's copyright bill and says, "We thank the government for taking this step to protect the right of artists and other rights holders to earn a living from their work". These changes are long overdue and welcomed by artists.

The artists themselves are supporting this legislation. Randy Bachman of BTO said the entertainment industry's ability to remain healthy is dependent upon a strong copyright framework. Bill C-32 is moving Canada into the digital and Internet age.

Juno Award winning artist Loreena McKennitt, who has sold over 13 million albums worldwide, said the changes proposed in the bill are "fair and reasonable".

Independent recording artist Michelle McKibbin thanked the government for introducing Bill C-32, legislation "supporting... artists like myself".

The Canadian Chambers of Commerce, representing approximately 300 of Canada's business associations and boards of trade, support the bill. They said they believe Bill C-32 "lays the foundation for future economic growth and job creation".

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The president of la Fédération des chambres de commerce du Québec, Françoise Bertrand, believes that Bill C-32 is critical to ensuring a competitive and stable business environment in Canada.

The Canadian Council of Chief Executives, which represents over 150 executives across the country and companies representing \$4.5 trillion in assets, supports this legislation. This is what the former Liberal deputy prime minister had to say about this bill. He said Bill C-32 “will provide badly needed protection to Canadians who create music, films, games and other digital works.” Business leaders say it will protect creators and consumers. The government has struck an appropriate balance with its legislation.

The Council of Ministers of Education, CMEC, which represents all of Canada's 13 provinces and territories and their ministers of education, supports this legislation. The chair of CMEC, the minister of education in Nova Scotia, a New Democrat, Marilyn More says:

This legislation provides the clarity we have been looking for.... It is excellent that the bill allows students and educators to use Internet materials in their learning and teaching activities without fear of copyright infringement.

Ministers of education across Canada have responded positively to this new copyright legislation.

● (1040)

[*Translation*]

We consulted Canadians and we listened to them. We took this course of action because our government and the members on this side of the House know that the contribution made to Canada's economy by Canadian digital industries cannot be downplayed.

[*English*]

Other people have come forward as well to support this legislation. We get the sense that support for this legislation is broad based and substantive, if we look at the folks who are supporting this bill: the television and film industry, the music industry, digital new media folks, the business community and individual artists.

The Canadian Association of Research Libraries said it applauds the government, which has responded to the copyright reform concerns expressed by the library and education community. It stated:

The government has clearly listened to what the library and education communities said

The *Globe and Mail* said the government's new copyright legislation should be passed.

The newspaper is right. We think this legislation should be passed.

I do not want to go much further into the substance of the legislation beyond what the Minister of Industry had to say, because I have limited time. However, there is one thing that he did not mention that is a critical element of this bill. I hope all members in the House who are interested in this legislation recognize this important element.

The bill mandates that Parliament, every five years, will be forced to revisit and continually modernize Canada's copyright regime. So whether people have concerns about specific elements of this bill and think we should do a little bit more here and a little less there,

the reality is that this legislation is an tectonic shift in Canada's regime with regard to copyright reform. We are forcing Parliament, from now forward, to forever make sure that Canada's copyright regime stays up to date.

Canada has not elected a majority Parliament since November 2000. It has been 10 years. As a result of the realities of minority Parliaments, often it is politically challenging for governments to be willing to step forward and to engage in the copyright issue. This legislation forces Parliament, regardless of political pressures, to make sure that Canada's copyright regime stays on the cutting edge so that Canada can continue to create jobs, so that we maintain the reputation that we have around the world as being not only an innovator and a leader in new technology, but also one of those countries that protects the rights of creators to have their works protected by law.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Madam Speaker, I have been contacted in the last couple of weeks by Alberta small book publishers, including those who publish educational materials. They are very concerned about the implications of Bill C-32, which they consider provides broad access and use free of charge by educators that impacts the revenues of these small Canadian publishers and their continued existence.

I wonder how extensively the government consulted with small Canadian publishers. Did it meet with the Alberta small publishers association to review their concerns about the impacts on collective licensing?

Hon. James Moore: Madam Speaker, we really wanted to leave no stone unturned when it comes to the consultation. We not only stayed in Ottawa and put up a website but went around the country and spoke to communities all across Canada.

If memory serves, there was in fact a round table that took place in Edmonton and we invited stakeholders to come in. If people could not participate in the round table there, they were invited to participate in our online forums. They were invited to participate in writing as well. One of the reasons that with this legislation we are going forward with a stand-alone legislative committee is because that committee can decide its own workload, its own hours, and can bring in whatever witnesses it chooses. People will be allowed, I am sure, to submit their views in writing, or if they have the capacity to come, to visit in person.

This legislation is, as I said, striving to get the right balance. There are those in the education sector who think we should have further restricted our fair dealing component. There are those who think we should have expanded it. We think this is the right balance and those who have concerns will be more than free and willing to share their views.

If people have constructive criticism about how we can make this bill right, obviously we are prepared to listen to those views, but we will not listen to those who want to—

The Acting Speaker (Ms. Denise Savoie): Questions and comments, the hon. member for Yukon.

Government Orders

Hon. Larry Bagnell (Yukon, Lib.): Madam Speaker, I have two questions following up on the last question. It is not only the small publishers who have sent in letters, and I am sure the minister has oodles of letters from everyone on both sides of this, but the artists, whom you are the champion of, are saying that teachers do not work for free and everyone else who supplies books or fuel oil to schools does not work for free, so why should the artists? Why should there be this exemption?

Could you tell me what the difference is in the exemptions in the present regime, before the bill comes in, and the ones in the bill, and your answer to those artists—

• (1045)

The Acting Speaker (Ms. Denise Savoie): Order, please. I would ask the hon. member to direct his comments through the Chair. Thank you.

There are many people standing, so I would ask for a brief end to that question.

Hon. Larry Bagnell: Thank you, Madam Speaker. So I would be interested in your answer to those suppliers of that and those artists and the complaints about digital locks for libraries, not allowing them access to information, which I am sure you have heard as well.

The Acting Speaker (Ms. Denise Savoie): Again, comments through the Chair.

The hon. minister.

Hon. James Moore: Madam Speaker, there is a lot packed into that question. I will just sum it up this way, because you are obviously signaling that you will not allow answers of more than 30 or 60 seconds.

We tried to get the appropriate balance, and the truth is, if we move one element of this bill over, if we expand fair dealing a little bit, if we open up the digital lock protection provisions of the legislation a little bit, we will have a whole new constituency of people who are upset with it. We tried to take the full scope and scale of those who are requesting change in our copyright regime: educators, movie industry, film industry, everybody concerned, especially consumers. We tried take in the full scope of what was in their best interest, and we think we have struck the right balance.

We think the issue with digital locks is a central element. If a person is a creator and has created a product, a piece of software, and has decided to protect it in the way that person chooses to protect it to engage in the marketplace, we think that person has the right to protect what he or she has created, in the way he or she has chosen to protect it. If people want to hack around that or break a digital lock without that person's consent, that person has the right to protect his or her own intellectual property. That is pretty basic. In terms of those who argue that digital locks should not be a part of this legislation, I just frankly disagree. I think they are wrong.

There are elements of the bill on which we can agree or disagree, certain defining elements of education and how that should be dealt with in fair dealing. There are certain things on which we can agree or disagree. But if a person creates some software and decides to put a digital protection measure on that software and to engage in the marketplace with 90-day trials in which things are locked down

afterwards, and so on, if the person chooses to engage in that and chooses to protect his or her intellectual property, that person should have the right to protect his or her property in the way he or she chooses.

Obviously as part of this legislation, it should be illegal for one to hack somebody else's property and to steal it and put it onto BitTorrent and spam it around the Internet and degrade people's capacity to actually make a living on what they are doing.

The start of the hon. member's question was very profound. I do not want arts and culture creativity, the software industry, the video game industry, the creative community in this country, to become a hobby. I want business models to be able to work in this country, and that requires a strong and robust copyright regime.

The Acting Speaker (Ms. Denise Savoie): For the information of hon. members, when I see a lot of members rising, I try to keep the questions short and I try to balance the question and the answer in terms of time.

Resuming debate, the hon. member for Westmount—Ville-Marie.

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Madam Speaker, it is with great pleasure that I rise today to begin the long awaited debate on Canada's proposed new copyright law, Bill C-32. If I may be permitted a personal comment, I would like to say that no other proposed legislation has occupied my time as the industry critic for my party as much as this bill has, nor have I received more visitors knocking on my door to discuss proposed legislation than for the case of Bill C-32. Suffice it to say there is a very large number of stakeholders watching very closely as Bill C-32 moves forward in the House.

[*Translation*]

I would like to go over the context in which we are undertaking this important task. Canada is right in the thick of its transition to the digital economy, which is having a major impact on our artists, writers, musicians, software developers, film-makers, photographers and others who create material protected by copyright.

We all recognize that the creators who inform and entertain us are major economic drivers. In Canada, according to a 2007 Conference Board of Canada study, culture generates over \$80 billion in direct and indirect economic spinoffs every year. That accounts for more than 7% of our gross domestic product and creates about 1.1 million jobs in this country.

The digital economy is changing culture in this country. It is also changing our society and our economy. The information and communications technology sector employs some 600,000 Canadians and spends \$6 billion a year on research and development. The digital economy is flourishing around the world. Last year, OECD countries invested nearly \$3 trillion in hardware, software, communications and IT.

I know that Canada can play a leading role if it positions itself to exploit its full potential in this key sector. That would really boost the country's economic growth.

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Among other innovations, the last decade brought us Facebook, the iPad, and YouTube, which have given Canadians unprecedented access to myriad choices. They have also presented a challenge to creators in terms of protecting the integrity of their work.

Unfortunately, when it comes to copyright, Canada has, for too long now, been way behind in terms of global best practices. Our outdated copyright legislation has been the subject of international criticism.

A 2005 OECD study found that Canada had the greatest per capita number of offenders engaging in illegal file-sharing. In May 2009, the United States put Canada on its blacklist of countries designated as being especially lax in protecting intellectual property, a list that includes Algeria, China, Russia, Pakistan, Indonesia and Venezuela.

Copyright and intellectual property protection have become a crucial component of trade talks with the European Union.

The time has come to ensure that our artists and creators receive fair compensation for their work and that, in this digital era, our entrepreneurs are compensated for their innovations. Canada must modernize its copyright legislation.

In short, the time has come for Canada to adopt a fair and balanced copyright law, one that takes the needs of both creators and consumers into account.

● (1050)

[*English*]

The Liberal Party of Canada is taking the following position with respect to the proposed copyright legislation. Bill C-32 takes a number of important steps to modernize copyright law, and at this time the Liberal Party will support sending the bill to committee. However, we believe serious challenges remain that must be addressed at committee.

Specifically, the Liberal Party has problems with digital locks and technological protection measures, or TPMs. The Liberal Party has concerns with the application of new TPM circumvention amendments in Bill C-32.

Specifically as it applies to music, video and other digital media, the Liberal Party believes the Copyright Act must allow Canadians who have legitimately purchased a CD, DVD or other product the ability to transfer their purchase onto other personal devices, such as an iPod, or make a personal backup copy on their computers so long as they are not doing so for the purposes of sale or transfer to others.

We do not believe that Bill C-32 achieves that principle at this time. There are various ways in which a solution could be found and we look forward to examining the different options in committee.

[*Translation*]

Let us talk about the exemption for the education sector. The Liberal Party agrees that educators need flexibility in order to ensure that education is as enriching as possible. However, we must see to it that authors and creators are paid fairly for their work. The education sector is in the best position to convey the message that copyright is important, and we must ensure that Canadians understand that it is important for our creators to be compensated fairly for their work.

With regard to the exemption for the education sector, the Liberal Party will attempt to amend the bill by proposing to clarify what exactly constitutes “fair dealing”. Naturally, the secret of a good policy always resides in the right balance. By defining what is fair, we will ensure that the law gives educators the necessary flexibility while offering artists, authors, and creators a better guarantee that their works will be protected.

● (1055)

[*English*]

Another issue is mash-ups. Bill C-32 creates a new exemption for user-generated content. However, it is broadly written and can create a potential opening for abuse. We will seek amendments to tighten the language to ensure that the mashup exemption can only be used for its intended purposes and not unexpectedly create a loophole for further copyright infringement.

On the subject of statutory damages, Bill C-32 defines new statutory damages for infringement of copyright. Many stakeholders have expressed deep concerns about this section. The Liberal Party believes applied statutory damages must be commensurate with the severity of the infringement.

[*Translation*]

With regard to the exhibition in public of works of art, the present Copyright Act defines the right to be compensated when a work created after June 7, 1988, is exhibited in public. The Liberal Party believes that this provision discriminates against artists who created works before 1988.

As for the resale of works of art, throughout Europe artists are compensated when their works are sold and then resold. The value of an original work may increase over the years and artists believe that a portion of the difference between the original price and the resale price should be paid to them. The Liberal Party proposes studying European practices in order to find a better way to compensate Canadian artists for their works.

Furthermore, the Liberal Party would also like to look at other technical issues surrounding, among other things, the collective responsibilities for neighbouring rights and the definition of exemptions with regard to hosting, information location tools and network services.

Modernizing Canadian copyright legislation is vital for our economy, job creation and appropriate compensation for our artists and creators. We believe that this modernization can best be achieved through dialogue and collaboration and we hope that all parties will work together to achieve this objective and to ensure that Canada continues to make a cultural contribution to the world.

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[English]

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Madam Speaker, what my hon. colleague has put forward as the Liberals' position is interesting. It seems to me that he has a concern in one area that frankly ought not to be a concern, and then he has opened the door on another area of policy. I am wondering how he reconciles having a concern in one area and not the other.

He says that he is concerned that the legislation allows for mashups. For those watching, what that means is people might mix two songs together, for example, use the instrumental or drum portion of one song and the lyrical portion of a different song, put them together and experiment with songs. We do not see a problem with that, but he seems to think there is a problem with that.

We think the idea of having a certain song underneath a wedding video is okay. We want to allow people to experiment a bit if they so choose with the media that they have purchased, obviously so long as there is not a digital lock that prevents that from happening.

On the other hand, he says that he is concerned with the technological protection measures, the digital lock provisions of the bill. Every single arts and culture and creative community organization across this country, all of them support this portion of the bill. Is the Liberals' position really that they are not in favour of the digital lock provisions of this legislation?

Removing that portion of this bill would be devastating to Canada's cultural and investment communities. It would be devastating to the software and video game industry, which represents 14,000 jobs, many of them in his own riding. I think there are 10 software and video game companies in the member's own riding. All of them support this protection in the bill.

Is he really saying that he wants to strip away technological protection measures in the bill? Every single cultural organization in this country supports those measures. That would be a huge mistake, if that is what he is proposing.

• (1100)

Mr. Marc Garneau: Madam Speaker, I really wish the minister had clearly listened to what I said. This is politicking as opposed to actually listening. This is a complex subject and I wish he had clearly listened to what I said.

I, at no time, said anything against digital locks and TPMs. What I said, and I hope he will understand it this time, is that if people legitimately purchase a copyrighted product, and remember, they paid for it at the front end, if they want to transfer it to another device for their purposes, for copying or for their personal convenience, and it has nothing to do with reselling or commercial exploitation of that product, then they should be allowed to do so. We will work with the committee to try to find a way to make that possible. That is all I said and I hope that is clear to the minister at this point.

With respect to mashups, mashups need to be defined in the sense that people can copy somebody's work, let us say a piece of music, and at the very end, after it is over, add one little thing and call it a mashup. We just want greater clarity as to what actually a mashup means. Obviously if it is bits and pieces from different places, that is fine with us, but we need more clarity on the definition of a mashup.

Mr. Charlie Angus (Timmins—James Bay, NDP): Madam Speaker, I was listening to the back and forth between the minister and the Liberal critic on what was exactly under the digital lock, and I noticed my colleague, the minister, did one of those wonderful sleight of hands that the Conservatives do on this. He is telling us all about how great the mash-up thing is as long as there is no digital lock, and if there is a digital lock, then we cannot touch any of the rights that we would otherwise have.

In this bill, the government offers a whole series of rights that nobody can exercise if it is in the digital realm. The fair dealing rights can only be accessed if there is not a digital lock on it. The mash-up rights can only be accessed if there is not a digital lock. The government says that this is to bring them into compliance with WIPO, but in fact under article 10 of the WIPO Copyright Treaty, it says that the protection measures cannot override the rights that would otherwise exist, so that the rights that exist within this bill cannot be overridden by an adjunct measure, which is the technological protection measures.

I would like to ask the Liberal Party if it would be willing to work to amend this legislation so that the rights that are guaranteed to citizens can be legally accessed, and separate that, as my colleague the minister had said earlier, from people who would break a digital lock in order to steal works and put it on BitTorrent. It is a distinction that is recognized by numerous other countries that are WIPO compliant.

Does he think it is possible for Canada to understand and make this distinction?

Mr. Marc Garneau: Madam Speaker, the Liberal Party intends to take a very constructive approach to this because this is extremely complex legislation.

The issue of digital locks and TPMs are certainly very central to this whole thing. Let me repeat that the concept of digital locks or TPMs is not a subject with which we disagree. We want to make clear that individuals who purchase a product should be allowed to move that from one device to another for their personal use.

As it stands at the moment, Bill C-32, as proposed by the government, says that if there is a digital lock or a TPM on a product, then it would be illegal for a person to transfer it to another device for his or her personal use.

We have difficulty with that and it is something we definitely intend to explore. We will work with the NDP, the government and the Bloc on this issue.

• (1105)

[Translation]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Madam Speaker, my question is for the Liberal Party critic. He said that he would like the bill to be referred to committee and that he plans to propose amendments. Are the amendments he is talking about today all *sine qua non*? In other words, if the amendments are not made, will he vote against the bill at third reading?

Mr. Marc Garneau: Madam Speaker, I thank my hon. colleague for her question.

Government Orders

In my speech, I talked about the issues addressed by this bill. We would like to work in co-operation with the other parties to make changes that will better serve the needs of the people concerned, specifically consumers, creators and businesses. Our approach is constructive. We are all going to have to make concessions when it comes to this bill, which is extremely complex and polarizing. We plan to take a constructive approach and work with the other parties to come up with a solution that the majority can agree on.

[*English*]

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windor, Lib.): Madam Speaker, when it comes to TPMs and digital locks, one of the concerns is if a consumer buys, and I will use one company for an example and my apologies to it, an Apple device and then buys a song through that Apple device, he or she can only use that song, movie or whatever it may be for a suite of devices only sanctioned by Apple. It cannot be used on another type of device. It pushes people into a corner where they are forced to only use a particular company's brand or suite of products. I think this concerns a lot of people.

It has become an issue with the education community as well. On the one hand, we have the exemption, but on the other hand, they cannot circumvent or look into digital locks.

Could the hon. member address that?

Mr. Marc Garneau: Madam Speaker, this is a big issue. The government said this morning that it now allowed for format-shifting and time-shifting. Then, as an aside at the end, it said that if it was protected by a digital lock, it could not be circumvented, except if there were specific defined exceptions in the bill.

Again, the issue is, in this case, addresses the consumer who may want to take a product that he or she has downloaded or purchased in a store and move it to another device for his or her own personal enjoyment and purpose.

We would like to talk about ways we can accommodate that, because the person has paid for the product upfront and is simply moving it from one device to another. This is problematic at the moment, and we would like to see if there is a way to solve it.

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Madam Speaker, the Bloc Québécois believes that Bill C-32, whose goal is apparently—I repeat, “apparently”—to update the Copyright Act, does not achieve that objective. The Bloc also believes that it needs to be amended in committee in order to do justice to artists, copyright holders and copyright in the truest sense of the word. Without amendments, this bill will be unbalanced and will favour large corporations at artists' expense. I will explain this.

The approach in this bill is disheartening. The government says it is helping artists, but it is not putting its words into action. Yesterday, in the House, the Minister of Canadian Heritage and Official Languages said that on May 10, 2006, the Bloc had voted against the Conservatives' budget, which included a 20% increase in the Canada Council's budget, but that is an error. I do not know whether it is unparliamentary to use the word “error”, but the fact remains that the Bloc voted in favour of the Conservatives May 10 budget that included a 20% increase. It was not an increase so much as a cut to

the increase previously announced by the Liberals. The Liberals had announced a \$150 million increase, which was then reduced to \$30 million. We see that the minister is twisting words and passing himself off as someone who is helping artists. He says he is helping them, but he is not. The Bloc Québécois obviously voted against the bill the government introduced in 2009 to take money away from artists.

My point is that the principle has not changed. What the government and its ministers are saying and what they are doing are two different things. It is all well for them to keep saying that they are helping artists, the fact remains that the approach in this bill is totally unbalanced. In fact, what this bill does is help major U.S. companies.

It is too bad that people are not listening because some interesting things are being said. Madam Speaker, can you please ask the hon. members to be quiet? Thank you, I think that calm has been restored.

This bill is totally unbalanced because it benefits major U.S. companies and major computer gaming software companies to the detriment of artists. There are two totally disheartening approaches in this bill and seven deadly sins, if I can put it that way.

The first approach is one using digital locks. Sure, we can say that digital locks are necessary, and that they must be respected, but to base an entire bill on them is a bit much. With this bill, the government is telling artists that if they want to make money, all they have to do is put digital locks on their musical works to prevent anyone from copying them. If people want to make a copy for themselves, or to transfer the music to another format, it would be absurd to make them buy the original work again. That makes no sense, and it will not work. We are talking about the survival of artists and their art here, and this is important for many reasons. An approach based on digital locks is completely ludicrous.

This bill was developed for the big American film and video game companies, and digital locks meet most of their needs. For these big American and European film and video game companies, the government did a good job.

But the bill does not address the needs of artists. Artists do not want to put locks on their musical works. They do not want to restrict the distribution of their works; they want people to be able to enjoy them. But for that to happen, we need to modernize the Copyright Act and maintain the royalties and levies in the existing act. But that is what the government does not understand.

I spoke about seven deadly sins. The first should come as no surprise, since I was the one who moved a motion in the House to modernize the current Copyright Act in order to maintain the levy on digital music recorders, a motion that was adopted by a majority in this House.

Government Orders

•(1110)

Not having these royalties is like depriving artistic creativity of oxygen. Not having these royalties means that artists will no longer earn enough to continue doing what they do. I am not making this up. Earlier, the Minister of Industry and the Minister of Canadian Heritage spoke about taxes. It is incredible that ministers who should be sensible and should understand the meaning of words are using the wrong words and giving disinformation in order to reach their goal, which is to help American companies.

The system of copying for personal use needs to be updated. This system exists already; it is already in the law. We just need to add “digital audio recording equipment” to “cassette” and “CD”.

The exception known as the “YouTube exception” allows a mother to post her son's first steps on YouTube along with music, used in good faith. That seems nice enough but it opens the door to a whole slew of music piracy. The scope of this clause needs to be reduced, and these so-called works created from other works should be banned. That is exactly what it means to respect artists' rights.

In addition, Bill C-32 should require broadcasters to pay for ephemeral copies. Again, this clause is poorly written, unbalanced. It benefits broadcasters and, again, takes money from artists. It takes away royalties that would come to them.

And the damages that a copyright owner could be paid should definitely not be capped at \$20,000. That is like saying that any pirate can put \$20,000 on the table and can make millions of dollars with a copy they have made. It makes absolutely no sense to cap damages for a work that has been copied.

We must also make Internet service providers more accountable. There are two ways of doing so. On the one hand, they could contribute to content costs, as called for by AGAMM, an association that maintains that free music is a myth. This Quebec artists' association wants Internet service providers to pay them royalties. On the other hand, we must also make Internet service providers more accountable by forcing them to be proactive to stop piracy. I am not convinced that the notice and notice system—as it is commonly known—is working. That is, when people realize their work has been copied, they inform the Internet service provider, which simply sends a letter. I am not convinced that this works. It would be very interesting to examine this aspect in committee and look at the consequences of an escalating response. We definitely need to examine this aspect very seriously. However, it is clear that the status quo is not enough.

As I said earlier, the seventh deadly sin of this bill is the digital lock, which cannot be the cornerstone of a bill to protect copyright. This would mean that consumers could no longer make copies for their own use on their MP3 players. The minister said earlier that everyone supports digital locks. That is false. Consumers' associations do not support digital locks. The following quotation is from a news release dated June 4, 2010:

The Canadian Consumer Initiative or CCI [an umbrella group of consumer protection agencies] deploras the fact that, with this bill to reform the Copyright Act introduced earlier this week [on June 2], the federal government is once again abandoning consumers and giving in to the demands of corporations.

The members can read it. It was dated June 4 and can be found on the Canadian Consumer Initiative website and the Union des consommateurs du Québec website. It is quite interesting and explains why this will not help consumers. When the Minister of Canadian Heritage and the Minister of Industry say that no one opposes protection measures, they have it all wrong, because in fact, many people object to these digital locks. Once again, the Conservatives are denying reality.

The Bloc Québécois wants to amend this bill in committee. We think it needs to be amended according to four basic principles. First, we have to find a way to compensate artists and copyright owners. Musical works are not free. Music is not free.

•(1115)

Music belongs to artists, and artists have the right to be compensated when people listen to their music in different formats. We have to encourage creation and dissemination. That is the Bloc Québécois's second principle: supporting dissemination.

New technologies improve access to the things people create, and consumers should be able to benefit from that. I doubt that digital locks will support that. We have to promote the dissemination of artistic works on all existing platforms. Through its subsidy programs, the government must support dissemination via new media without negatively affecting conventional media, which are often where new works appear in the first place.

As I said earlier, music is not free. That is why the government must launch an information and awareness campaign for large, medium-sized and small consumers, who need to understand that music belongs to artists. People can buy CDs, they can buy music online and they can listen to it on rhapsody.com, but they must respect artists when listening to music. If they do not, creation, production and design will suffer, and we will be overtaken by culture from other countries, especially by American music.

We also have to crack down on what I call professional piracy. We know there are websites where piracy professionals make multiple copies or allow point-to-point or peer-to-peer transfers. This allows people to download and listen to music online for free. We have to crack down on this. We cannot just tell these pirates that it will cost them only \$20,000 in damages every time they use a work of music. The bill, as written, may not be harsh enough. As far as damages are concerned, it is quite clear that we cannot limit the price of a work of music to \$20,000.

In the upcoming debates on the so-called Copyright Modernization Act, it is clear that the Bloc Québécois will defend its principles any way that it can. We saw yesterday in the House with regard to the TradeRoutes and PromArt programs that this government does not defend artists and does not help them. In fact, the government does more harm than good. Bill C-32 will do more harm to artists than good. A number of groups are going to lose a lot, particularly in the publishing community. With the addition of a fair dealing exemption, some francophone publishers will end up closing their doors. What textbooks will we find in schools? They will be textbooks from other countries that have protected their culture and the copyright of their creators.

This government does not protect artists. It does not protect copyright and it does not protect copyright owners, which is consistent with its long “anti-artist” history. The Bloc Québécois truly hopes that, throughout Quebec, the jurisdiction of arts and culture will be transferred to the Government of Quebec. There is an overwhelming consensus on this. Quebec takes care of its artists, and one way it does that is by helping them tour internationally.

The Government of Quebec helps artists and copyright owners. The education sector is treated very well by the Government of Quebec, which pays royalties to publishing companies and artists when schools use their artistic works.

For the Bloc Québécois, the transfer of responsibility for arts and culture to the Government of Quebec would be a step towards what we really desire—our own country. Not only do we want to manage all our areas of activity, but we also want to support and help our artists.

• (1120)

[English]

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windor, Lib.): Madam Speaker, in the tone of this debate, there seems to be two sides arguing vehemently against each other about the right for picking up for artisans and groups. I thought the minister of heritage made some good points earlier about how the government intends on doing that through Bill C-32, the copyright legislation.

On the other hand, however, the Bloc seems to think that it has the best points by which it will protect artists when it comes to this legislation. I do not doubt the Bloc on that, but I wonder where she thinks the government has gone off the rails when it comes to supporting artists regarding this legislation.

• (1125)

[Translation]

Mrs. Carole Lavallée: Madam Speaker, what I said and what I have noticed since becoming the heritage critic is that this government says it helps artists. However, when we take a closer look, we realize that this is not true, especially since it did not want to modernize royalties on musical works in Bill C-32. This means that artists will lose millions of dollars every year.

In the current legislation, there is a system of royalties for private copying. People can copy a musical work onto a blank CD, which is legal and helps artists. In fact, when purchasing a blank CD, a consumer pays a royalty of a few cents that goes to a collective society, the Canadian Private Copying Collective. This is a complex

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but rather fair system. The collective pays out to the artists the royalties it collects year after year. In good years, these royalties can amount to tens of millions of dollars.

However, under the current legislation, royalties are paid only on four-track audio cassettes, which few people use anymore, or blank CDs. It would be easy to include digital recording devices. It would truly modernize this bill and allow the Canadian Private Copying Collective to collect these amounts on every purchase and to distribute them. The consumer could make a copy at home on an iPod or MP3 player, no matter the brand, responsibly and lawfully.

That is the spirit of the existing law. If we want to make that spirit relevant to our times, we must add recording devices. It must be done. If we want to continue helping artists, that is how we can do it. A little help often lets artists do a great deal. This bill drains the lifeblood from artists, who will have a great deal less income and who will suffer.

Furthermore—

The Acting Speaker (Ms. Denise Savoie): The hon. member for Timmins—James Bay.

[English]

Mr. Charlie Angus (Timmins—James Bay, NDP): Madam Speaker, my hon. colleague seems to be focusing on the fact that the government is not looking for the remuneration of artists in this bill. In fact, key areas where remuneration has existed in the past seems to be undermined. The Conservative government's argument is that by simply having sacrosanct protection for digital locks, the market will rebound, artists will be fed and everything will continue on.

I am at a loss to understand how simply codifying absolute legal protection for digital locks, even when it overrides rights that exist within the bill, would actually make the market rebound and how artists would be able to make a living, because, as we know, anybody can pick any digital lock that exists now if they so choose.

Does my hon. colleague think that the balance is missing here? On the one hand, we need to protect works from being stolen and pirated, which is why legal protection for digital locks was sanctioned. It is very clear and it is very important to have to that. However, simply putting digital locks across the board is not a substitute for having a clear monetizing stream for artists so that artists can continue to do what they do and can continue to benefit from the copyright and the rights of their works.

[Translation]

Mrs. Carole Lavallée: Madam Speaker, I have a two-part answer.

First, some artists' rights agencies got together recently and asked their boards of directors what advantages Bill C-32 had for them. It became clear that there were no advantages. Not only were there no new royalties or levies, but the old ones were being taken away. Obviously this bill cannot be balanced.

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When we asked a group of people involved in the cultural sector whether they prefer Bill C-32 exactly as it stands—we still need to modernize the Copyright Act because it has not been updated since 1995-96—or whether they prefer no bill at all, the answer was unanimous and came from the bottom of their hearts. They do not want Bill C-32 as it stands, because it will take away the royalties and rights they already have. I would say that the publishing community has no idea that the new exemption will cause it to die slowly.

• (1130)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Madam Speaker, I would like to respond to the hon. member for Timmins—James Bay, and perhaps the hon. member for Saint-Bruno—Saint-Hubert could add her thoughts on this matter.

[*English*]

We are not suggesting that artists and creators should not be supported by a government regime to protect what it is they have created and to find ways to monetize that. That is not at all what we are saying. We are saying that in the consultations that we had with regard to this legislation, no effective proposal came forward with regard to the private copying regime in this country. It, frankly, does not make sense.

My colleague from the Bloc Québécois keeps talking about downloading and MP3s. She does not mention applications like Stitcher and streaming online services. People do not download music now and then pay for the download. People are now streaming media online. There are whole new services now for streaming music.

Therefore, the proposals that she has talked about but has not written down so we cannot see the details of it, does not actually fit the current regime of how people are consuming music. It does not work. It is a solution for 1995. It is not a solution for 2010 and 2015. What she is proposing is window dressing. It is not actually substantive in dealing with the issue of the private copying regime. It does not actually substantively do it.

We are not pretending that this legislation fixes all things at all times. However, first, it does mandate a five-year ongoing permanent renewal of Canada's copyright regime, but, second, we tried to stop the bleeding.

We can disagree about how the music industry may or may not be monetized because none of us have owned software companies or video game production studios. We cannot pretend that we know how other companies will decide to monetized but we can agree and I hope we can all agree that we need to stop the bleeding. We need to make pirating and theft illegal in this country. We need to ensure that those who are creating in an effort to make a living out of what it is they love doing, which is music, software and video game publishing, are not being ripped off. That is article one.

We can agree to disagree on the issue of the private copying levy and the iPod tax, or however we want to talk about it, but let us agree with one thing, which is that Bill C-32 gets it right. We are going to make piracy illegal, protect those who are creating and ensure that they have an opportunity to move forward in this new economy. That

is the first thing that we need to do and I hope the member will agree with that.

[*Translation*]

Mrs. Carole Lavallée: Madam Speaker, digital locks are not a response to requests from artists. I would like to challenge the minister to show me what aspect of Bill C-32 benefits artists. It cuts their royalties and it creates exemptions for education. And numerous new exemptions make it so that artists, copyright owners, people and authors who would be entitled to revenue are now losing it.

Some have even said that this goes against the WIPO treaty because there is a section in that treaty saying that a country does not have the right to take away benefits that artists already have.

Second, I would like to know how artists will make more money with digital locks. Once, I bought a CD. I downloaded it because, no matter what the minister says, 90% of people still download their music. I tried to download it, but there was a digital lock on it. What happened? I listened to it once and that was it. That is what will happen.

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Madam Speaker, I am proud to rise today to speak to Bill C-32, which is legislation to update Canada's Copyright Act. I speak as someone who has actually tried to feed my family off copyright as an artist, a writer, a broadcaster, and a publisher.

The New Democratic Party has been clear about its desire to ensure that Canada's copyright regime is updated, and New Democrats place copyright reform at the centre of what must be a much broader innovation agenda for Canada. This includes codifying protection for net neutrality, committing to national benchmarks for broadband access right across rural and northern Canada and into the urban areas, and enhancing our digital cultural programs to ensure that Canadians are able to participate as international citizens within the democratic, culturally vibrant, public commons that is the Internet.

In respect of copyright reform, New Democrats have been consistent. We told the government to bring WIPO into the House and have it ratified. If we had done that, it would have taken some of the international pressure off Canada. We have been telling the government that we fundamentally support the principle of remunerating creators for their content and oppose criminalizing consumers.

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The Conservative government had five years to ratify WIPO and bring it before the House, but it stalled. The previous bill was so poorly constructed that it pretty much died the day it was brought in. The first lesson to know about copyright is that it has to be balanced, and getting it balanced requires broad-based consultations with every stakeholder.

Bill C-61 was pretty much ditched as soon as it was brought in and that sent the Conservatives back to the drawing board. Here we are two years later and five years into the government's term.

Unfortunately, I do not think the government has yet gotten the message. We will be more than willing to work with it on addressing problems, but we want a clear understanding from the government that it is willing to work with the other parties to fix this bill.

Many international observers are looking to Canada. They think this is a country that can actually get it right when it comes to copyright. Like every other nation in the world, we are in the midst of unprecedented technological change. What we have seen over the last dozen years is a cultural copyright war that has been played out internationally, and some jurisdictions have gotten the mix wrong.

If we look at the history of copyright, we can see that the push for copyright has always come from technological threat. There are certainly those who are threatened. Some older business models would use copyright to make sure that new, potentially difficult platforms for distribution are stopped from going forward.

What we have learned in Canada from watching other countries trying to bring forward copyright is that no amount of legislation or legal action will force consumers to return to dead business models. Nowhere is this folly more clear than in the United States' Digital Millennium Copyright Act, the DMCA.

The U.S. entertainment industry has used both the courts and legislation to try to criminalize consumers, and the result has been a scorched-earth policy that was waged by the Recording Industry Association of America against its own consumer base. After 35,000-plus lawsuits against kids, single moms, and even dead people, the so-called digital genie has not gone back in the bottle, and it is not going to go back in the bottle.

The one thing I would say to the Conservative government is that, for all of its dumbed-down approach to social policy, it seems to understand that suing kids is not going to be a constructive, long-term solution. That might be one of the only positive results coming from what we have witnessed south of the border.

Does this mean that digital technology has simply trumped the principle of copyright, and endless downloading can simply erase the rights of creators? Certainly not. We need to look at the Internet and digital innovation for what it is. This is an exciting new distribution platform and new models are emerging.

We have the opportunity in Canada to come forward with something that is forward-looking rather than backward-looking. I found it unfortunate this summer when the Minister of Canadian Heritage and Official Languages denounced citizens who questioned the bill as digital extremists. If copyright reform is to succeed, we have to move beyond this self-defeating culture war, because the

choice in the end is whether we support regressive or progressive copyright.

Regressive copyright is based on attempting to limit, control, or punish users of creative works. Regressive copyright is ultimately self-defeating, because the public will find ways to access those works.

● (1135)

Progressive copyright, on the other hand, is based on two time-honoured principles: remuneration and access.

The digital age has shown us that consumers of artistic works want to be able to access them how and when they please, and they will do so. To them the Internet is not a threat; it is an amazing vehicle for participation in exciting cultural exchange. The question is, how do we monetize it?

The balanced approach represents the mainstream of Canadian copyright opinion. I refer to the judgment in the case of *Théberge v. Galerie d'Art du Petit Champlain inc.* The Supreme Court said that the purpose of copyright was to strike "a balance between promoting the public interest in the encouragement and dissemination of works of the arts and intellect and obtaining a just reward for the creator".

So the role of copyright is not simply the enforcement of property rights. It is, however, a public construct. That is what copyright is. It ensures that there is public access to artistic works and a public interest in remunerating the creator.

Unfortunately, I do not think Bill C-32 manages to strike this balance. It offers the public a series of rights in the same way a roadside carny offers good odds in a shell game. Attempting to access those rights under the digital lock provisions will prove that none of these rights actually exists. That is fundamentally problematic, because all the rights that are guaranteed in this bill can be erased by a corporate piece of software saying that consumers cannot access the works they have legally purchased.

Support for digital locks exists internationally. I think everyone in this house would agree that digital locks exist to protect a piece of copyrighted material from being stolen, or, as the Minister of Heritage said, from someone ripping it off and putting it on BitTorrent. However, it is another matter to use those digital locks to prevent access for educators or consumers who actually bought a product that they would normally be able to time-shift or format-shift.

As for the remuneration of artists, the other fundamental principle in copyright, this bill consistently undermines the revenue streams that artists have relied on. We can see this in the government's full-on political assault on the private copying levy. The government's attack on the levy is emblematic of its attempt to turn copyright into a political battle in which it gets to rant about taxes and go after them. The government, however, is really going after one of the time-honoured principles that Canadian copyright is based on, which is the remuneration of artists.

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Before we get into the fundamental problems of this bill, let us put it in context. Technological change has always driven copyright reform. Music is a very good example. In 1906, John Philip Sousa denounced the threat of mechanical music, which was actually the roller piano. He felt that if people started buying roller pianos they would not need live musicians anymore. I do not know how many people bought a roller piano, but it was not quite the threat they made it out to be.

The Association of American Publishers picked up the threat of technology when the record player appeared. They thought that if there were record players nobody would buy sheet music. Sheet music was actually one of the great copyright-drivers for artists. If people listened to records, they would not have to play the piano in their parlours. This was clearly a case of a new business model threatening an older one.

In 1923, record companies, which had been considered a threat a few years before, suddenly found that they were being threatened themselves, because the radio appeared. The record industry thought that if people listened to music on the radio for free, they would not buy records.

By 1928 it appears their fears may have been realized. Record sales dropped off by about 80%. By 1931, they had dropped off over 90%. I would argue that perhaps some of that had to do with the Depression, but the argument could have been made by record company lobbyists that the appearance of radio had also had an effect.

Were the radio listeners criminalized? Did they put locks on access to radio? No, they learned to monetize radio revenue, and the record industry never looked back until it came across a kid who invented Napster.

Napster was enormously successful, not because the music was free, but because it offered a young generation almost unlimited access and the ability to choose what they wanted when they wanted it.

• (1140)

That was a phenomenal change in how music was accessed. Steve Knopper wrote an excellent book *Appetite for Self-Destruction: The Spectacular Crash of the Record Industry in the Digital Age*. The recording industry made a fundamental and colossal error when it decided to try to shut down the technology through losses rather than monetizing. At that point, digital music went underground for a number of years, and the market has never quite recovered. I went through this history because I believe it is important to put the issues of digital monetizing and technological change in perspective.

These are some of the fundamental problems with the bill and how it works. We believe that the government has declared war on one of the principles of Canadian copyright, which is collective licensing. To demonstrate this, one does not have to look any further than the government's attack on the levy. The levy was a made in Canada solution that allowed for format-shifting while providing a badly needed stream of revenue to the artists. The levy worked on consensus. It worked on writable CDs. However, when we tried to update it to the MP3, we saw the Conservatives misrepresenting the

levy, misrepresenting the costs. They have used it as a straw man in numerous political mailings.

Let us see what the national media had to say about this Tory attack on remuneration of artists. The *Edmonton Journal* said that the New Democratic Party's support for the levy seemed to be a "perfectly reasonable compromise" and that the industry minister misrepresented the contents of what was actually a "thoughtful compromise that upholds basic Canadian values of straight dealing".

The *National Post* was even blunter. It said that the government's nonsensical boo, hiss, no new taxes response is just plain dumb.

Bill C-32, as long as there are no digital locks, will allow for all manner of copying and backing-up on the pretense that it is technologically neutral. But it is clearly not technologically neutral, because it is going after one of the few revenue streams that exists for artists.

The government is saying it has all these fair-dealing exemptions for education, but let us look at some of the glaring irregularities of the bill. Under Bill C-32, students who are taking long-distance courses will be forced to destroy their class notes after 30 days. Teachers will be forced to destroy their on-line classes. This is the digital equivalent of telling universities they have to burn their textbooks at the end of every session. What kind of government would force students to burn their class notes in the name of protecting copyright? No writer benefits from this, and no student benefits. This provision shows how badly out of whack the government is when it comes to understanding the potential for digital education.

We see these same punitive measures brought to bear against librarians. They will be forced to destroy inter-library loans after five days. We saw the government's full-on assault against the long form census and its opposition to knowledge and data. But to go after students and librarians with such dumbed-down, regressive approaches is something the New Democratic Party will not support in any way.

Let us look at the issue of the digital lock provision. The digital locks make a mockery of any claim of giving fair rights. The government says that we will get fair dealing rights for education and for reproduction for private purposes. People can make back-up copies; there will be copying rights for the print disabled; there is the so-called YouTube mash-up provision. But if there is a digital lock in place, all those rights are erased.

Clause 41.1 lays out very clear technological protection measures, which supersede the rights that citizens would otherwise enjoy. Thus Bill C-32 offers citizens' rights that they will not actually be able to access. What the government is doing is creating a two-tiered set of rights between digital and non-digital products. Instead of legal certainty, Canadian citizens will face arbitrary limitations on what should be their legal right of access.

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It is simply not credible to say that this is WIPO-compliant. If we look at the WIPO treaties, digital locks are not guaranteed copyright rights. They are simply enforcement measures. At most, technological protection measures may be thought of as an adjunct to exclusive rights, but they cannot trump the rights that exist by law. In fact, if we look at how other countries have implemented WIPO, we see that there is no reason the government and this Parliament cannot set up a made-in-Canada provision that represents a balance on the digital locks provision.

• (1145)

In article 10 of the WIPO Copyright Treaty, it says that limitations such as the TPMs may be supported as long as they “do not conflict with a normal exploitation of the work”. That is exactly what the bill would do. It would override the normal exploitations of this work.

The other problem with this jailhouse approach to digital locks and digital issues is the question of whether it will even be able to pass a constitutional challenge. Dr. Jeremy de Beer raised this issue when he looked at the previous bill, Bill C-61. He said that the digital rights provisions were a:

—poorly veiled attempt by the Government to strengthen the contractual rights available to copyright owners, in the guise of copyright reform and the implementation of Canada’s international obligations.

He said that further iterations of Bill C-61 that did not take the fair dealing provisions of the Copyright Act into account could fail constitutional scrutiny. In fact, there are questions whether the bill with the digital locks provision will actually be able to succeed in a charter challenge.

Fundamentally, we can make the digital locks provisions work in order to protect copyright data, but if the government thinks those locks can simply override the existing rights that are guaranteed in the rest of the bill, it will have problems. The New Democratic Party certainly has problems with that.

At this point in going forward, the New Democratic Party is willing to work with all members of the House, all four parties, because we believe we must update Canada’s copyright laws. We need to find a way to do it and we think it can be done.

We are looking for a sense from the government that it is willing to work with us. If it is willing to address some of the fundamental problems, we can deal with this in committee. However, if it takes the approach that any suggestions or implementations slightly different than the government’s are somehow a threat and that it will not work with us, then we will not support Bill C-32 at third reading.

The New Democratic Party is willing to take this to committee. We are willing to work on these issues. We believe we can make very good made in Canada copyright legislation that will not only stand the test of this year and next year, but that will be looked at in other jurisdictions around the world as a way to find the balance that has so far been elusive in the digital copyright wars of the 15 years.

• (1150)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Madam Speaker, first, I agree with the point on which my hon. colleague began and ended his speech.

Yes, we are open to suggestions on how to improve this and ensure this goes forward. I appreciate the NDP’s support to send the bill to a legislative committee. The reason why we would want to send it to a legislative committee, as I said, is so we can be open to receiving ideas that make sense.

I did want to push back and perhaps disagree with my hon. colleague, and he will have the last word to disagree with my disagreement. I have a couple of points.

First, I agree with him. Obviously the DMCA experience in the United States is something that we chose not to do as a government. We chose not to go in that direction.

There is one key element of the DMCA in the United States that he and I agree on and that we do not think is a good Canadian policy, and that is the idea of notice and take-down, which is in the American dynamic. We have proposed in the legislation notice and notice. We think that is pro-consumer and errs on the right of individual citizens rather than the presumption of guilt. We think that is the right thing to do.

His private member’s bill with regard to the private copying levy is badly written. It is one thing to criticize the government for what is in the bill and another to criticize it for not putting things in the bill. There is a reason it does not address the private copying levy in the legislation. The proposals that came forward in our consultations were just unworkable. They did not make sense in the modern era.

The member’s private member’s bill is, with respect, badly written and it would not pass through the House of Commons even though the member may have some allies on the other side of the House of Commons who agree with him in principle. The member’s own proposal is, frankly, unworkable.

With regard to education and libraries, the member criticized some elements of the bill. By the way, this is a perfect example in this very debate about the balance that our government has tried to strike. The Liberal critic for industry has said that our government has gone too far in support of students and suggested that we had not done enough to allow people who wrote textbooks to be compensated. My hon. colleague is saying that the things we put in place in the legislation with regard to education materials after a course is done go too far in the other direction.

Therefore, we have tried to strike the right balance. Did we get it right in the end? Well, time will tell. We think we have given a real genuine effort here to try to get it right.

With regard to libraries, the member said that librarians were upset about the legislation. That is factually not true. The Canadian Association of Research Libraries said, “we applaud the government”. It said that it had responded to the copyright reform concerns expressed by the library and education community. It said that the government had clearly listened to what the library and education community had said.

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This is what we have tried to do with the bill. We have tried to get it right. If the member has a reasonable proposal, he should bring it forward. We tabled the legislation five months ago. We are waiting for substantive, specific amendments to it, which will actually improve it and ensure that Canada stays on the cutting edge of intellectual property law.

• (1155)

Mr. Charlie Angus: Madam Speaker, I was interested in my hon. colleague's suggestion that the idea of updating the levy did not make sense. This levy has been in existence in Canada for years. What does not make sense is the Conservative government's full on attack on it. Even the backbenchers, the guys who sit over there in the cheap seats, still send out mailings ranting about the killer iPod tax. The Conservatives have decided to use this for personal ideological means and misrepresent what the levy does.

I was surprised to hear the member's suggestion about getting it right on digital education. The government is creating a two-tier system. Students who take long distance education will have to destroy their notes. That is not a balance. That is just plan whacky and bizarre.

The member says that librarians support this. Librarians do not support it. The Canadian Library Association said that it was disappointed that long-standing rights, the heart of the copyright balance, as well as new rights, were tempered by the overreach of digital locks. The same position was taken by the Canadian Booksellers Association and the Association of Universities and Colleges of Canada.

The member said that every artist in the country supports the legislation. They do not. I have spoken with SOCAN, ACTRA and AFofM. I have also spoken with Quebec artists. These groups have told me that the bill is wrong because it does not get the balance right.

The minister can wave around the names of his so-called friends who support the legislation, but until we address the digital lock provision, until we address the issue of remuneration, the bill will remain fundamentally flawed.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Madam Speaker, in the heritage committee, we heard input from individuals about new copyright and the new digital age. One artist, Loreena McKennitt, talked about her struggle in this business. She had to lay off people in her own production house and the like.

According to the member's speech on digital locks and the like, in order for artists like that to recover would they not have to be incredibly litigious? Would they have to constantly go to court to do this if the law is made more flexible? It is just a question. I am not speaking on behalf of any particular point of view because that concern comes up constantly.

I would like my colleague to comment on something that Sara Bannerman recently wrote in an article about copyright. She said:

—Bill C-32 includes some made-in-Canada solutions on narrow issues but, on broader issues, abandons made-in-Canada solutions in favour of a more American maximalist approach.

Does my colleague agree with that?

Mr. Charlie Angus: Madam Speaker, if we talk to any of the travelling musicians, at the end of the day they will not have the resources to go after people who break a digital lock on their CD. They are interested in the monetizing stream whereby a collective licence will be in place so they can get paid for their work.

In terms of the made in Canada solution, we have to look at this issue closely. The government has recognized that as a result of the real lawsuits, the heavy duty fines and so on, that going anywhere near that approach would be political kryptonite. Even the Conservatives will not go there. However, they are sticking closely to the U.S. DMCA model on absolute protection for digital locks. We do not see that as a balanced approach. Even the U.S. backtracked this summer on the DMCA provisions for exemptions.

We had a made in Canada solution, which was a monetizing stream for artists through the levy. The Conservatives have waged total scorched earth war on that. Yet they are drawing a line in the sand on digital locks, which is very similar to the U.S. Ironically, this has put them further out in the field than the U.S. DMCA by the fact that no exemptions would be allowed for rights that would normally be accessed under the bill. That is fundamentally problematic and we will have to deal with that if this bill is to go forward.

• (1200)

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Madam Speaker, my question is clear. The member for Timmins—James Bay has read the bill, just as I have. He has met with a number of cultural organizations, so he knows what he is talking about. Can he tell us what there is in Bill C-32 that is good for artists? What benefits will artists get from this bill?

[*English*]

Mr. Charlie Angus: Mr. Speaker, in fairness, one of the things the bill has moved further on is some of the provisions in the former bill. In the previous bill, people could format-shift to a VHS, but not to an iPod, which was just crazy and cracked. The government has cleaned up some of the problems, but I do not see anything for artists and how they will benefit from this.

There is a great concern within the artistic community that some of the few revenue streams artists have enjoyed will be erased by this bill, and that is not a balanced approach. At the end of the day, copyright is always based on a balance between the ease of access for the consumers, for the users, and the fact that artists are remunerated for their works.

The government has taken away the remuneration. It has offered a chimera of rights of access, but those rights can be erased by a corporate imposition of the digital locks. Will Sony love this? Perhaps. Will the Hollywood movie industry like the bill? Perhaps. However, artists who I talk to in the field, the actors, the musicians, the writers, are very concerned because they see their traditional revenue streams disappearing. They have no interest in limiting the access to their works. They want to support students and consumers in enjoying their access. They just want to get paid for it. Until we fix that, we will have problems with the bill.

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Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.): Mr. Speaker, on behalf of the constituents of Mississauga—Streetsville, I am happy to join the debate on Bill C-32, the copyright modernization act.

The last time we significantly amended the Copyright Act was in 1997. Like other countries, Canada continues to transition to a digital economy. This transition has had a profound effect on our artists, writers, musicians, software developers, filmmakers, photographers and other creators of copyright material.

For years, file sharing of music and video and large media storage in general has been possible, yet still a difficult task for most Canadians to accomplish. Today, transferring gigabytes is as easy as opening up the Internet browser. The world has changed and it is obvious Canada needs to keep pace to modernize its copyright legislation.

What has changed? Not long ago we were listening to eight-track tapes, cassettes and Sony Walkmans. We communicated through voice mail, not email, and fax, not instant messaging.

Today it is difficult to find children or adults alike who do not own an iPod or portable musical device. BlackBerrys, iPhones, laptops, iPads are seen everywhere and society has become dependent on them. Checking email and Facebook, sharing pictures and video, listening to music through one means or another have become integral parts of everyday life. Digital media is pervasive and omnipresent.

At one time Canada was a leader in the digital economy. In recent years though, our laws have fallen behind and we lag in global best practices. Our copyright laws are dated and we have received international criticism because of it. On this side of the House, we welcome modernization, but we want to do it right. We will agree to send the bill to committee at second reading. However, let me be clear. The bill needs work. It has numerous flaws and requires revisions and amendments at committee stage. The Liberal Party wants to make sure this work gets done.

Record labels, libraries, students, artists, authors, publishers, photographers, collective societies, video game creators, professors, consumers, film producers, educational resource centres to name a few have all come forward to show their discontent with the current status and structure of the bill. I have met with numerous stakeholders on this matter, and as my colleague from Westmount—Ville-Marie mentioned earlier, I have never had more requests for meetings and discussions than for Bill C-32.

In summarizing the complaints, I heard the following: “The bill tries to deal with piracy, but instead, it strips the industries of millions”. Also, “Intellectual property is not only a legal right, it is a human right”.

According to Jim Fleck, chairman of Business for the Arts:

Hill Strategies reports that Canadian consumers spent \$25.1 billion on culture goods and services in 2005, more than consumer spending on household furniture, appliances and tools (\$24 billion)...The output by the culture sector totalled: \$46 billion in 2007, which was 3.8% of Canada's real GDP. If we were to include the induced and indirect impact, the value-added climbs to \$84.6 billion.... The Conference Board estimates that 1,000,000 jobs are created by the cultural sector, representing 7.1 per cent of Canada's total employment in 2007.

Liberals understand that the rights of creators need to be protected and maintained, yet the fundamental rights of Canadians to access digital media must also be respected. Our goal is to find that middle ground.

Today I will be addressing some key flaws of the bill, primarily: one, a ratified collective licensing regime; two, technological protection measures, TPMs; three, file sharing; and four, statutory damages.

First is collective licensing and fair dealing. In 2004 a Liberal government legislated to allow for institutions such as libraries, museums, schools, their teachers and students to have access to materials under a collective licensing regime for fair dealing. These institutions have rights to materials for studying purposes. Unfortunately, these rights can be taken for granted and misused.

While students are expected to use materials for a finite period of time, sometimes the temptation to keep music or video is too great and many times simply overlooked.

The bill as it stands lacks a clear definition of “fair dealing”. This is a key component for our party and we will seek that definition in committee. Our goals are to offer materials for educational purposes, eliminate abuse and allow authors, artists and creators of the materials fair compensation, but at the same time give our students fair and affordable ways to obtain that information.

● (1205)

Two is technological protection measures, or TPMs. The exact amount of losses due to piracy is anyone's guess. Some report it is a \$5 billion loss to the music and video industries. For years, the solution was thought to be digital rights management, DRM. Billions of dollars have been spent on the creation of software embedded into digital files which monitor the purchase method, the date and the amount of times a file has been used and/or transferred. Although this practice appears foolproof for combatting piracy, arguments can easily be made about the anti-constitutional measures.

Bill C-32 does not address the fact that when consumers purchase digital files for personal use, consumers assume, and expect to have, complete usage of those files without limitations and without restrictions.

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Digital locking, or TPM, in Bill C-32 seeks to go even further than DRM by using file lock mechanisms. The circumvention of TPM in this bill requires extensive review.

We believe the Copyright Act must allow Canadians who have legitimately purchased media files the ability to transfer their purchase onto personal devices for their own personal use or to format or time shift or to make personal backup copies on their computer as long as they are not doing so for the purposes of sale or transfer to others.

There has been a common ground between balancing the rights of the creator and satisfying the consumer. We do not believe that Bill C-32 does either one. We look forward to examining these options further and finding that common ground.

Three is file sharing. A fundamental right in the digital age is the ability to share files. The whole concept of the Internet at its inception was to do just that. Peer-to-peer, or P2P, connection is a standard business practice. It allows for large file sharing among co-workers, clients, developers and anyone with an Internet connection. P2P has become the single most effective way of sharing large digital media. Unfortunately, it has also become a means for piracy. When two computers can communicate with each other and allow for file sharing, there are no restrictions on what can be shared.

Do members remember Napster? The case was supposed to set the precedent in the world to combat abusive and illegal digital file sharing. Napster was forced to pay \$100 million for its P2P methods and infringing practices. What followed was the birth of penalties for those who share copyrighted files over the Internet without paying for them, but as we know, the piracy continued.

As a way to disguise P2P connections, Bit torrents have become a common piracy technique. Torrents were designed to track multiple share points of files and help for fast and steady download. Torrents are easily found through any Google search.

How do we stop P2P? How do we stop bit torrents? Quite frankly, we cannot, but appropriate penalties are a start. Copyright laws are only as good as the enforcement that accompanies them. Certainly in the age of the Internet, until some of this is sorted out, it remains, as we say, the wild west.

Four is statutory damages. Bill C-32 defines new statutory damages for infringement of copyright, but once again it is regressive.

We have many concerns with this section. How effective can it be to decrease the statutory damages? The government is proposing to reduce infringement damages from \$500 up to a maximum of \$20,000, to as low as \$100 up to a maximum of \$5,000. A main focus of the damage is to target individuals who download music from a peer-to-peer file sharing service.

I have already made the argument that P2P cannot be stopped. If peer-to-peer cannot be stopped and it is being used for piracy, then damages must be commensurate with the severity of the infringement.

In conclusion, there is no easy solution for modernizing Canada's copyright laws. I will not pretend to have all the answers. However, I

can commit to working with all stakeholders on one hand and looking after the fundamental rights of Canadians on the other.

Listening to music while on the bus, walking or jogging, or watching videos on a two-inch screen or hearing last night's news from a podcast have become a way of life.

● (1210)

At the end of the day, my colleagues and I on this side of the House understand that the rights of the creators need to be maintained and protected, yet the fundamental rights of Canadians must also be respected. Our goal is to find that happy middle ground.

The Deputy Speaker: Questions and comments.

Resuming debate, the hon. member for Trinity—Spadina.

Ms. Olivia Chow: Mr. Speaker, my question for the hon. member who just spoke is about the artists in Canada. If we look at the average earnings per year, a large number of them live—

The Deputy Speaker: Just to clarify, we are on debate.

Ms. Olivia Chow: I thought we were still on questions and comments, Mr. Speaker.

The Deputy Speaker: I called for questions and comments.

Ms. Olivia Chow: I tried to rise. I am sorry. I was not fast enough on my feet. Another member wanted to ask questions too.

The Deputy Speaker: No one got up when I called for questions and comments. The member for Mississauga—Streetsville not getting any questions is no longer here for questions and comments, so we will move on and resume debate. Would the member for Trinity—Spadina commence her speech?

Ms. Olivia Chow: No. I was trying to ask a question of the member from the Liberal Party.

The Deputy Speaker: We are resuming debate, the hon. member for Rosemont—La Petite-Patrie.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, I am delighted to speak to the bill before the House today. According to the government and as we can read for ourselves, this bill amends the Copyright Act in order to update people's ability and capacity to access great works.

Over the next 15 minutes, I will try to make the government understand that the real way to update the current legislation involves first acknowledging that certain rights exist for the creators, authors, writers and artists who agree to share their gifts with the rest of society for education and research purposes. However, the government needs to acknowledge that royalties must be associated with this and that it is not true that institutions, individuals and corporations can use these works—whether books, movies or plays—without recognizing that royalties must be associated with that use.

I listened to the government members who spoke earlier and who would have us believe that these royalties are essentially a consumption tax. Nothing could be further from the truth. Basically, there are two important things to understand and which, we believe, are not necessarily mutually exclusive. One possibility is recognizing rights while ensuring that new players in new technology can have access to the works available. A compromise can be reached as long as the government agrees not to play into the hands of the major players. For example, Internet service providers come to mind. These providers offer public access through an open market using new technology.

What the government is trying to achieve and the consequences Bill C-32 will have are two different things. First, with regard to permission fees and licence fees, the bill does not ensure that the author is necessarily consulted, and thus, Bill C-32 puts an end to the right to decide whether or not to authorize use of a work. It puts an end to remuneration for use. That is what is of concern in terms of the principle and the concept behind fairness, because clause 29 of the bill talks about a concept of use related to a notion of fairness and fair dealing. This was defined back in 2004 by the Supreme Court. What have the consequences of that Supreme Court ruling been? It has given a great advantage to the users at the expense of our creators, our authors, our writers and our artists.

We must not forget this 2004 ruling because it laid the groundwork for unfair dealing, in our opinion, when it comes to our artists and creators. What does clause 29 of the bill say? It says that a work used for the purpose of private study, education, parody or satire does not infringe copyright. Accordingly, a work may be used as long as it is for private educational purposes, education or parody.

•(1215)

This notion of fairness is not defined in the bill. The first step was taken in 2004 by a Supreme Court ruling that gave a great advantage to the users at the expense of the creators and our artists.

My colleague the Canadian heritage critic pinpointed the problem with the bill and that is that it contains exceptions, which she calls the deadly sins. There are 17 exceptions in total. We on this side of the House are not saying there should be no exceptions. International conventions state that there may be exceptions, but they apply in certain special cases. It is important to remember that. This bill has 17 exceptions that flout Canada's international obligations, specifically the Berne Convention for the Protection of Literary and Artistic Works. This convention stipulates in article 9 that exceptions made for users must be reserved for certain special cases where reproduction does not conflict with the normal exploitation of the

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work and does not unreasonably prejudice the legitimate interests of the author.

With these 17 exceptions, the government is flouting its international obligations. This bill ignores Canada's commitments and is unfair to authors and creators.

There are a lot of exceptions in this bill. One particularly problematic exception stands in opposition to what should, in theory, be a positive principle. It concerns educational institutions. Teachers will be able to use protected materials in their courses without obtaining permission to reproduce them. This applies to movies and plays, among other things. The problem is not that people will be disseminating these cultural and artistic works, but that schools, for example, will not be required to pay royalties if they reproduce works. That is the problem.

We have to ensure that everyone in our society has access to culture. Our young people need rapid access to our literary works and their authors, but we must not forget that these are artists whose livelihoods depend on this.

I was reading the latest statistics. In the education sector alone, there are 175 million copies of parts of copyrighted works in schools, CEGEPs and universities. The education sector alone provides \$9 million per year to 23 Quebec authors and 1,000 Quebec publishers. People's economic livelihood depends on publishing and culture. Of course we want our young people to have access to culture, but we must also recognize that our creators have the right to fair compensation.

This exception, therefore, is pernicious, the more so because the term "education" is not defined in this bill. It could therefore be defined quite broadly and have a broad scope. Given that the term "education" is not defined in this bill, this exception for the education sector, which allows teachers to use literary works, reproduce them and distribute them to their students, will leave it up to the courts to determine whether this use complies with the law.

Of course, this will force artists and creators, many of whom already have relatively low incomes, to take their cases to court.

•(1220)

We will further impoverish our artists, who are only asking for recognition of their work. Royalties are a measure of fairness. Unfortunately, the Canadian government, with this exemption for education, is not doing any favours for Quebec's artists and publishers that provide works, books and educational materials to our schools.

There is another exemption, the one I call the YouTube exemption. It refers to the creation of a new work by using, free of charge, part or all of a work on condition that it is to be used for non-commercial purposes. In addition, there is no requirement to name the source unless it is reasonable in the circumstances to do so. Thus, another exception is created, and one that is unique in the world, found only in Canadian legislation.

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It means that someone could very well use a work, song or music—for which the rights are protected in principle—without asking the author's permission and without paying the associated royalties. This could be the end of private rights for these authors. I will say it again. We must provide greater access to Quebec and Canadian culture, but we must recognize the work of our artists. Even though new gateways and platforms make the use of their work possible, this broader distribution must not exempt us from honouring our commitments and ensuring fairness for our artists.

There is also an exemption for private purposes. An individual may reproduce a legally obtained work on a medium he or she owns and provide access for private purposes.

Once again, there is a refusal to create a new category, and that affects the levies. The government thinks that this levy is a tax on consumers, but on this side of the House, we see it more as fair recognition for our artists' work—nothing more, nothing less. For the Conservative government, “levy for artists” equals “consumer tax”. That is not how we read it.

Other exceptions are created, such as communicating a work by telecommunication. The bill introduces a vague, flexible and inadequate notion. It says that the institution must take measures that can be reasonably expected to limit dissemination of the work. What are these measures? Again “that can reasonably be expected” is not defined, just like those fairness principles, even though the Supreme Court provided some direction on this in 2004. It is up to the courts to later determine the scope of the concepts presented in the bill, and therefore the artists will have to appear in court. With this bill, the government is deliberately impoverishing our artists.

The concept of “that can reasonably be expected” is also used in the exceptions covering visual presentations, examinations and inter-library loans.

The other exceptions cover works on the Internet, extending photocopy licence and backup copies.

● (1225)

This is no longer in line with the Berne convention, which authorized states to create exceptions in special cases. The government is creating systematic exceptions, at the expense of our authors and artists.

It would have been better to stop creating exceptions and to recognize that artists are entitled to a fair shake and to fair royalties. The government should have recognized that the author's permission is required before his works can be reproduced and distributed on new platforms.

What is wrong here is that with the locking approach, artists and artisans are responsible for controlling access to their products on the Internet, while the major Internet service providers are responsible for ensuring that these artists and artisans are appropriately acknowledged. Permission must be given for works to be issued on new digital platforms. We must ensure that our artists, who spend their time creating and making us dream, do not end up caught up in expensive legal battles. The federal government must take responsibility and amend the bill to better protect our creators and our artists.

● (1230)

[*English*]

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, in Trinity—Spadina and all across this country, many of the most creative artists, be they actors, actresses, singers, songwriters and writers of amazing literature, award winners, and I have a large number of artists living in my riding, tell me that they have to work second or third jobs in the service sectors because they just cannot make ends meet.

If we look at the average annual income of artists, we see that many of them live below the poverty line, even though they collect a lot of awards on behalf of Canada. They make Canada proud on the international stage and we often see them acting on television and hear their songs, yet they are paid so poorly, which is why this bill is very flawed.

My question for the member is whether there are amendments that he would support that will come from the New Democrats to make sure artists, writers, singers, songwriters and actors would be able to make better livings, because after all, they help create the Canadian identity. They help define who we are. They are really the soul of our country.

Are there some amendments that we could put in so that artists would get some of the income they help generate through their creative work?

[*Translation*]

Mr. Bernard Bigras: Mr. Speaker, yes, of course. My colleague from Saint-Bruno—Saint-Hubert could even support these amendments. This recognition is important because we must protect our culture, and this culture must allow us to dream. That is why we must ensure that our artists receive fair compensation for the works they produce. That goes without saying.

The problem is that this bill would cost our artists money, since it allows users to look for works on illegal markets and it allows those who purchased them legally to reproduce them. That goes against the principle of protecting our artists' works. That is how things have always worked, and it is too bad that the government is opening a door today. It is sending the message that the government does not protect artists' rights, and it could end up making them poorer.

● (1235)

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I would like to begin by thanking my colleague for his presentation and his detailed analysis of the situation, which he expressed very clearly. The member talked about a number of obligations that would apply should Bill C-32 be passed as it is currently written.

We know that this bill takes a lot of rights away from artists, particularly with respect to compensation. This bill fails to modernize legislation on royalties and creates exemptions that make it impossible for artists to get the same or, in some cases, better compensation.

This bill also places responsibility for proving copyright violation squarely on the shoulders of copyright owners and artists.

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Can my colleague comment further on the fact that, if this bill were passed, artists would have to follow in Claude Robinson's footsteps? Perhaps members of the House do not know him, so maybe the member can explain the situation. Claude Robinson was a prolific and truly creative artist who spent 14 years of his life fighting for his copyright instead of creating and developing his ideas.

Mr. Bernard Bigras: Mr. Speaker, that is exactly it. What my colleague is saying is that our artists are being asked to be technical experts, which means that they will be spending more time ensuring that their works are protected than they will spend producing and creating them. That is the problem.

Internet service providers should be responsible for ensuring that artists benefit when works are transferred. For example, if someone decides to use an artist's work and put it on YouTube, then YouTube sells advertisements, it makes money off our artists' works, not directly, but indirectly. This is not happening directly, but it happens when people disseminate works on different platforms.

So we are turning our artists into technical experts. They will spend more time ensuring that their works are protected than they will spend creating them. Our artists are not robots. Above all, they are creators, and this bill essentially makes our artists poorer and diminishes their rights.

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I would like to make two points. One is that YouTube actually does monetize traffic that is on there, which I think is a very positive element. That is why I do not mind any of my works being on YouTube, as long as there is a monetizing stream. It is important.

In terms of a monetizing stream, we see how the government attacked the levy, called it a tax, misrepresented the numbers and used it in its political mail-outs. Yet the Minister of Canadian Heritage and Official Languages went one step further.

In Europe there is the Pirate Party. Even the Pirate Party has never said anything as audacious as the Conservative Party that said, "We do not need to compensate artists through a levy because we have the Canada Council for the Arts". Because there is a support program for the creation of arts in place in Canada, as exists in many countries, somehow the obligation to respect copyright is made null and void and we do not need to maintain a revenue stream for artists because they can apply for a grant to the Canada Council.

I know many, many artists personally who make their living by playing, by royalties and by copyright. Very few of them ever apply to the Canada Council.

I would like to ask my hon. colleague why he thinks it is that the Conservative government would believe that just because there are certain programs in existence to support artists that the larger obligation to respect copyright and to respect the right of artists to be remunerated is somehow made null and void in this digital age?

• (1240)

[*Translation*]

Mr. Bernard Bigras: Mr. Speaker, culture is always compromised with this government. During the last federal election

campaign, Quebec's artists and artisans took action to make the government understand that they would not accept cuts to existing culture programs that allow our creators to function.

After using federal funds and budgets and threatening artists with cuts, now the government is using legislation to make them understand that we are living in a completely open market, in the wild west, and that the big players—the broadcasters and Internet service providers—will get benefits. Those who form the very foundation of the services provided will be dropped. Big Internet service providers are nothing without these artists.

We need to ensure that cultural content, which is produced on platforms and sometimes used for other purposes, is first authorized and then receives fair royalties. This Conservative government always compromises culture. We saw it during the last election campaign, and we are now seeing it with Bill C-32.

[*English*]

Mr. Scott Simms (Bonaville—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, it is an honour to be here as I have been delving into this issue since 2004 when I was first elected and became a member of the Standing Committee on Canadian Heritage. Back then, we had to deal with what was from 1997 the major last reforms to copyright and then we went into a new bill in 2005, which was Bill C-60. In 2008, we received Bill C-61 from the government but that was put aside because the Conservatives wanted to change the bill to become more technologically neutral. Those were the words by the industry minister earlier today.

This signifies the first time that we have had a fulsome debate in the House for quite some time because those prior bills never had a fair hearing within the House. We had a few debates here and there but not a fulsome debate like we are having today. I congratulate my colleagues, the Minister of Industry, the Minister of Canadian Heritage, the critic from the Bloc Québécois and the critic from the NDP, for their speeches. They all, in their own way, put out well researched speeches with some incredibly valid points.

Once again I will reiterate that our party will vote at second reading to put this to a committee so we can give it a fair hearing. When I first looked at this bill, and despite the problems that I personally have with it, I wondered if it needed to be fundamentally changed before we reached second reading. I knew that if we voted yes at second reading, we would be accepting, by and large, the principles in the bill and, therefore, major amendments to change the direction of the bill in certain ways could not be done as they would be overruled by the Speaker.

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At that point during the discussion, we decided to go ahead because we needed balanced copyright legislation. It is long overdue, no doubt about it, and everyone should perhaps grab just a little bit of blame in all of that as this discussion has gone on. We signed WIPO treaties in 1996, one dealing with the Internet and the other one dealing with phonograms. Since then, however, we have yet to ratify, pending, of course, the right amount of legislation or balanced copyright legislation. In this instance, Bill C-32, which is in front of us now, was really borne out of the ashes of other bills that have died on the order paper.

Going back to copyright and the issue therein, how do artists receive the right amount of remuneration for the work they have done? I will go back to the origins of copyright. The first time Canada had copyright legislation was in 1868. We felt the need, even back then, for artists to protect what they create but that it would be balanced with the right of users to have access to this material which was very important going back to the beginning and the genesis of the printing presses.

In 1868 and years thereafter, it started in Great Britain, moved its way to Canada and through the United States where it felt the same urge, need and desire to protect artists' rights and, at the same time, mass distribution for this material so it could be accessed by the public. However, by protecting some of this material we did not want to protect it to the point where we kept it under wraps from the general public and people could not get access to it.

The year 1875 was another time when Canada went full ahead and made changes to copyright legislation so that it would be more in line with other countries. Even at the very beginning of copyright legislation there was always the compulsion to bring it in line with what is international standards as artists' work really knows no boundaries. That was at a time when we were printing books for mass distribution. We did not have anything like the radio or record players but now, in the digital age with the Internet, the global village has become that much smaller.

In the very beginning, if memory serves me correctly, I believe the origins of copyright internationally was that British books were being distributed throughout the British Empire and there needed to be certain protections for that as it was distributed to countries like Australia, India or Canada, throughout the British Commonwealth.

•(1245)

The first time Canada saw a glimpse of modern copyright legislation, or at least something that was considered for quite some time to be the cornerstone of copyright legislation, came in 1924. Around that time it was comprehensive enough that it covered many aspects of what was out there in the public realm. Again I go back to books, certain recordings, photographs and that sort of thing, obviously at the very early stages.

As my colleague from the NDP pointed out earlier, the arguments that we are putting forth here today started in the latter part of the 19th century. He used the example of the rolling piano where music was played on an automatic piano, which we have seen in the movies, and whether that would destroy a piano player's career. Obviously, it did not. After that, would recorded music destroy the concert or would people stop going to concerts because they now had an album that featured the artist's recordings? That was not the

case as, of course, concerts have increased dramatically from the time of their inception.

From 1924, we went on to make some substantial amendments to the legislation, obviously with the changing times, in 1985 as well as in 1997. Both governments, Progressive Conservative and Liberal, have made substantial changes throughout the years. There seems to be a camaraderie or general understanding to reach out to other parties within this House to ensure we have the right legislation.

However, so many stakeholders are involved in this that there needs to be a comprehensive look at how we deal with copyright and, in order to do that, it needs to receive a mature debate. Today we are debating the bill at second reading and it seems that we are now laying the building blocks for what is about to be a fulsome debate on where copyright is going in this digital age.

I also want to talk briefly about the other bills.

Bill C-60, which was introduced in 2005, received quite a bit of stakeholder response and a lot of it dealing with the fact that we are getting into the digital age. A lot of this was spurred on by the fact that all of a sudden we were sitting in front of a wide array of music selection that we did not need to pay for. It was free. This was the origin of Nabster and LimeWire. With those devices, all of a sudden the consumer had the ultimate choice. Not only was it available in many arrays and all types of genres, it was actually free. That was a fundamental misstep, a fundamental breaking of the contract that we as government have with artists, which is to say that we will help them protect their work.

Nabster has gone by the wayside, or at least the free version has, and other equivalent facsimiles of how that type of music is distributed, meaning peer-to-peer sharing. They have disappeared but there are business models out there. I personally purchase music at 99¢ a song, and I am fine with that. I do not have a very large collection but I do have a collection that is big enough that I gleefully pay for it.

One of the issues that came from peer-to-peer sharing and one of the issues that has not been discussed yet is the information out there about what is illegal. This is something that has been dear to my heart as an issue. As my colleague pointed out earlier, in the United States right now this is incredibly litigious. The lawyers are running overtime when it comes to areas of copyright. A lot of the rules that are put down in America right now are really laid down by court judgments throughout the court system. To a certain degree that has happened here as well, but not to that extent.

In America there were several illustrations where children downloading music in their basements were being sued by major companies in multi-million dollar lawsuits. Obviously they cannot be involved in multi-million dollar lawsuits because there is no way they can get the money. Instead, the companies felt compelled to make a statement and made their statement by taking the most vulnerable in society to court. I will not come down too hard on companies for doing that as they had a legitimate concern about people stealing their product. However, at the same time, they did it with a great deal of haste and aggression that I would not agree with. I think that we, as government, should address that issue.

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•(1250)

However, the result of that was the introduction of Bill C-60 in 2005, which, as I stated previously, created a lot of input and for all good reasons. The government changed in 2006 and we found ourselves going back in 2008 with Bill C-61. Bill C-61 went off in different directions from Bill C-60 in many cases but some of the fundamental aspects remained intact.

However, the problem was that in many cases people felt that it had been rushed through too quickly or that it had never received the right debate within the House. Many of the stakeholders thought Bill C-61, because it was illustrative, was maybe too illustrative because it set out certain examples and put people in corners. Basically it was too smothering, as someone told me. Bill C-61 found itself it to be too much for everybody to handle. At this point it went back to the drawing board. As we have heard this morning, I think “technologically neutral” was the response that came back.

Bill C-32 is the latest version of this and hopefully with the agreement of members of this House it will actually make a fulsome attempt to put this into law, and that way the next time we deal with this will be as something that comes way down the pipeline.

One of the issues that keeps being raised is peer-to-peer sharing. I have always made the comment that the problem with having legislation that is too stringent and too detailed in nature is that it becomes oppressive to the point where it just does not adapt. I have said it before and I will say it again. It seems that whenever there is a technical measure by which people are not allowed to get to a certain piece of art, roadblocks are put up around it. Governments do it through regulation to keep people out for access reasons.

However, once that it is put in, I have a 16-year-old son who could get around it within 48 hours. I am not exaggerating because I have seen it happen. I would not want to say that it was my son because I would get him in trouble since this is a public forum, but I have seen it happen. Teenagers do not like to be told that they cannot access certain material for whatever reason.

In the old days, when we were told that we could not access certain material for whatever reason, we would get upset if we could not access certain art or music because it broke Canadian laws or regulations on content. Nowadays, when roadblocks are put up to deny teenagers access, they laugh. It is a big joke. In essence, they find that it is not a big deal because they will find it and get to it in 48 hours. They have done it before and they will do it again.

The concept is that they are breaking the law. Artists have protection around their material that they need to make a living. If a particular parent is sitting at home and is not familiar with the new ways for children to attain music, movies or any type of entertainment nowadays, a parent would be horrified. Parents would be horrified if someone were to call them at home and say that he or she had just caught their child shoplifting at HMV and that the child had tried to walk out of the building with a CD in his or her pocket.

Some kids can download about 20 to 25 CDs from their computer in the run of five minutes. That is okay. Some kids tell their dads that they just downloaded the new movie that is out in the theatres onto CD. A lot of parents just do not pay any attention and just say “Okay, that is great. Let us go watch it.” It is illegal.

I hope part of the debate elevates copyright infringement and how the protections in place for artists are there for a reason, which is to protect the artists' work. It is stealing. We can call it that. In the end, artists are unable to make a living if their material is not protected.

•(1255)

On the other hand, one of the provisions in the bill talks about digital locks. We have all talked about this. We have all heard about this. Is it too stringent in this particular bill? It needs to be discussed. Is it a situation where digital locks cannot be touched? I am not so sure.

I said earlier that I have a concern about the fact that one particular company may have a digital lock in place over certain material. If someone downloads a piece of music or a movie, that piece of music or that movie can only be listened to or viewed by that company's equipment. I have concerns about that because the individual probably purchased the movie legally but is locked in a corner as to how he or she can use it. That deserves to be revisited.

I refuse to believe that the digital lock issue is cut and dried. Educators have said that the digital lock provisions would be too harsh on them now that they have an educational exemption. We have one group weighed off against the other. That involves a full debate. That has to be talked about because many people have a point. I met yesterday with the Canadian Federation of Students who brought that issue up.

On the other hand, some artists are happily ensconced and making a good living by the fact that digital locks allow their material to be protected. Software companies are a case in point.

Canada has a fantastic software industry for games, the intellectual property of video games, Xbox, PlayStation. We have a great industry here and it certainly deserves protection. We need to look at this material with open minds and consider debating it.

Unfortunately the debate earlier was going in different directions regarding the levy that was imposed upon CDs, DVDs or DVDRs and the way artists are able to achieve money to protect their livelihoods. They came up with a solution in the late nineties but it is not within this bill. The government does not agree with it but it deserves to be discussed. I hope the government will be open to revisiting that issue once again when we get this legislation in committee.

There are other issues as well in these changing times. I mentioned the downloading, or making a copy, of music or movies. This is copyright.

This debate started back in 2005. It is not that long ago, if we think about it. We started out with P2P, or peer-to-peer sharing. Nowadays we have live streaming, where no copy is involved. An individual just logs on and live streams what he or she wants. YouTube is a classic example. This technology is going at a blistering speed in the digital age and now we have to keep up.

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I was happy to hear the minister talk about a five-year review, and I congratulate him on that. That goes a long way toward looking at legislation once again. Personally, I feel that is the way we should be going.

Bill C-32 contains a number of other measures such as those regarding mashups and the creation of a new exemption for user-generated content, which broadly written, could create an opening for abuse. That is true. We have to consider that.

Statutory damage is another issue we have to look at.

Fair dealing in general has to be looked at, fair dealing for access for consumers, fair dealing for parody, satire, but fair dealing for education. We have had a lot of input on that. Some people are very concerned about it, artists in particular.

Some artistry groups have said that an open-minded, fair dealing provision puts in the hands of the courts what should be determined by Parliament. That is something we have to consider. Again, it becomes incredibly litigious. Fair dealing has that possibility so we have to consider that. We have to draft legislation to make sure that does not happen, in my humble opinion. Artist groups are saying that the full impact of an open-ended fair dealing provision may be difficult to predict but the fact that there will be unintended consequences is wholly predictable.

The intent of the education provisions put forward by people from the University of Ottawa and by the Canadian Federation of Students is not to destroy the livelihoods of people who write textbooks. So again we have the interests of one weighed off against the interests of the other. We have to come down the middle in what I consider to be fair copyright legislation.

● (1300)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, at a recent United States conference that some of us in the House attended, we were approached by a United States congressperson about this whole area. What I would like to ask the member is whether he is aware of any lobbying that has been done by American interests, perhaps in the recording or movie industries, to try to influence the development of this bill.

Mr. Scott Simms: Mr. Speaker, that is a very good point. I will read a quote from a book titled *From "Radical Extremism" to "Balanced Copyright"*, which is a collection of articles on copyright. I will get to the quote in a moment, but it is a salient point and certainly is germane to this conversation because, when the member talks about the American interests, a lot of it has to do with digital locks because the major corporations headquartered in the United States have a vested interest in digital locks for that reason.

Again I push back to them just a little by saying that if I take an artist's material, and that artist could be Canadian, I can only play it on certain platforms that are deemed fit for that particular artist's work. I am not sure if I totally agree with that and I push back somewhat for the sake of public interest and for that particular artist. It is the song that I purchased; the method of distribution I care little for. It is just that I want that song or movie.

Sara Bannerman wrote an article in this book, one of the first articles in it. She brings up the international context of this debate,

which I spoke about earlier in my speech, going way back to the late 1800s. She says:

Bill C-32 responds to the same pressures, domestic and international, that have historically characterized Canadian copyright reform. ... Bill C-32, to a greater extent than its predecessor in Bill C-60, bows to international demands and goes beyond the minimum requirements of the WIPO Internet treaties.

She has particular concerns about this bill and the international scope of it. That leads to the fact that, yes, there are a lot of international pressures, especially from the United States.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I want to ask the member about one of the key issues in all of this, which is ensuring that creators are properly remunerated for their work and how we monetize the changes in technology. We have struggled with this throughout the last century and into this one with each change in technology, and we have struggled with how to make sure artists and creators are properly paid for their work.

A couple of decades ago there was the whole issue of blank cassettes, disks, people making mixed tapes and, in that situation, creators not being properly paid, so we went to a system of putting a levy on blank CDs and disks. It went to a copyright collective to ensure that the artists were paid. It was a made in Canada solution that worked well and served our artists well.

This bill abandons that approach. We could do it now with music-playing devices. We could ensure that levies on each of the devices go directly to artists and creators for their work. I am wondering what the member thinks of that issue and if it is a direction we should be moving in.

● (1305)

Mr. Scott Simms: Mr. Speaker, the question of the hon. member is germane to the debate in a big way. The business model that exists for artists right now is changing to the point where it is so incredibly fast that it is hard for the smaller artist to get involved in the business, or we create a barrier of entry for many young artists, because they do not know the processes well enough to adapt, because it is all about adaptation.

The hon. member brought up the levy situation. It is too bad that the levy got into the wrong type of debate. My colleague from the NDP who sits on the heritage committee brought forward a bill that basically extended the levy on blank CDs. There is a levy of so many cents on a blank CD, which is available for artists in general. The reason is that we were making so many mixed tapes or recording from different sources that the artists were not getting remuneration. So whenever we buy a blank cassette on which we put the songs, we have to pay a certain amount of money, a very small percentage of it, to go to an artist.

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My colleague talks in his question about extending that into the next generation of recorded material, and that would be obviously things like iPods or MP3s. However, the Conservatives brought up a valid point in that it will push this toward all platforms, everything that is carrying music: cars, cellphones and the BlackBerry, which now has a way of playing music. Therein lies the nub of the issue. We have to get into the debate. I do believe that there is remuneration for artists through a levy type of compensation, but unfortunately the government turned around and called this a tax, by just saying that it is simply money out of pocket and therefore it is a tax, and it does not want to put a tax on iPods.

I say that it is money that goes directly to the artists, not to general revenues. If the Conservatives were so concerned about it, why did they put a fee on transportation at an airport? That is not a tax, though. That is what they say. They up the fees when we walk into an airport, but that is not a tax. That is a security fee.

It is disingenuous really to have an honest debate about what it is we are doing, which is to say that we need artists to be compensated for what they do, because if they are not, the next generation of artists will not be either. Yes, dare I say it, the next Justin Bieber is just around the corner. So many people flinch when I say that, but he is a good artist. The thing is that the next Justin Bieber, or the next struggling artist, will not get the compensation. I come from an area where there are a lot of artists, a lot of small independent artists who want to make a living. They are not asking for or commanding a major audience. They just want their own little audience. That way, when they distribute their material, they are compensated so that they can continue to do it in the beautiful province of Newfoundland and Labrador.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, on this cold day in the House I just wanted to come back to the hon. member and follow up on some of his comments.

The most particularly egregious aspect of this legislation is the 30-day retroactive book burn, where students and teachers have to basically destroy content that they have received as part of their educational material. This is incredibly irresponsible, for anyone who understands the education sector, whether we are talking about high school, college or university. What it means is that students have to try to retain in their minds material that they have accessed as part of their educational requirement.

I want to get a comment from the member on how he feels about this particular measure that forces teachers and students to destroy their educational material, in other words, part of their education.

• (1310)

Mr. Scott Simms: Mr. Speaker, I am very concerned about this, as is the member. These issues are most important to me as a member because I represent a rural riding. I think this could have an adverse effect on rural ridings, in general, especially for those people who rely on long-distance education as the means by which they obtain their high school diploma or, even more prevalent, their post-secondary diploma.

I represent 191 towns in my riding. It is quite astounding how many students, and I mean secondary students, from grade 9, or junior high or high school, who rely on long-distance education to receive their high school diploma. Of those 191 towns, over 50 do

not have access to broadband Internet, which is incomprehensible nowadays. When I tell people in Ottawa that somewhere in the vicinity of 20% to 30% of my riding has no access to broadband Internet, that they have only dial-up Internet, they do not know what I am talking about.

This gives us the idea that it is a right as a Canadian to receive access to broadband Internet. As politicians, we trip over ourselves trying to put asphalt in every town in the country, but yet when it comes to broadband Internet, we almost treat it like a luxury.

In any event, back to the issue. I am deeply concerned about the fact that a 30-day period is in place where the material has to be destroyed and—

The Deputy Speaker: Order, please. Unfortunately, I will have to stop the hon. member there and move on.

Resuming debate, the hon. member for Burnaby—Douglas.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to have the opportunity to participate in the debate on Bill C-32, the copyright modernization act.

It is interesting that we are debating copyright in the House of Commons again. This corner of the House has been clear and consistent over many years about the importance of updating Canada's copyright legislation and regime.

New Democrats have always said, and our spokesperson on this issue, the member for Timmins—James Bay, said it again this morning, that we believe copyright reform is in the centre of what we need to do around digital innovation. It is the centrepiece of a digital innovation strategy. It is not the only piece, but it is the key component of how we approach that. The debate today and the expansion of the Internet and the technological changes we have seen bring that home daily for Canadians.

Our digital innovation strategy would not just be about copyright reform. It would be about codifying the protection for net neutrality to ensure the democracy on the Internet is protected and preserved. The attempts to offer tiered services so some people get their Internet services faster than others and some content goes faster than others need to be addressed. New Democrats have put forward proposals to ensure net neutrality.

We also believe that there needs to be a commitment to national benchmarks for broadband access. Canada needs to put the whole question of broadband access on the front burner to ensure that all Canadians have the broadband access they need to survive and flourish in the current environment.

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We are falling behind other countries that are doing more in this area. Australia is a great example of that. It was a key proposal in Australia over a number of years, and it factored again in its most recent election, about its establishment of a national broadband network, which it calls fibre to home, an open access network. With the latest fibre optic technology, it goes to 93% of homes and businesses in Australia. It is a very fast service, at 100 megabits per second.

This is a huge infrastructure project for Australia, but it has served Australia well. It is a huge investment. It is the largest infrastructure investment in the history of Australia, a megaproject that will put the Australians in good stead for the future. We should consider this kind of thing in Canada as well.

Another component of a digital innovation strategy, which the New Democrats believe is very important, is to enhance the role of digital cultural programs to ensure Canadians can fully participate as international citizens within a democratic culturally vibrant public commons. That public commons has changed with the introduction of the Internet. I think all of us realize our lives are very different because of that development.

There are very key things that we need to look at as part of not only this specific discussion about copyright reform, but the broader context of copyright reform in Canada and digital innovation as well.

Bill C-32 is the third attempt to update Canada's copyright laws in the last six years. We have not made any changes to our copyright law since 1997. The previous Liberal government, the Martin government, tried to bring in changes to the copyright regime at the end of its term with Bill C-60.

When the current government came to power, it introduced Bill C-61 nearly two years ago, but withdrew the bill because of very broad criticism. It was too cumbersome and too closely modelled on the restrictive digital millennium copyright act in the United States. There have been significant problems with the U.S. legislation, which I am sure we do not want to repeat in Canada.

Bill C-32 is intended to strike a balance between corporate and consumer interests when it comes to copyright interest.

• (1315)

Regarding some of the highlights of the bill, we are told that the intention of Bill C-32 is to be technologically neutral, that it should apply across a broad range of devices and technologies with a view to ensuring adaptability to a constantly evolving technology environment. We know this is crucial to any new legislation on copyright. It cannot be legislation that becomes outdated almost as quickly as it is passed. It has to be something that serves us into the future. We have to get the broad principles of the legislation right or it will be outdated by the time it even passes through Parliament.

The government has also stated that its aim in updating the Copyright Act is not to punish individual users, but rather to focus its deterrence and enforcement efforts on distributors and large websites that illegally host copyrighted content. We will have to see whether that goal is actually accomplished. There is some criticism that the bill does not have that kind of focus and does not accomplish that goal, but the government has said it hopes it does.

What is included in the bill?

The bill would extend the term of copyright for performers and producers to 50 years from the time of publication of a musical performance.

It would create a new "making available" right in accordance with the WIPO treaties. This measure would give copyright owners exclusive control over how their content would be made available on the Internet.

It would introduce a mandatory review of the Copyright Act to take place every five years. Given the pace of technological change and given that we want to ensure the legislation actually does what it is intended to do, this mandatory review is very crucial.

The bill would formally enshrine in legislation commonplace grey area practices that would enable users to record TV programs for later viewing, or time-shifting, as long as they did not compile a library of recorded content. It would allow for the transfer of songs from CDs onto MP3 players, for instance, or format-shifting, and it would allow folks to make backup copies.

The legislation would also create new limited exceptions to the fair dealing provision of the Copyright Act, including exceptions for educators and for parody and satire. Canadian artists have been demanding this.

It would also create an exception for content creators that would enable the circumvention of DRMs through the express purpose of reverse engineering, for encryption research, for security testing, for perceptual disability and for software interoperability.

The bill would also introduce a new so-called YouTube exemption to deal with mashups that would allow Canadian users to compile clips of copyrighted works into a remixed work, as long as it was not created for commercial purposes.

Bill C-32 would also create a new exception for broadcasters to allow them to copy music for their operations.

The bill would create a carve out for network locks on cellphones.

The bill would also reduce statutory damages from a maximum fine of \$20,000 per copyrighted work to a one-time maximum penalty of \$5,000 in situations in which copyrighted works had been illegally accessed for non-commercial purposes.

A number of changes are included in the legislation, but that does not mean there are not problems with what is there. New Democrats have identified two key problems with how the Conservative government has approached copyright.

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The rights that are offered in the fair dealing, or mashup and parity exemptions, can be overridden by the heavy legal protections being put in place for digital locks. Under Bill C-32, it would be illegal to break a digital lock, even if that lock prevented one from accessing material that one would otherwise be legally entitled to access. In fact, it treats the breaking of digital locks for personal use the same as if the lock were being broken for commercial counterfeiting. The whole question of the use of digital locks and their application, the extent to which they can be applied and how that conflicts with the rights of consumers, which the bill apparently tries to protect, and how those two interact is a huge problem with this legislation.

Consumers are guaranteed certain rights in the bill, but the reality is the holder, the manufacturer or the digital lock producer has the final say so, and those digital locks do seem to override the rights of consumers when it comes to the legislation.

• (1320)

That is a huge problem with Bill C-32. The Conservatives might say that under the World Intellectual Property Organization agreement this is something that is necessary. While those things need to be considered given that commitment, other countries have taken different approaches. So there are alternative ways to deal with this, rather than this reliance on digital locks. That is something that must be discussed further at the committee and could be a deal breaker in terms of the legislation.

Another serious problem with the bill is that a number of previous revenue streams for artists' organizations appear to be undermined through exemptions and changes. The most noticeable one is the government's decision not to extend the private copying levy on CDs to music playing devices. This is a very serious problem. The whole question of how we respond, how we monetize, how we make sure that artists are remunerated for the work they do, given the changing technology, and how we make sure that there is money going into creators' pockets, given these new technologies, is something that we have struggled with for over a century.

Earlier today the NDP's Canadian heritage critic, our spokesperson on this issue, went through the whole history of how that worked from the last century, starting with John Philip Sousa denouncing the threat of mechanical music, the roller piano. He said the technology would destroy the livelihood of American musicians. Music publishers, people who publish sheet music, were similarly concerned about the introduction of the record player. They thought that would mean the end of artists being effectively or appropriately remunerated for their work.

The radio was new technology and it was thought that it too would end the ability of creators to be properly remunerated for their work. But we found ways through all of those issues, and that brings us up to today. So the scenario has not changed, and the need for creativity continues as well.

Here in Canada, when we were faced with the situation of artists losing remuneration because of people copying their works onto blank cassettes and blank CDs to make mixed tapes, and so on, they were not being compensated. Artists were not being compensated, and that was a serious issue in terms of their incomes. We found a made-in-Canada solution, which was to introduce a levy on blank cassettes and CDs, a levy that is paid to a copyright collective and

then paid to creators, to artists. It has been hugely successful in Canada and has been very important to creators in terms of maintaining their income and ensuring that they were properly compensated for their work.

That continues to be an important approach that has broad support. I know New Democrats have consistently said this is something that we should be considering today as well, extending that levy to music playing devices such as iPods and MP3 players so that artists could be compensated appropriately for the works that are transferred onto those devices.

There is support for this among creators as well. Alain Pineau, the national director of the Canadian Conference of the Arts, has said that the bill's failure to extend copyright collectives into the digital area is a huge problem and that it bypasses that solution in favour of lawsuits.

If we had the choice of engaging a system that we worked out and developed here in Canada, which has been hugely successful, which has met the goals of ensuring that artists and creators are properly remunerated for their work, if we had the choice between that and forcing creators and publishers into court against consumers, the choice for me is absolutely clear that the levy is the way to go.

Unfortunately, the Conservatives have politicized the conversation about the levy. They have talked about it as if it were a tax. It is not a tax. It is a levy that is directed for a specific purpose, and I think it is a purpose that Canadians can support.

• (1325)

I think Canadians want to make sure that artists are appropriately compensated for their work and that they make an appropriate living from the important work they do from which we all benefit. I think that is something that Canadians would get behind.

It is a system that is in place; it is not a novel idea. It is a system that was criticized when it was first brought in, but I think that criticism died down when the fairness of the system became widely apparent.

That is another very serious problem with this legislation. We want to make sure that there is a system of copyright based on the principles of fair compensation for creators and artists and access to consumers. Those are very appropriate and needed principles. Remuneration of artists and creators for their work is crucial to the ongoing cultural viability of Canada and to the Canadian cultural sector.

Access is crucial for people in Canada who enjoy the work of creators and artists. I do not think that criminalizing consumers, putting the emphasis on finding ways to go after people who violate copyright, is the way to go. It takes its inspiration from the U.S. Digital Millennium Copyright Act, which we know has been a huge failure in a number of cases.

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We have seen in the United States where children, parents and others have been sued, usually by large recording companies, for the violation of copyright, in a way that I think any reasonable person would see as unfair and inappropriate. This aspect of the American legislation is something that I hope we would not be copying in Canada. We should put a digital lock on that idea because it is just not appropriate for use here, especially when we have a solution that we created in this country and has served us well.

New Democrats also support the idea of collective licensing. We support fair access for educational materials, and in this bill there is a very troubling provision that digital lessons for long-distance learning would have to be destroyed within 30 days of the end of the course. This would treat students in digital learning environments as second-class citizens and undermine the potential of new learning opportunities.

My colleague has likened this provision to book burning. Requiring the destruction of those course materials within a time period at the end of the course really goes against the kind of freedom of intellectual inquiry that we want to stimulate in Canada. It amounts to a digital equivalent of book burning, hardly something that we want to be encouraging in an educational setting.

As well, the requirement that teachers would have to destroy lesson plans, as contained in clause 27 of this legislation, is extremely troubling. We want to encourage people to use distance education as a way of upgrading skills and getting the education and training they require, but we also want to make sure they have access to the materials they need to gain that education. Sometimes those materials are required for ongoing purposes. Clause 27 of this bill is a very serious issue in that it requires the destruction of course materials and lesson plans. Certainly it will be something that we will raise as best we can in the coming discussions.

There is much that we have to talk about on this issue of copyright legislation. We tried and we are here again debating it in the House of Commons after a number of ill-fated attempts. I am not sure that we have found the right legislation yet, but the New Democrats are here to participate in that debate and work to see if we can improve the legislation. Hopefully that is possible, but if not, we may have to make other decisions on it.

We want to work with everyone on whom this legislation would have an impact, to see if we can find an appropriate copyright regime for Canada for the 21st century and for a time of changing technology.

• (1330)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I listened with great interest to my hon. colleague, who I think raised a number of serious issues in terms of copyright reform and some of the fundamental problems that still remain with this bill.

I think it is important to put into the context that some of today's most respectable corporate interests in terms of defending copyright and defending the rights holders were, yesterday and the day before, some of our most famous pirates. Using Hollywood as an example, most people think Hollywood was set up because they had nice weather year round.

In fact, Hollywood was set up to escape the copyright patents of Thomas Edison. Thomas Edison set up the original motion picture film technology and he used his copyright patents to snuff out any competing business. He was quite ruthless in using the courts to go after anybody who was attempting to set up movie theatres back in the early days.

A number of independent producers, who were the BitTorrents of the day, went out west where they were just slightly beyond the long arm of Thomas Edison's corporate reach and they set up Hollywood. Then, of course, once Hollywood had gathered up enough power, it decided to challenge the Edison monopoly in court. Then Hollywood became the standard.

We can remember in the 1970s and 1980s when the VHS recorder came along. Jack Valenti, who was the long-time spokesman of the movie industry, the way Charlton Heston is for the NRA, said that the VHS technology was the "Boston Strangler" that would destroy artists, because if people were allowed to watch movies on VHS recorders, it would destroy the entire business model on which Hollywood was founded.

Of course, at the time, what was one of the private companies that was supporting the VHS? It was Sony. Sony had a big market to sell the VHS players. Sony was being denounced by the Jack Valentis of Hollywood. Hollywood was saying that it would be the end of its business model.

Of course, we know that Hollywood survived and grew because it created a whole new market in the sale of what was VHS, and then DVDs.

I would ask my hon. colleague why he thinks the government continues to be afraid of new technologies and uses digital locks to shut down developing business models.

Mr. Bill Siksay: Mr. Speaker, I always have trouble determining the motivation of the Conservative government, so I am not sure I have a good answer to that.

It strikes me that the governments in this country have been struggling with how to proceed on this. I think part of it is their inability to think creatively and go out on their own. They have been unwilling to think about what is best for Canada and what is best for Canadians. They have been unwilling to look at the models that have been developed here in this country to find our own solutions within the kinds of international agreements and the kind of technological environment we have.

We have done that in the past. We did that with the levy on blank CDs and disks. So why we cannot apply that same kind of spirit to the overall copyright regime is beyond me.

It seems to me that we have relied too heavily on the American example. We wanted to go their route and when we could not get away with that in this country, we fell into this confusion about where to go.

We have seen the doom and gloom predictions for many years with each technology. It seemed too complicated to know what to do, yet somehow people have figured out that there is a way to both ensure the rights of consumers and ensure that artists are properly remunerated.

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I do not think we are beyond finding that solution in this day and age. There are lots of folks who believe that the digital lock changes are not the appropriate way to go. The Business Coalition for Balanced Copyright has weighed in on that issue. The Retail Council of Canada, universities, booksellers and the Canadian Library Association have all raised concerns about the dependence on digital locks.

I think there is a way through this. I hope we can find it in this Parliament.

• (1335)

Mr. Charlie Angus: Mr. Speaker, I want to follow up on something my hon. colleague mentioned earlier; it is one of the most troubling aspects of the bill. There is a whole sleight of hand here, a set of provisions that we will never be able to exercise, promises of consumer rights that will be taken away by the digital locks.

There is one provision that stands out in clause 27, under which it would be legal to make a lesson for digital learning. People in isolated first nations communities in the north, and small communities across rural Canada who want to improve their education, would have legal access to digital learning. However, after 30 days their class notes would have to be destroyed. It is the equivalent of book-burning in the modern age.

It staggers the imagination that the government's approach to digital learning in a region as vast as Canada, where many people are spread out and in need of opportunities for education and cultural development, would shackle students and teachers engaged in long-distance learning with a provision that would require class notes to be burned or destroyed through digital locks after 30 days.

In effect, it creates two tiers of students in this country: those who sit in classrooms and receive photocopies that they get to keep; and those who live in remote areas of Canada. These last, when they attempt to improve their educational opportunities, are told by the Conservative government that their ability to get an education is a threat to a corporate business model that has never even been explained. Does my hon. colleague think that the only reasonable thing to do is take a big red pen, strike that section out, and "mark it zero, Donny" because the government has gone over the line?

Mr. Bill Siksay: Mr. Speaker, I know my colleague will be participating in the ongoing discussions on this legislation, and I am sure he has his big red pen handy for clause 27. It is one of the worst aspects of this legislation. It would require students to get rid of any class notes or lesson plans after 30 days. It is difficult to understand why such a thing would be part of the copyright regime.

It is a smack in the face to long-distance education, which has made huge advances. The possibilities have increased dramatically with the Internet. It makes more things possible for students who do not have access to urban educational institutions. Limiting the ability of our citizens to take advantage of the technology does not make sense. It is beyond me why this would be in the legislation. To require students and teachers to get rid of their class materials after a short deadline is not sensible at all.

We are also concerned that similar punitive measures could be brought to bear against librarians handling digital inter-library loans, which, under this legislation, would have to be destroyed after five

days. This is something that needs to be examined; it probably should not be in the legislation. It discourages folks from accessing the kind of information, education, and training that would allow them to reach their goals, contribute to their communities, earn their livings, and contribute to their families' income. None of these things will assist people to do that.

• (1340)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I am pleased to rise to speak to Bill C-32, An Act to amend the Copyright Act.

I would like to start by praising the member for Timmins—James Bay. He is the first digital affairs critic in the history of Parliament, named by our leader to push the government on digital affairs. He has a background as an artist who has depended on copyright. This bill is a result of his endless efforts to try to get the government to understand, after four years of sitting on its derriere, that they had to take action on copyright. It is because of the member for Timmins—James Bay that the government has moved at all.

There are positive provisions in the bill. But as with virtually everything else the government has done, there is an element of ineptness, whether it appears in bad financial management, the treatment of veterans, or corruption inside the government. In fact, everything that the government promised four years ago it has managed to botch or deliberately mishandle.

In this case, we see provisions that we can only liken to digital torches and pitchforks. Having been thrown into the bill, these provisions diminish some of the good elements that the member for Timmins—James Bay was able to promote and put into effect.

We have been calling for a mandatory review of the Copyright Act. When we look at the history of copyright and the new technology, we see that this type of mandated review is absolutely essential.

We have new exceptions to the fair-dealing provisions of the Copyright Act. They create an exception for content creators that would enable the circumvention of DRM for the express purpose of reverse engineering. At the same time, they introduce a number of exceptions that artists have called for. But the problem is that the negative elements of the bill overshadow these positive elements.

Here we have the introduction of long-overdue copyright legislation, something the government has been sitting on for four years. But now we see that, as a result of mishandling, this copyright legislation is bringing as much bad as good.

Government Orders

This is a challenge for Parliament. In this corner of the House, the member for Timmins—James Bay has expressed our opinion that this legislation is long overdue. There are important elements that have to be brought forward, but at the same time, the digital torches and pitchfork of the bill have to be dealt with in committee. Though we would favour pushing this forward to committee, we recognize that the committee will have much work to do to fix this the bill.

The member for Timmins—James Bay talked about the history of copyright, about how new technologies have often been feared by those with vested interests in existing technologies. Player pianos, recordings, radios, computer access to music: all these new technologies experienced obstruction from established interests attempting to protect themselves.

Owing to the hard work of the first digital affairs critic in Canadian parliamentary history, the NDP is pushing forward with what we feel is essential, and that is a balanced approach.

●(1345)

This bill does not have that balance. That is the fundamental problem. The bill ignores the three key components that would give us a balanced approach: copyright maintenance, public access to artistic productions, and rewards for artists. This balance has not yet been achieved in the bill, despite the efforts of the member for Timmins—James Bay to inform the government and lead it in the right direction.

What are the key problems?

First, there are the digital locks.

Second, to provide artists with reliable revenue streams, we proposed extending the levy on materials for music-playing devices. That was an adult approach. We are saying that we need to extend the levy for new devices to ensure that artists receive the remuneration that they need to feed their families. The current government, however, has childishly challenged the adult proposals of the NDP. It has given this legislation a remedy that only large corporations could use: the so-called court remedy. If we go to court, we have to pay a lawyer. Struggling artists cannot do that. That is why there has been so much criticism of this bill.

Third, there is the whole issue of collective licensing, of fair access to educational materials. This is not in the bill. Yet it is something that New Democrats, notably the member for Timmins—James Bay, have put forward as a principle essential to all copyright legislation.

This omission is perhaps the most egregious aspect of this bill. It is one of these digital torches and pitchforks. I am going to read an excerpt from Bill C-32. This is what it says about students and educational institutes. This is the famous clause 27 that my colleague, the member for Burnaby—Douglas, cited earlier. It contains new provisions that would add a new section to 30.01 of the Copyright Act. It says it is not an infringement of copyright for a student to receive a lesson. “However, the student shall destroy the reproduction within 30 days after the day on which the students who are enrolled in the course...have received their final course evaluations”.

That is the famous 30-day, retroactive book-burning clause of this copyright. It is absolutely absurd that those in the gallery, students across the country, would have to destroy these educational materials 30 days after they received their final course evaluation. It seems absurd. When I first heard about this, I said that the member for Timmins—James Bay could not be right. But he was right again: these provisions are clearly in the bill.

It goes on, and it gets worse. Here is the legal mandate:

The educational institution and any person acting under its authority...shall (a) destroy any fixation of the lesson within 30 days after the day on which the students who are enrolled in the course...have received their final course evaluations;

The university, the college, the educational institution has to destroy the material. The student has to destroy the material. Penalties kick in if they do not destroy the material. This is retroactive book burning. This takes us back to the Middle Ages. It is digital torches and pitchforks. It is absolutely absurd. It is laughable that the government would even bring forward such provisions, but there they are in the bill. That is why we are saying that we will not stand for it. We are going to ensure that those provisions are taken out at committee, because they would create two classes of students in this country.

●(1350)

It creates a class of students, largely urban, who can access educational institutions very easily. In the world's largest democracy, which at length and breadth is eight million square kilometres, we cannot have students in northern communities, rural communities and aboriginal communities destroying the material they use online to try to get to the next level of their education.

This is yet another attack by the government on rural and northern Canadians. There seems to be a lot of it. The government simply does not seem to like rural Canada. It likes to use rural Canadians, but does not seem to like rural Canada very much if it put these provisions in the bill.

It goes on to say that a library, archive or museum or a person acting under the authority of one must take measures to prevent the person who has requested it from using the digital copy for more than five business days from the day on which the person first uses it.

Libraries, archives and museums, particularly those in rural areas but also those right across the country, have to prevent people from using a digital copy for more than five business days otherwise they will be in contravention of the act. That is absolutely absurd. What was the government thinking when it put provisions such as the 30 day retroactive book burning and the 5 day retroactive library burning in the act? These are absurd provisions. It is unfortunate that these provisions overshadow some of the good provisions the NDP was able to push the government to observe.

As I mentioned earlier, there are some positive provisions in the bill. However, here is the rub and the symbol of the government's ineptness on digital issues, and that is the digital lock.

Statements by Members

Despite all of the principles that are put into play, the positive aspects of the bill and the exemptions, we hit the digital pitchfork at clause 41.1(a). This is not a long a clause at all. It says very simply “No person shall circumvent a technological protection measure”; that is TPMs, or digital locks. This means that despite all the protections, expansions and exceptions that may be in the act, it is overridden by clause 41.1(1), which simply put says a person cannot circumvent.

What does that mean? We are talking about the government imposing penalties of \$5,000. It could be less. In clauses 41.19 and 41.2, we see what the courts are directed to do. This is a court issue. We are talking about protections and exceptions. If a company decides to put a digital lock on and a person even attempts to exercise the exceptions in the act, that individual is out of luck.

Clause 41.19 states that:

A court may reduce or remit the amount of damages it awards in the circumstances described in subsection 41.1(1) if the defendant satisfies the court that the defendant was not aware, and had no reasonable grounds to believe, that the defendant's acts constituted a contravention of that subsection.

In other words, there may be a reduction if the defendant defends himself or herself. We might be talking about young kids or teenagers. We might be talking about students. We might be talking about librarians. Who knows. In that case, the person has to defend himself or herself in court.

We have talked about the five day retroactive book burning and the thirty day retroactive student book burning. Clause 41.2 states that if a court finds the defendant that is a library, archive, museum or an educational institution has contravened these sections and the defendant satisfies the court that he or she was not aware that his or her actions constituted a contravention of that subsection, the plaintiff is not entitled to any remedy other than an injunction.

• (1355)

These are not small exceptions. This imposes a digital lock above and beyond anything else. Therefore, the good components of the act, which we mentioned earlier, are then subjected to digital lock, the TPM, that the government has included in its legislation in the now infamous section 41.1(a). People just simply cannot contravene or circumvent a digital lock. That is absurd.

Here is what some of the folks have said about the bill.

The Business Coalition for Balanced Copyright has said, “some parts of the legislation unfairly restrict consumer freedom and need to be revised before being passed by Parliament such as the inability to circumvent digital locks for private use”.

The Retail Council of Canada has said, “parts of the legislation unfairly restrict consumer freedom and choice and need to be revised before being passed by Parliament”.

The Association of Universities and Colleges of Canada is concerned about the overly strict prohibition against circumvention of technical measures.

The Canadian Booksellers Association would like to see the government allow the public, particularly students and educators, to circumvent digital locks on materials sought for educational and strictly non-commercial purposes.

The Canadian Library Association has said it “is disappointed that longstanding rights, the heart of copyright's balance, as well as the new rights, are all tempered by the over-reach of digital locks”. I talked about that earlier. This is what our critic on digital affairs and the NDP have brought forward, that balance.

Today, in the newspaper, Alain Pineau, national director of the Canadian Conference of the Arts, said that it bypassed the issue of extending copyright collectives in favour of lawsuits.

We are hearing concerns about how the legislation has been put forward from a wide variety of sources across the country. Earlier the member for Timmins—James Bay talked about the positive comments about the levy we proposed for artists. The *National Post* and the *Edmonton Journal* were two of those newspapers cited.

We very clearly have public and organizations all saying that the NDP is right to criticize aspects of the bill. That is what we have done. The member for Timmins—James Bay has pushed the government. We will ensure that the ineptitude of the government does not hurt the bill and that we can get the digital and digital pitchforks out of Bill C-32 before it comes back to Parliament for consideration.

The Deputy Speaker: The hon. member will have his 10-minute question and comment period after question period. We will now move on to statements by members.

STATEMENTS BY MEMBERS

[English]

CITIZENS FOR CLEAN AIR

Mr. Terence Young (Oakville, CPC): Mr. Speaker, I rise to recognize a citizen's group in Oakville that has made a tremendous difference in our community, C4CA.

Citizens for Clean Air was created for one purpose: to stop the unhealthy plan by the Dalton McGuinty government to build a massive gas-fired power plant, dumping tonnes of toxins and deadly particulate matter into the air over our homes and schools.

Founding president, Doug MacKenzie, conceived Citizens for Clean Air, with the dedicated help of Oakville citizens Frank Clegg, Sue Hyatt and many others, including Pauline Watson. A host of women acted as street captains to organize a huge protest at Queen's Park.

On October 6, Ontario's Liberal government, undeterred by health concerns, the crash in value of people's homes and even an explosion in a similar plant in Connecticut that killed five people, but facing a provincial election next year, finally caved: C4CA won.

Despite a raft of people who claimed credit, everyone in Oakville knows that this was grassroots democracy in action. Oakville is forever grateful to C4CA.

Statements by Members

●(1400)

ALMA MATER SOCIETY

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, my riding of Vancouver Quadra is the proud home of the University of British Columbia, rated in the top 40 universities worldwide.

This year, UBC's student government, the Alma Mater Society, celebrates its 95th anniversary. Since 1915, the AMS has supported and advocated for UBC students. Today it is actively involved in the community on and off campus, and serves more than 46,000 students.

I commend the students of UBC for creating such effective representation, with programs such as a student food bank, free tutoring services, campus safety and child care funding. AMS's current goal is to help decrease the university's environmental impact and to construct the most sustainable student union building in North America.

I applaud the AMS for 95 years of commitment and success.

* * *

[Translation]

CAREGIVERS' WEEK

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, since 2007, the first week of November has been officially recognized as Caregivers' Week in Quebec. It is a time not only to celebrate and honour caregivers, but also to increase public awareness about caregiving issues, as well as to promote the public policy reforms needed to encourage all of us and all levels of government to provide more support for the people who do this vital work.

To care for a loved one, caregivers must be able to share, inspire and remain open, but they also need to have the time and financial resources to do so. I therefore rise here today not only to thank all caregivers, but also to let them know that their dedication is, in my opinion, a perfect example of the altruism that remains, and will always be, an essential part of our collective well-being.

Considering our aging population and the considerable pressure this situation will put on families and health care systems, the government must act as quickly as possible. For example, now would be a good time to increase tax credits for natural caregivers and relax the eligibility criteria.

* * *

[English]

CANADIAN WHEAT BOARD

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, the government is taking its ideological crusade against the Canadian Wheat Board too far. Now it seems it is withholding initial payments to producers as a cheap and irresponsible way to interfere with the election of Wheat Board directors.

It does not take Treasury Board eight weeks to get initial payments to grain producers, except when the Minister of Agriculture, Mr. Gerrymander, does not want nice, big, fat cheques from the Canadian Wheat Board winding up in the mailboxes at the same

time as the ballots for Wheat Board directors. It may give farmers a warm and fuzzy feeling about this great Canadian institution that is providing big, fat initial payment cheques to itself.

I do not understand why the minister, Mr. Gerrymander, does not give up his ideological crusade to destroy the Canadian Wheat Board. It is the largest and most successful grain marketing company in the world. It is a great Canadian prairie institution and there is no business case for destroying the Canadian Wheat Board. He should stop his vain and failed attempts to bring down this great institution.

* * *

VANCOUVER ISLAND RAIDERS

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, they have done it again. On Saturday, the Vancouver Island Raiders blasted past the Hamilton Hurricanes to capture the Intergold Cup.

The Raiders' 38-13 win comes after a fifth straight season dominating the B.C. Junior Football League. The Raiders have led the CJFL, capturing the national championship in 2006, 2008 and 2009.

They will be fired up to defend their title against the Saskatoon Hilltops in the Canadian final on November 13. Led by president and 2008 Nanaimo Citizen of the Year, Hadi Abassi, and head coach "Snoop", the Raiders beat their own record this season by gaining more than 5,000 all-purpose yards. Five Raiders won BCFC major awards and eight earned all-star titles.

Vancouver Islanders and Nanaimo residents in particular are tremendously proud of their home team. We wish them every success in what promises to be a top-notch championship game for the CJFL title in Saskatoon on November 13.

Go Raiders, fire it up.

* * *

●(1405)

MEDIA LITERACY WEEK

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, I am proud to recognize this week as national Media Literacy Week. The aim of this week is to encourage parents, educators and community leaders to integrate and practise media and digital literacy in their homes, schools and communities.

In an era where communication technology enables us to access multiple media sources, it is increasingly necessary that Canada's youth are equipped with the skills to decipher messages that they encounter.

Statements by Members

The theme of this year's event is "Gender and the Media". Young people and society in general are exposed to a variety of idealized images and gender features prominently in this regard. Positive aspects of popular culture can be harnessed to promote realistic and healthy role models to youth; however, repeated exposure to negative and unfair stereotypes that deal with body image and gender can affect identity and self-image.

It is important that Canada's youth are able to empower themselves through media interaction. This is one of the important objectives that Media Literacy Week aims to achieve. I thank the Canadian Teachers' Federation and the Media Awareness Network for their leadership and their continuing excellent work. It is a job well done.

* * *

FEDERAL BUSINESS INITIATIVE

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, science and engineering graduates with innovative market-driven ideas will benefit from a new program to build their business skills. The minister for FedDev for southern Ontario and I had the opportunity to announce the new scientists and engineers in business initiative at Brock University.

This initiative will provide funding over the next four years to not-for-profit organizations and post-secondary institutions such as Brock University and Niagara College. This will help build the entrepreneurial skills of recent graduates and graduate students in the science, technology, engineering and mathematics fields who have developed fresh ideas for business start-ups and support them as they bring their ideas to the market in order to expand their business.

This is a direct result of the economic reinvestment strategy in Ontario.

It is a major step forward in keeping our talented sons and daughters, our best and brightest in St. Catharines. It is another example of the economic action plan hard at work.

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[Translation]

SODIUM CONSUMPTION

Mr. Luc Malo (Verchères—Les Patriotes, BQ): Mr. Speaker, excessive salt consumption is a public health issue. Given that 80% of the sodium we consume comes from processed foods, plenty of groups and individuals have advocated for reduced sodium content in those foods.

Popular radio and television host Paul Houde has made it his mission to talk about this important issue whenever he has the chance. Salt intake is one of the main risk factors for heart disease and stroke, which still take the lives of far too many people every year.

Paul Houde was lucky. In September, he underwent quintuple heart bypass surgery because of irregular blockages. We are glad the operation was a success, and we wish him a speedy recovery.

The food industry has agreed that reducing the salt content of its products is a priority. Now those companies need to work faster to

make changes that will protect the health of those who contribute to their bottom lines.

* * *

[English]

ARTS AND CULTURE

Mr. Royal Galipeau (Ottawa—Orléans, CPC): Mr. Speaker, the Minister of Canadian Heritage and Official Languages will host a screening of *Barney's Version* at the National Arts Centre this evening. Based on a novel by Mordecai Richler, the movie has received a great deal of international recognition and was well received at film festivals in Toronto and Vancouver.

[Translation]

Barney's Version is the fifth production presented by the Minister of Canadian Heritage and Official Languages, after *One Week, De père en flic, Gunless* and, just recently, the extraordinary *Incendies*.

[English]

More than 1,000 people are expected for this evening's presentation, making this the biggest turnout so far.

[Translation]

Such events showcase the wealth of Canadian talent.

[English]

Our government is proud to promote Canadian films such as *Barney's Version* and we will continue to support our nation's most talented filmmakers, actors and artists.

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WORLDWIDE NET CANCER AWARENESS DAY

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, it is my honour to rise today to support Worldwide NET Cancer Awareness Day on November 10.

NET, or neuroendocrine tumours, is the umbrella term for a group of unusual cancers which develop themselves in the diffuse endocrine system. They are found most often in the lung or gastrointestinal system but can be found in other parts of the body.

Often misdiagnosed, up to 90% of the time, as another kind of ailment, NET cancer is now twice as common as pancreatic cancer. That makes it the fastest growing cancer community worldwide.

I rise here today with the hope that these words will spark awareness of this often under-reported, underserved and unknown cancer group.

Across our country, there are limited treatment options for Canadians suffering from NET tumours. Health Canada has yet to approve yttrium and lutetium. It is my hope that by making more people aware of this cancer there will be steps taken to invest more resources into helping diagnose, treat and care for NET cancer patients in Canada and around the world.

Statements by Members

●(1410)

HOLOCAUST EDUCATION WEEK

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Speaker, yesterday marked the beginning of the 30th Holocaust Education Week during which scholars, artists and, most important, survivors will educate all of us on the horrors of the Shoah and the courage of its victims.

There is no purer example of unvarnished evil than the totalitarian Nazi regime, an evil which culminated in the industrial scale systematic murder of six million Jews, in addition to Poles, homosexuals, political opponents and others.

As I walked arm-in-arm with rabbis and survivors in the 2009 “March of the Living” between Auschwitz and Birkenau, I committed myself to help educate others at these odious events.

Throughout this week's program titled, “We Who Survive”, Holocaust victims will share Shoah testimony. These stories are painful to hear, but hear them we must.

Never forget. Never again.

* * *

THE ECONOMY

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the last 20 years of right-wing trade and economic policy has been particularly harmful for Canada's youth. Middle class and poor Canadians have seen rising debt and a fall in real income over the last 20 years. Inequality in Canada has reached the same level as in the 1920s. The consequences have been particularly egregious for our youngest generation.

The jobs created in today's economy are mostly part-time or temporary service jobs with lower starting wages than were present in the labour market 20 years ago and with no benefits or pensions.

We need a positive change away from the choices made in Parliament by the Conservatives and their Liberal predecessors; a change that confronts head on the unprecedented levels of student debt, the increasing scarcity of goods and family-sustaining full-time jobs; a change that stops the reckless outsourcing and offshoring of Canadian companies overseas; and a change that restores equity by ensuring that every Canadian, including Canada's youth, gets a fair share of Canada's wealth.

The NDP embodies this change for better, more balanced economic and trade policies that benefit all Canadians.

* * *

[Translation]

ÉDOUARD CARPENTIER

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, Quebec has just lost the man we all knew as Édouard Carpentier, a legend in Quebec wrestling and the best wrestler of his time. He was born Édouard Wiercowicz to a Polish mother and a Russian father in France on July 17, 1926.

This man, who would go on to incredible success, was captured and imprisoned by the Germans in the second world war. He

managed to escape, but would risk his life by working for the French Resistance, which earned him the Croix de Guerre for bravery.

Édouard Carpentier was the “man with the flying feet”. He won his first bout at the Montreal Forum on April 18, 1956, and his rise would be as dazzling as his immense popularity.

He was a proponent of “scientific” wrestling and was known as the “Flying Frenchman” for his high-flying style. He fought epic fights and left us with colourful expressions such as “Believe me, it hurts!”

Today we pay tribute to a high-calibre athlete who captivated our collective imagination and raised the profile of Quebec wrestling. “God willing, see you next week.”

* * *

ÉDOUARD CARPENTIER

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, I too am pleased to pay tribute to Édouard Carpentier, who passed away on Saturday. Known as an acrobat in the ring, he was a legend in Quebec wrestling.

As a 16-year-old, he was a member of the French Resistance during World War II, and he was awarded the Croix de guerre and the Croix du Combattant for his bravery. He also participated in the 1948 and 1952 Olympics in gymnastics.

Beginning in 1956, the Flying Frenchman, known for revolutionizing wrestling with his acrobatic style, thrilled Quebec, in particular because of his rivalry with wrestlers Mad Dog Vachon and Wild Killer Kowalski. He also discovered the famous wrestler, André the Giant.

In the 1980s, he hosted Sunday morning wrestling shows. His memorable sayings were “Believe me, it hurts” and “See you next week, God willing”.

My Bloc colleagues and I extend our sincere condolences to his family, friends and admirers.

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[English]

STANLEY BAKER

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I would like to pay tribute and honour the life of Stanley Baker, a long-time Liberal and former president of my riding association of Notre-Dame-de-Grâce—Lachine.

Mr. Baker passed away yesterday, November 1, at the age of 87. He was an active member of the community, with the Rotary Club of Westmount, the Congregation Shaar Hashomayim, the Westmount Lawn Bowling Club and the McGill Institute for Learning and Retirement. I admired him greatly for his commitments.

●(1415)

[Translation]

On behalf of the Liberal Party of Canada, I thank Mr. Baker for his dedication to and his work for the party.

Oral Questions

He will be missed by the community, not only because of his commitment, but also because of his kindness and warm personality.

I offer my sincere condolences to his son, Dr. Arnie, and his daughter Barbara.

He will certainly be missed by all of us.

* * *

[English]

BATTLE OF PASSCHENDAELE

Mr. Greg Kerr (West Nova, CPC): Mr. Speaker, this year marks the 93rd anniversary of a significant milestone in the first world war, the Battle of Passchendaele.

After the Canadian success at Vimy Ridge, it was decided that our soldiers would be sent north to Belgium.

After three gruelling months under extremely harsh conditions, the Canadian Corps captured the town of Passchendaele on November 10, 1917. Four thousand Canadian casualties and nearly 12,000 wounded were left in the battle's wake.

Canada's success at Passchendaele added to our nation's reputation as the best offensive fighting force on the western front. This monumental victory meant our military was at the forefront of the advance, which eventually won the war for the Allies the following year.

The brave soldiers who fought at Passchendaele were among the more than 600,000 Canadians and Newfoundlanders who served during the first world war.

Today we remember the heroic and historic efforts of those who fought for freedom. Today we remember the Battle of Passchendaele.

ORAL QUESTIONS

[English]

POTASH INDUSTRY

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, some time after stock markets close this afternoon and in the midst of the U.S. midterm elections, the Prime Minister is set to announce that Canadians will soon lose control of their potash industry. If the Potash Corporation of Saskatchewan is sold out to BHP, control moves from a board in Saskatoon, where two-thirds of the directors are Canadian, to a very different board in Australia, with maybe one Canadian as a director out of 11.

Why does the Prime Minister think that is beneficial?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, of course the house leader for the Liberal Party continues to chase one rumour after another on this particular matter. I can assure him the Minister of Industry will make a decision according to a legal process. His decision will be shaped not by the policy of the previous Liberal government, which rubber-stamped every single takeover; his decision will be based on the best long-term interests of this country.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, at stake here is the global supply of a strategic resource vital to food production worldwide for generations to come. The Australian government would not allow Canadians to control BHP, just as Australia blocked Royal Dutch Shell from buying an oil company, but BHP says Canada is a pushover, "an industry 'branch office'...largely irrelevant on the global mining stage". That is the foreign outfit that wants to control our potash.

I ask the Minister of Agriculture and Agri-Food, who comes from Saskatchewan, why will he not fight back and just say no?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, the hon. member keeps chasing rumours and creating these stories out of thin air. The fact of the matter is that no decision has been made. There is a process under the Investment Canada Act, which leads to the assessment by the Minister of Industry of the net benefit to Canada test. That is what is being done and that will be delivered to the people of Canada in the due course of time.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, Alcan, Inco and Falconbridge have all gone under this Conservative government, and now Potash.

The public opposition to this deal in Saskatchewan is massive, but that is not all. There is Peter Lougheed, Dick Haskayne, Roger Phillips, Norman Keevil of Teck Resources, Dominic D'Alessandro, Calin Rovinescu of Air Canada, Roger Martin of the Rotman School and even Gerry Schwartz of Onex Corporation, for heaven's sake. The only ones who are hiding are the 13 shamefully silent Conservative MPs from Saskatchewan. Where are they?

● (1420)

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, I can assure the House that every single Conservative Party of Canada MP from Saskatchewan is doing his or her job on behalf of the interests of Saskatchewan and on behalf of the interests of Canada.

The hon. member's accusation is shameful, but that is par for the course for that caucus. When it was in power, it rubber stamped every single bid that came to Investment Canada.

* * *

[Translation]

GOVERNMENT PRIORITIES

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, equal opportunity, regardless of where one lives, is a fundamental right for all Canadians.

In the 21st century, as technology advances faster and faster, and while the Conservatives can spend \$1.3 billion on the G8 and G20, some 700,000 Canadians in our regions still do not have high-speed Internet access.

They will splurge on summits, but they have nothing for Canadians.

When will the government invest in our rural regions, in equality, and provide high-speed Internet access for all Canadians?

*Oral Questions**[English]*

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, I would like to remind the hon. member and the rest of the coalition caucus over there that this government has invested \$200 million in this budget alone for broadband access for rural Canadians. We have been there through the economic action plan because we know we want to build new jobs, new opportunity for rural Canadians and, indeed, for all Canadians. Why will the hon. member not support the economic action plan?

[Translation]

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, CINARS made an announcement yesterday about the impact of the Conservative cuts to culture. They are having a devastating effect, especially on francophone artists.

The Société Nationale de l'Acadie has stated that these cuts are preventing the Acadian people from getting the same sort of exposure they did before the cuts and that far fewer cultural products are being exported.

In the meantime, spending by the Prime Minister's Office is ballooning. It makes no sense. It is illogical.

Will the minister admit that those cuts were based on ideology? When will he start seriously listening to this country's artists?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, we always listen to them. That is why, in four budgets tabled and passed in this House, we have demonstrated strong support for the artists of Canada's cultural community. We have increased investments in culture. In fact, this government has made additional investments by creating new national museums and making new investments in festivals and in the Canada Council. We are making significant and responsible investments in the cultural community.

* * *

HYDROELECTRICITY

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Government of Newfoundland and Labrador has asked the federal government to force Quebec to allow Newfoundland and Labrador to set up power transmission lines across Quebec's territory.

Will the Prime Minister make a formal promise to respect Quebec's territory and never force Quebec to let Newfoundland and Labrador's power lines cross its territory?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, there is a legal process to deal with these issues. The government respects that process.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the federal government never provided Quebec with any financial assistance to develop its own hydroelectric grid. Quebec proceeded independently and on its own dime.

If the Prime Minister wants to demonstrate fairness, will he promise not to subsidize other provinces' power grid development projects, such as the proposal for a subsea electricity cable linking Newfoundland and Labrador with Nova Scotia?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, energy development is under provincial jurisdiction. All Canadian provinces want to create a cleaner energy sector. The government will always listen to the provinces' needs.

* * *

OIL AND GAS EXPLORATION

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, a note obtained by the media clearly indicates that the department considered it risky for the Minister of Natural Resources to talk about oil spills such as the one in the Gulf of Mexico. The minister's silence proves that the government wants to play down the risks associated with offshore oil and gas development.

Can the government explain its lack of transparency and why it hid this information from the public?

● (1425)

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, I presume that the member is referring to the documents quoted in the Canadian Press yesterday. These documents were not prepared for me and did not make their way to my office.

The real issue here is environmental safety. We have always said that we have independent regulators with international standards that are some of the most stringent in the world. It is clear that no project will be approved until the regulator is confident that environmental protection and worker safety are assured.

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, the minister's lack of transparency indicates that there are risks with any operation in the St. Lawrence seabed. The National Assembly of Quebec adopted a motion calling for a moratorium on drilling and seismic testing permits for Old Harry and the suspension of existing permits until environmental assessments have been completed.

Will the government honour the unanimous motion of the National Assembly of Quebec?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, the Canada-Newfoundland and Labrador Offshore Petroleum Board is an independent regulator with standards that are some of the most stringent in the world. Emergency plans must be filed. No project can be approved until the regulator is confident that the environment is protected and the safety of workers is guaranteed. At present, there are no drilling permit applications for this sector.

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*[English]***POTASH INDUSTRY**

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, according to the news reports, a handful of people in Industry Canada have somehow reached the conclusion that the sale of Potash Corporation could somehow be of benefit to Canada.

The Prime Minister's officials are desperately trying to spin this as though he has absolutely no say in the matter. I do not think that is going to wash. I think people know how the government operates.

Oral Questions

My question for the Prime Minister is very simple. Is the Prime Minister willing to pronounce himself on this matter, right now, and simply say no to selling Potash Corporation to the Australian company?

Let us hear it today. Let us hear it from the Prime Minister.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the other day the leader of the NDP was congratulating me for blocking the takeover, and today he is criticizing me for allowing the takeover.

The truth of the matter is that no decision has been taken. The Minister of Industry is responsible for this decision under the act. I am confident that he will render a decision that is in the best long-term interest of the Canadian economy.

[*Translation*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the Prime Minister wants to control everything; everyone knows that. I was in Saskatchewan yesterday, and there is a consensus there. Everyone knows that selling the potash industry to foreign interests is not in Canada's economic interests. It is clear: there is no net benefit.

Why is the Prime Minister not sending a clear message now? The potash industry should remain Canada's pride and joy.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, there is a legal process. The government is prohibited from commenting on the benefits and costs of this transaction. It is up to the Minister of Industry to make a decision, and once he has done so, he will communicate it in the appropriate manner.

[*English*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, when the Prime Minister or his delegate issues a decision to give the final green light to the takeover of Potash Corporation, Conservative Saskatchewan MPs will need to decide on whose side they will stand.

Will the Prime Minister commit to bringing the issue of the approval of the takeover to a vote of this House before the final approval, and will he let his 13 Saskatchewan members of Parliament vote for the people of Saskatchewan, or will he make them toe the line on the sellout?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, under the law, decisions as regards these kinds of bids are not taken by votes in Parliament; they are taken according to a legal process. The government is obligated to listen to all sides, to consider all factors. That is precisely what it is doing, including, I may add, hearing from all members of our Saskatchewan caucus.

I am sure when the Minister of Industry makes the decision he is required to make within a certain time period, everybody will recognize that he has taken a decision in the best long-term interest of this country.

* * *

• (1430)

NATIONAL DEFENCE

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Speaker, Treasury Board guidelines clearly state that competition remains

the cornerstone of the Canadian government's procurement process. It is the most effective way of achieving the goals of procurement and gives suppliers the incentive to bring forward their best solution at a competitive price.

What makes the government think it knows better than the decades of experience that goes into laying out these guidelines, and what gives it the right to bring its own rules when borrowing \$16 billion from taxpayers to buy fighter jets without holding an open competition?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, I repeat once again that this is a win-win situation for Canada, for the Canadian Forces and obviously for the Canadian aerospace industry.

There was a competition, and after the competition, the only next generation fighter identified was the F-35. We have now exercised the option to continue with the program, which was begun by the government of the member opposite.

We have followed along now. The majority of the payments, incidentally, will be made around the year 2013. We will take delivery at the optimum point of production, at the lowest cost per aircraft, with enormous benefits to the Canadian aerospace industry. The member opposite used to believe that when he was in government.

[*Translation*]

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, another new report from the Pentagon says that we can expect more cost overruns and delays in the production of the F-35s. Maintaining these planes will cost 50% more than maintaining the current planes. Delivery in the United States has been delayed from one to three years. The Prime Minister has already planned to borrow \$16 billion to buy these planes.

With this new report, now how much do we have to pay for these planes?

[*English*]

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, like so much of the hyperbole coming from the member opposite, this story is speculative. It is quoting an unnamed official in another country, and we currently estimate the cost per aircraft to be in the low to mid \$70 million U.S.

In fact, we are purchasing the most cost-effective variant of the aircraft at the peak of production, and I am sure that the price quoted to Canada will not be expected to change, if in fact cost overruns occur, because in the development phase, the United States has covered those costs.

Let us listen to what the former defence minister, a Liberal, had to say. "JSF's a great program for Canada and for all the partner nations in terms of military capabilities as well as the industrial participation".

* * *

VETERANS AFFAIRS

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, Canada must keep faith with our veterans and their families and the ideals of service and sacrifice.

Oral Questions

Leaked documents suggest bureaucrats knew in 2006 that new veterans benefits would mean less cash for thousands of injured and disabled soldiers and projected savings of up to \$40 million per year.

Why did it take the government four years to fix its mistake?

[Translation]

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, our government helps veterans. Over the past few months we have invested an additional \$2 billion in helping our veterans. We have implemented a number of new measures particularly to help those returning from Afghanistan with serious injuries. We want to make sure their future is financially secure.

I want to remind the hon. member that it was her government that adopted the new veterans charter in 2005. I do not know what the Liberals' intentions were at the time, but ours are different. We do not intend to save money at the expense of the veterans.

[English]

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, for many veterans this upcoming week is about memories and trying to live as best they can. For our forces overseas it is another week in harm's way. For our wounded warriors it is another week of slow recovery.

Will the minister promise to review the new veterans charter and Veterans Affairs processes and make meaningful changes to compensation which has sparked a national day of protest?

[Translation]

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, I can certainly make that promise because that is what we are in the process of doing. We have already taken a number of measures to correct the mistakes in the new charter and to ensure that our modern-day veterans are protected when they return from Afghanistan with serious injuries. The minimum a veteran returning from Afghanistan with serious injuries will receive will be \$58,000 a year in addition to a lump sum payment, a disability allowance, of up to \$276,000. It is \$58,000 a year plus \$276,000.

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PUBLIC WORKS AND GOVERNMENT SERVICES

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, Conservative lobbyist Gilles Varin has stated, "I know a lot of people who are in Ottawa, in offices...". That helped him open many doors.

Will the government acknowledge that Gilles Varin was successful, since his client, Paul Sauvé, was awarded a \$9 million contract?

• (1435)

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, that is not the case at all, but I have news for my Bloc colleagues. The member for Brome—Missisquoi openly promotes the Réseau de résistance du Québécois in his blog. Members of this House know very well that the RRQ manifesto says that the RRQ will also rehabilitate the combatants of the Front de

libération du Québec. I have a simple question for my Bloc colleagues: do they plan on rehabilitating FLQ murderers?

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, Gilles Varin acknowledged that he knew a lot of people in Ottawa. He named Paul Terrien, chief of staff of the former Quebec lieutenant, and Bernard Côté, assistant to the former Minister of Public Works, Michael Fortier. It was under Michael Fortier that the contract was awarded.

Will the government admit that Gilles Varin was successful, since his client obtained a \$9 million contract, and that the Minister of Natural Resources eagerly passed the hat at a cocktail party organized by Paul Sauvé?

[English]

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I will do no such thing.

Let us look at the facts. The Bloc Québécois member of Parliament for Brome—Missisquoi is openly promoting Réseau de Résistance du Québécois on his blog. Members of the House will know what the manifesto of the RRQ says. The RRQ aims to support the combatants of the Front de libération du Québec.

I really want to know how the Liberal Party of Canada could possibly join in a coalition government with people who want to promote the record of the FLQ.

* * *

[Translation]

VETERANS AFFAIRS

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, internal documents show that officials in the Department of Veterans Affairs told the government from the outset that the new benefit system would mean less money for wounded soldiers.

Why did the Minister of Veterans Affairs try to save \$40 million at the expense of veterans?

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, I want to remind the House again that the new charter was adopted under the previous Liberal government, not under our government. I do not know what the Liberals' intentions were at the time and whether they wanted to save money at the expense of our veterans, but that decision was not made by this government. To the contrary, we have just added another \$2 billion to assist our veterans by giving them additional money to ensure that, if they come back wounded, they will not have any financial worries. That is a whole new chapter this government is adding to the new veterans charter.

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, Liberals or Conservatives, it is the same thing.

Oral Questions

Veterans' Week will begin this weekend with a parade where veterans demonstrate against the despicable way they are being treated by the Conservative government. In particular, they will protest its cavalier disregard for privacy and the lump sum payment.

Will the government finally restore the monthly pension for life for all our wounded veterans, as they are asking?

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, it is important to state very clearly that if our veterans return wounded, they receive an allocation for lost income as well as a permanent monthly allocation for life. Taken together, these two sums amount to a minimum of \$58,000 that they get if they are severely wounded. To this is added a new amount called the lump sum payment or disability award, which can be as much as \$276,000. And yes, we are going to make some changes to it as well to give our veterans some options.

* * *

[English]

FOREIGN AFFAIRS

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, the Conservative cabinet is reported to have been fighting each other over the Omar Khadr plea deal while at the same time denying Canadian government involvement in it. It seems the Prime Minister was not even aware of what was going on and was not in the country to act as cabinet referee.

A senior official called the government's denials of plea bargaining "bewildering". Others would call it what it is: truth stretching.

Could the Prime Minister inform Canadians if he supports the Khadr deal, and when exactly did he become aware of it?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, let me reiterate that the Government of Canada was not part of the plea negotiation. It was our position throughout Mr. Khadr's trial that we allow the U.S. process to conclude. I point out that was the same position of the former Liberal government.

• (1440)

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, is that minister denying what the dip note actually said? Is he saying that the court was wrong?

It seems to me the hon. minister should take the time to talk to his Prime Minister to let him know what his position is because it is confusing to say the least.

[Translation]

The Conservative ministers are apparently torn over the agreement regarding Omar Khadr, or perhaps they tore each other apart.

In the meantime, the Prime Minister was out of the country. When the cat's away, the mice will play.

The minister of contradictory affairs is entangling himself in all kinds of versions.

What role did the Prime Minister play in this file? Did he personally approve the agreement in the diplomatic note—

The Speaker: The Honourable Minister of Foreign Affairs has floor.

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, once again, the government did not participate in the plea bargain. In fact as I indicated yesterday, the court's chief prosecutor, Captain John Murphy, stated in response to this question that the Government of Canada did not participate in either the discussions or the agreement. As I said earlier, our position on this file is similar to that taken by the previous government.

* * *

[English]

INTERNATIONAL CO-OPERATION

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, the CIDA minister must come clean with Canadians about the de-funding of KAIROS.

The minister first claimed that the KAIROS proposal did not fit CIDA's priorities. Now she is implying that KAIROS' programming was ineffective. This completely contradicts the strong recommendations of senior CIDA officials.

What is the real story? Why the changing motives? Why the culture of deceit?

Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, our government has been very clear. We have an effective aid strategy and we are acting on it. We are delivering real results for people. We only need to look at the results of the aid programs that we have in effect.

We are focusing so that everything we do is action instead of advocacy.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, the Conservatives are playing fast and loose with the facts. CIDA documents confirm that a positive recommendation was approved by CIDA's president and sent to the minister, but the memo was then modified by hand to read as a denial, without attribution or explanation from the editor.

Who made the anonymous changes? Who made the decision to cut funding to churches that do good work? Was it the CIDA minister, or did the orders come directly from the Prime Minister?

Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, our government's action is to create action. Under our watch Canada was the first G8 country to double its aid to Africa. The Liberals are ignoring the fact that less than 10 years ago the Liberals were giving half of what we are giving today.

When it comes to moving forward and doing what is right for those in need, our government is there.

*Oral Questions***JUSTICE**

Mr. Paul Calandra (Oak Ridges—Markham, CPC): Mr. Speaker, the case of David Chen has touched people across Canada. Canadians are concerned that a man such as David Chen, who was merely stopping a thief who committed a criminal act, somehow wound up an accused criminal himself. This is wrong and of course Canadians know it.

What is the view of the Prime Minister about this unfortunate miscarriage of justice?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I agree with my hon. colleague that the case of David Chen has raised concerns right across this country.

Now that the case has been ruled on and common sense has prevailed, this government, the Minister of Justice and I have instructed Department of Justice officials to look at possible changes to the Criminal Code to prevent incidents like Mr. Chen's from occurring again.

* * *

● (1445)

HARMONIZED SALES TAX

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I continue to be inundated with concerns voiced by Alberta businesses about the HST. The Alberta minister of finance has written three times to the federal minister seeking changes to the way the HST is applied in Alberta. Minister Morton is right that this is an issue of fairness and accountability. In other words, there should be no taxation without representation.

Does the minister consider it fair to impose a tax system where one government can collect taxes from people in another province which can do nothing about it? Who in the government is standing up for Alberta?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, as I said yesterday in response to the same question by the hon. member, provincial taxation is a provincial responsibility in Canada.

There has been no change with respect to dealing with federal sales tax in terms of mail and courier service. It always has been a matter of destination. It was from the beginning and it still is.

* * *

ABORIGINAL AFFAIRS

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, the four Island Lake First Nations in northern Manitoba are facing third world living conditions when it comes to water and sewer services. They are facing serious health and sanitation consequences.

The government has claimed that investments in water and sewer services on first nations has been a priority. Plants have been built but there are no water lines. There are no dependable water trucks. There is no plan to invest in all of these communities in the next five-year capital plan.

When will the government act to not let these first nations down? When will the government act to resolve this crisis?

Hon. John Duncan (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, those statements are simply incorrect. We built a new water treatment plant at Red Sucker Lake in Island Lake. Wasagamack is in the plan for a water and sewer project worth \$5.5 million in 2014-15. St. Theresa Point is identified for the third phase of the water and sewer project. Garden Hill is awaiting connection to the hydro grid so we can move ahead with infrastructure improvements.

* * *

[Translation]

OFFICIAL LANGUAGES

Mr. Richard Nadeau (Gatineau, BQ): Mr. Speaker, 40 years after the implementation of the Official Languages Act, the public service is still incapable of enforcing the law, according to the Commissioner of Official Languages. Only 10 of the 16 institutions evaluated were able to offer bilingual services in 80% of cases. One public servant in five reports dissatisfaction with being unable to use his official language in the workplace.

How does the government explain this appalling situation?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, I thank the member for Gatineau for his question because it gives me the opportunity to refer to some key figures in the report by the Commissioner of Official Languages.

On page 8 of the report, he advises Canadians that the number of admissible complaints in the area of official languages services to the public has dropped by 35% since our government came into power in 2006.

We are delivering the goods when it comes to official languages. It is thanks to our roadmap that we are able to deliver the goods as far as Canada's two official languages are concerned. And I mean both of them.

Mr. Richard Nadeau (Gatineau, BQ): Mr. Speaker, the Commissioner of Official Languages reports that Canadian institutions do not take minority language communities into account when planning their programs. One would assume that scrapping the mandatory long form census will not improve matters.

Will the government admit that it has failed to meet its obligations when it comes to official language minority communities?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, that is completely wrong and the Minister of Industry has indicated this on several occasions.

[English]

However, I would like to just repeat again to this House, so that people are aware, what the Commissioner of Official Language's report has to say.

He reports that since our government took office, complaints with regard to the public service application of Canada's Official Languages Act have dropped by 35% last year and 22% this year, which has delivered results for both of Canada's official languages.

OFFICE OF THE PRIME MINISTER

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, starting next week, Bay Street deal maker Nigel Wright will have access to every file, every document and every official in the Government of Canada. That is privileged access.

Soon he will return to his corporate job, armed with new government contracts and inside knowledge of virtually every major file in the Government of Canada.

Worse, his personal ethics monitor will be the deputy chief of staff, who, believe it or not, reports to Mr. Wright himself.

Is this Conservative logic for putting the fox in charge of the chicken coop?

• (1450)

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, the member for Malpeque is already planning the departure of the incoming chief of staff before he has even started work.

We on this side of the House think it is good that people who have been successful in private life want to come to our nation's capital and make a contribution to public life and to their government.

Mr. Wright has sought and has followed all of the high, stringent ethical guidelines from the independent ethics officer, who reports not to the government, but rather, through you, Mr. Speaker, to all members of this place.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, documents show his departure date is already planned and he is going back to Onex.

Conservatives believe they have conjured up a magical ethical wall that will allow Mr. Wright to ignore the mandatory one-year cooling-off period when he leaves the PMO. In reality, they have created an ethical vortex that is sucking rules and safeguards right out the window.

Will the Conservatives ask Mr. Wright to observe the normal cooling-off period? Or is it their intent to use this magical ethical wall to curry favour for their Conservative corporate friends?

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, we are very pleased and very supportive of people from outside of government coming in to make a contribution. Mr. Wright is to be congratulated for wanting to make a contribution to public life. He has sought the counsel and advice of the Ethics Commissioner, the independent Ethics Commissioner. He has followed all of the rules and will continue to seek out and to follow all of the guidelines that the independent Ethics Commissioner sets.

With respect to deadlines for departure, I know there is one departure we are seeking to make and it is the member for Malpeque, and that will be 37 days after the next election is called.

Oral Questions

[Translation]

VIOLENCE IN SPORTS

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, a report presented yesterday confirmed that concussions happen all too often in junior and amateur hockey. These serious injuries have a negative impact on the future quality of life of these hockey players. The government did not do anything when the NDP asked for a public inquiry concerning violence in sports.

Now that we have a concussion epidemic on our hands, will the government take action?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, I know that the Minister of State for Sport and the Minister of Health are very involved in this file. We will work with organizations on the ground, such as volunteer organizations for children, to ensure that our sporting events are safe for children.

[English]

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, we need only look south of the border to see government action on this serious concern. Legislation has already been tabled in the U.S. House of Representatives, and several states have similar practices already in place.

It is time for the government to step up and recognize the urgency of this concussion epidemic in sport among our youth.

When will the government make the safety of children and our game a priority and finally take action?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as, of course, the science and medical science in this has progressed, the need for concern has been raised among Canadians. I know the minister responsible for sport and the Minister of Health are obviously looking at this file and are engaged with local amateur sport organizations across the country to ensure that we have a response that is comprehensive and responsible.

* * *

[Translation]

ECONOMIC DEVELOPMENT AGENCY OF CANADA FOR THE REGIONS OF QUEBEC

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Mr. Speaker, the House will recall a certain statement made by the Liberal candidate in Haute-Gaspésie—La Mitis—Matane—Matapédia regarding the Liberal Party leader. She said, “he does not have the ability to give Quebecers their rightful place”. Let me repeat: “he does not have the ability to give Quebecers their rightful place”.

The Liberal leader proved once again yesterday that he is completely out of touch with Quebec's reality. He said he intends to re-evaluate the role of the Economic Development Agency of Canada for the Regions of Quebec and merge it with other agencies that work in the other provinces.

Is the—

The Speaker: The hon. Minister of State.

Oral Questions

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, I thank my hon. colleague for his excellent question. Indeed, we must prevent the leader of the coalition from achieving his goal of centralizing the economic development agencies. Since he spent 34 years outside the country, he probably does not know that the Economic Development Agency of Canada already makes its decisions in the regions. They are made by people working in the regions.

Yesterday he said he wants to decentralize the agency, yet he insisted on creating a single national strategy. This shows a lack of respect for the economic players in the regions and for the public servants who work tirelessly for regional economic growth. The people—

• (1455)

[*English*]

The Speaker: Order. The hon. member for Eglinton—Lawrence.

* * *

JUSTICE

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, after two disgraceful broken promises and inaction by the Conservative government to assist Toronto merchant David Chen, I introduced Bill C-547 to amend the Criminal Code regarding the section on citizen's arrest.

Now that Mr. Chen has been acquitted of all charges, thus validating the changes in my proposed legislation, will the Prime Minister stand up today, adopt my bill and pass it, or will he continue to allow victims of crime to be victimized twice?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, the hon. member might want to check the records. The Prime Minister has already spoken on this.

We always know when there is an election or a byelection in this country. That is when the Liberals discover the justice agenda. I say to them that we need support at all times of the year, not just when there is a byelection in Vaughan or other places in Canada.

* * *

[*Translation*]

ARTS AND CULTURE

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, the survey done by the International Exchange for the Performing Arts shows that the Conservative cuts are purely ideological and make no economic sense. According to the president of CINARS, Alain Paré, "For every dollar ... cut, the ... companies had to absorb \$6.30 in lost revenue." The cuts are weakening the entire cultural industry. Les Grands Ballets Canadiens, for example, may not be able to travel to Beijing, even though the Chinese government is funding a similar tour in Canada.

Is the government going to restore the funding for international tours and transfer it to the Canada Council?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, frankly, the member is not

really familiar with this situation, because if she knew the facts, she would know that the Canada Council already has 11 programs to assist artists on the international scene. Do we really need a 12th or 13th or 14th program? The Canada Council's budget has been increased so it can assist artists, help them directly with the funds our government has provided, the taxpayers' money. The budget has been increased by 20%. They have 11 programs to assist artists on the international scene. They do not need a 12th program.

* * *

[*English*]

PERSONS WITH DISABILITIES

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, the Minister of Human Resources and Skills Development and I attended a conference last night on disabilities and poverty where we heard Cindy Blackstock say that what government does is more important than what government says.

Given that the disabled are three times more likely to live in poverty than anybody else, this is what they want the government to do: implement the international covenant on the rights of the disabled; bring in a guaranteed annual income for the severely disabled; and make the disability tax credit fully refundable.

Will the minister do this?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, I was delighted to see the hon. member at the conference last night. He is finally showing an active interest, unlike the rest of his party, in helping the disabled in our communities.

Our government has done phenomenal things to help the disabled, including introducing the registered disability savings plan and our enabling accessibility fund. Unfortunately, the NDP voted against it.

Take my word for it? No, listen to Al Etmanski at the Plan Institute:

I believe [this] Government is hands down the most effective Federal champion people with disabilities and their families have ever had.

* * *

FOREIGN AFFAIRS

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, Canadians are outraged by Iran's treatment of Sakineh Ashtiani, an Iranian woman who faces execution following a process that was completely at odds with international standards and the rule of law. She has been the victim of harassment by judicial authorities, denied due process, and false or coerced confessions have been used against her. Today there are reports that she could be executed as early as Wednesday.

Could the minister elaborate on these troubling reports?

Points of Order

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, our government is deeply troubled by reports that Iran may be moving forward with its plans to execute Ms. Ashtiani. The appalling treatment of Ms. Ashtiani is completely out of line with international standards and the rule of law.

Once again this year our government has spearheaded a resolution at the UN General Assembly to call out Iran for its egregious human rights violations. Iran's wanton abuse of the rights of its own citizens is completely unacceptable to our government.

* * *

● (1500)

JUSTICE

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, the rhetoric, delay and grandstanding of the Prime Minister and his Conservatives on victims of crime is absolutely shameful. It has been 14 months since the immigration minister made the government's first promise during a photo op in Toronto. At great personal expense, Mr. David Chen was dragged through the court system just for protecting his property from a career criminal.

How do Conservatives justify to hard-working Canadians and families that crimes against them are not a priority for this government?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I appreciate the hon. member's position. If the Liberals just had that fifth term in office, they were just about to stand up for victims; just that one more election was all they would have needed.

I appreciate that the hon. member is new to the file. He is a couple of plays behind the action. If he tunes in to what we are doing he will see we have the most ambitious fighting crime agenda in the history of Canada and I and my colleagues are proud to be part of that.

* * *

[Translation]

INFRASTRUCTURE

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Speaker, the City of Shawinigan is asking the government to postpone the deadline for completing infrastructure projects to the summer of 2011, in view of the fact that the grants were not made until May and June 2010 and it is unrealistic to require that the projects be completed by March 31, 2011.

Will the minister say yes to the request by the City of Shawinigan and by the municipalities of Quebec, which are unanimously calling for the deadline to be postponed so that all of the projects can be completed?

[English]

Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, what is clear, especially with the Preco projects in Quebec, is that Quebec itself put a December 31 deadline on it. I do not know exactly why. We always thought it should go to March 31.

I have corresponded with the ministers in Quebec and talked about my willingness to move the deadline to March 31, which I

think would work well. We are getting more details and I am hopeful. At least, I have asked for more details from Quebec ministers so that we can be fair and reasonable, as we have said all along, as we address the problem. Without those details, it is hard to know the scope of the problem, so I am hoping those details are forthcoming.

* * *

AGRICULTURE AND AGRI-FOOD

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, it does not take the Treasury Board eight weeks to get initial payments to grain producers except when the Minister of Agriculture, Mr. Gerrymander himself, does not want big cheques from the Canadian Wheat Board winding up in the mailbox at the same time as the ballots for the election of directors of the Canadian Wheat Board.

Why will Minister Gerrymander not give up his ideological crusade to crush the Canadian Wheat Board and stop interfering with free and democratic elections and get those initial payments out to farmers so they can pay their bills?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, of course, we would like to do just exactly that. We actually had a bill come before this House, which the NDP and Liberals decided, in their coalition way, to hoist. They said if we brought it forward they would hoist it, which effectively would take it out of play.

That said, the Wheat Board did apply for an increase to the initial prices. We have looked at that. The first application was done improperly, so a good portion of the blame for the delay goes right back to the Wheat Board itself.

* * *

PRESENCE IN THE GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of His Excellency Trajko Veljanoski, the President of the Assembly of the Republic of Macedonia.

Some hon. members: Hear, hear!

* * *

● (1505)

POINTS OF ORDER

ORAL QUESTIONS

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, the minister's answer to the member for Winnipeg Centre was entirely wrong. In fact, I wrote the minister a letter asking him to split that bill so that initial payments could be made quickly and the minister did not even have the courtesy to answer the letter so that the money could have went out to primary producers quickly.

Government Orders

The Speaker: I am afraid I did not hear anything about a point of order. It was a matter of debate. I am sure if the hon. member wants to ask further questions on this tomorrow, he can do so, but it is not a procedural matter, unfortunately, from his perspective, and I am sure he knew that.

have access to some remuneration for their intellectual property, their music and a wide range of talents that they are applying. The current bill would simply allow larger corporations to enforce their rights. This does not help ordinary artists.

GOVERNMENT ORDERS

[English]

COPYRIGHT MODERNIZATION ACT

The House resumed consideration of the motion that Bill C-32, An Act to amend the Copyright Act, be read the second time and referred to a committee.

The Speaker: When this matter was last before the House, the hon. member for Burnaby—New Westminster's time had expired, but there are 10 minutes remaining for questions and comments consequent upon the hon. member's speech. I therefore call for questions and comments.

The hon. member for Bonavista—Gander—Grand Falls—Windsor.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I will begin my questioning in general terms about the speech the hon. member made regarding copyright legislation. As he referred to, there have been many forms of this in the past little while: Bill C-60 and Bill C-61 that provided a lot of input from stakeholders.

I know he wants the bill to go to committee but once it gets to the committee process, what are the most fundamental changes that he would like to push forward in regard to Bill C-32? Would it be the digital measures that we talked about? I know he talked a lot about the educational exemption. I wonder if he could expand on that and how he proposes to change that once it goes to a special legislative committee.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the elements that I talked about in my speech will be brought forward by our critic, the first digital affairs critic in the history of Parliament, the member for Timmins—James Bay. One element deals with the issue of the retroactive book burning that we talked about earlier, the 30-day requirement for educational institutions and students to burn their books. The legislation states that they “destroy any fixation of the lesson within 30 days of getting their final course evaluations”. How do we spread learning when teachers and students must destroy the material that has just been taught? That is a key element.

Another element is the provisions around the digital lock that override every other exception or exemption within the act. They are just foolish provisions, which is why we call them the “torches and pitchforks” provisions of this bill. In its ineptness, the government, prodded by the NDP to take some initial action, has added elements that clearly contradict what a progressive copyright legislation should entail.

The final element is around the whole issue of the levy for artists and expanding it to new technologies. This levy has been a good Canadian compromise over the years and ensures that small artists

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP): Mr. Speaker, we appreciate the in-depth analysis my hon. colleague has given us with regard to the bill and the problematic areas that if we do not get it right what it will mean for the artists.

We have a variety of artists in my riding of Algoma—Manitoulin—Kapusksing. Manitoulin has an abundance of artists, as does Hearst and across the riding and even in Wawa.

Would my colleague like to elaborate a little more with regard to why it is so important for us to get this right and to ensure that the bill will not be passed in its current form?

• (1510)

Mr. Peter Julian: Mr. Speaker, I thank the member for Algoma—Manitoulin—Kapusksing for her great work on this issue and on all the other issues that she takes on in the House of Commons. She is one of the bright lights of the class of 2008, a new member of Parliament, who shows incredible experience and depth to everything she brings to the House of Commons. We expect great things from her, as she is doing in the present, in the future.

I want to follow up on her question around artists. The bill would allow the big corporations, the folks who do not need the protection, to basically use a pitchfork against consumers. I mentioned that with the digital locks. The NDP offered what was the essential compromise to expand the levy to ensure that new technologies would be included, such as musical players and recorders, and that would allow the levy to come back to small artists. We are talking about a very small amount but, with the sales in the millions, that amount makes a difference between an artist making a living or being literally a starving artist.

Two major newspapers commented on this levy. The first one, the *Edmonton Journal*, said that the NDP offered a perfectly reasonable compromise and that the Industry minister misrepresented the contents of the NDP's bill, on a bill that is thoughtful and “upholds the basic Canadian values of straight dealing”.

The *National Post*, which is certainly not a friend of the NDP, as it takes largely a right wing orientation on news, but the *National Post* said that “the government's nonsensical, 'Boo! Hiss! No new taxes!' response ... is just dumb”.

Government Orders

Those are some of the things that daily newspapers have said about how the Conservatives reacted to what was a sensible compromise put forward by the NDP that would have allowed not only the consumers to access the material, the information and the music of Canadian artists, but would have also allowed Canadian artists to continue to make a living and contribute to Canada in the way that they do so effectively.

As usual, the NDP is bringing very thoughtful ideas to the House of Commons and will continue to push the government to end its ineptitude and to put into the bill some of the provisions that would actually guarantee balance on copyright.

Mr. Scott Simms: Mr. Speaker, I am reticent to do this because sometimes we ask questions and we get put into a certain category as to our opinion, but I do not hear a lot of questions or debate coming from the government side of the House, so maybe I will provide a bit of discussion back and forth.

On the digital lock situation, a lot of people are in favour of locking certain material that they have, such as artists who create music, CDs or movies. When it comes to that, I understand what the member is saying because I, too, am trepidatious about that. I believe the member described it as a digital pitchfork. What bothers me about it is that we have a certain company taking a certain artist's material and distributing it only through its platforms, which, for the consumer, is not a lot of choice. It sort of confines the person. The balance is questionable there.

What about gaming software, which is a growing industry in this country? We have a couple major companies, one being Egosoft. These companies are in a situation where they invest a lot of money in developing the actual material as well as developing the platform. Would they have a case by saying that not circumventing digital locks is the way to go especially for them?

● (1515)

Mr. Peter Julian: Mr. Speaker, the member's question does not address the issue. I think all of us would support digital locks on certain types of intellectual property. The problem is, the exceptions that we and many groups have been calling for, largely on educational grounds, are pitchforked by this infamous paragraph 41.1(a), which says that no person shall circumvent a technological protection measure. That is the problem.

I must tell the hon. member that there is no exception, no exemption. What it says is that we cannot break a digital law for any reason. The government puts in exceptions and exemptions and then covers it all over with an infamous clause that pitchforks the very exceptions and exemptions that are supposed to exist for educational and personal reasons.

There is the rub. There is the problem. The government, in its ineptitude, was unable to balance the needs of artists to get appropriate remuneration with the needs of consumers to access intellectual property. What we have is a block surrounding digital locks. That is the pitchfork. Then we have the book burning, the torches, that come from the destruction of educational material after 30 days.

[*Translation*]

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, I would like to take this opportunity to recognize the importance of this bill on modernizing copyrights. As a member of Parliament, I have spent a number of years working with my colleagues from all the parties to ensure that our country can support authors and copyright owners. That is an important principle.

We are at second reading of Bill C-32, which the government wants to move forward. This is not the first time we have seen such a bill. Before 2008, the government at the time introduced Bills C-60 and C-61, but they did not make it through. It is not true that these bills had a number of flaws and problems.

We are here today to talk about the importance of a bill that recognizes the changes going on in the increasingly technological world we live in.

The purpose of this bill is to modernize the Copyright Act to bring it in line with the digital age. I must mention some of the important changes that are being proposed. There are changes that would authorize individuals to make copies for personal use, such as recording television shows or transferring music onto an iPod or computer. There are also new rules that would make it illegal for individuals to circumvent a digital lock or a technological protection measure.

Furthermore, the bill gives new responsibilities to Internet service providers, which will have to inform copyright owners of a potential infringement of the copyright. As a party, we note the new exceptions regarding fair dealing for educational uses, for parody or for satire that are included in this bill.

[*English*]

Canada is definitely in the midst of a digital transformation. The dawning of the digital economy is upon us and it will no doubt have, and has had, profound impact on industries, especially our cultural industries.

It is clear that our aging copyright laws have received significant international criticism, which is not to be underestimated. The longer we remain behind in global best practices, the more Canadian artists and consumers will lose out. This initiative brings into play our international relations as well as the interests of consumers.

There are obviously a lot of ideas about what is in the best interests of consumers, and this is going to require serious attention in committee, where informed, serious debate will be held with a number of stakeholders, and all points of view will get a clear hearing.

We have all received significant lobbying from individuals, interested parties, stakeholders, and experts in this field. I appreciate these interventions because they are significant. This legislation and the work that we conduct in committee will, I hope, do justice to the attempts by many people to bring forth a better copyright law here in Canada.

A number of concerns were expressed by my colleagues prior to my taking the floor. Because of time considerations, I will not repeat them. Rather, I will focus on areas that my party and I believe are extremely important.

Government Orders

This is not a new issue for me as a member of Parliament. For a number of years, going back to 2006-07, I attempted to bring together an all-party copyright committee that would look at these issues.

I sat on the industry committee, where I am still a member, when we issued two reports on copyright, contraband, and other issues that were important to manufacturing and the evolution of technology, which we viewed in a context of modernizing our economic instruments.

Digital lock provisions allow Canadians who have legitimately purchased a CD or DVD or other products to transfer their purchase to their iPod or make a personal backup copy on their computer, so long, and I think this is the caveat, as they are not doing so for the purpose of sale or transfer to others.

That is what the legislation is looking to do. It distinguishes private personal use and commercialization. In some areas, a simple firewall can be established, but it is not clear and it becomes more clouded when we are dealing with new technologies and new electronics.

Many artists, many songwriters, many creators of art have expressed deep concern and substantial reservations about issues such as the new education provisions in this copyright legislation. They are concerned about mashups, statutory damages, and compensation for resale rights. While we have deep reservations, we will support this bill's going to committee and look for an opportunity to address the many concerns that have been brought forward.

We know the question of copyright is fundamental. It is important and must be treated with the same degree of seriousness that the public always expects from Parliament in enabling and modernizing legislation.

• (1520)

[*Translation*]

I explained earlier that Canada's shift to a digital economy has huge spinoffs for our cultural industries. I also mentioned that our copyright laws have been criticized internationally and that the more we drag our feet on global best practices, the more Canadian artists and consumers will lose out. We have obviously taken into consideration the fact that numerous artists, writers and creators have also expressed serious concerns about certain points, such as the new provisions concerning education, mashup applications, statutory damages and payment for resale rights. Despite these concerns, we are trying to make sure that this bill makes it to committee, where much more work can be done.

Since it was tabled, this bill has received staunch support and strong opposition from various stakeholders. The Liberal Party obviously supports modernization. However, concerns have been raised about numerous areas. The first is whether digital locks should take precedence over every other right to copy. The bill we are debating today, Bill C-32, provides for new rights authorizing Canadians to make copies for personal use, including format shifting—transferring content to a CD or iPod—as well as time shifting and making backup copies. The new provisions concerning digital locks take precedence over these rights. In other words, under the new law,

a person who buys a CD that has had a digital lock on it cannot circumvent that lock to transfer the content to an iPod without breaking the law. Obviously this has given rise to some discussion. It is an extremely controversial point that was already contested when the Conservatives introduced their previous copyright bill, Bill C-61.

As a party, we obviously have concerns. As well, consumers have been passionate about sharing their fears about the digital lock provisions. We listened to these fears and we will listen to them again.

• (1525)

[*English*]

Other areas we would look at in Bill C-32 would be education. It has been mentioned here before, but the legislation introduces exemptions for copying, meaning teachers and institutions of higher learning. Education can now make copies of some work for education purposes and not infringe on copyright.

Broadly, the bill would implement two major changes. It would introduce making copies for education purposes as an exemption under Canada's fair dealing rules. It would also introduce several specific distance education exceptions to allow for copies used for lessons, communicated to the public through telecommunication for educational or training purposes. That public consists only of students who are enrolled in a course.

I think we can appreciate that there is in fact a growing concern and opposition to broad fair dealing exemption provisions. Writers and publishing groups in particular are very opposed. Fair dealing is so broad that question really becomes, what is in fact defined as fair? The writers and publisher groups believe new exemptions will give teachers and education institutions a veritable blank cheque to make copies of their work and to give it students. They believe teachers and educational institutions ought to compensate creators for their work.

In particular, one of the questions that arises is why private commercial education institutions should be permitted to disseminate works for education purposes without compensating copyright.

I do not need to get into the number of associations and groups that have advocated fair dealing exemption. They have to be taken in the context of the concerns that have been registered by those who freely and rightly create and ask that they be compensated for their work.

There again is another area that falls into what we consider the not so black and white debate about copyright. It is important for us to take and weigh both of these in accordance with the spirit of what the bill tries to achieve.

It would appear that another area we need to look at is the area known technically as mashups, and it is not something one would prepare at a dinner. It is the creation of an exemption for user-generated content where a personal movie is produced using music clips combined with personal video. Then, as some do, it is posted on YouTube.

Government Orders

In our view, this section is too broadly written. Under the rule, individuals can post an entire movie on YouTube as long as they add a small inserted clip at the beginning or the end. Then they can call the video a mashup. It is kind of the exemption given in this kind of circumstance.

We believe the language in this proposed legislation should be tightened to ensure that the mashup exemption cannot unexpectedly create what appears to be a loophole for further copyright infringement.

We are also concerned about the question of statutory damages. I raise this because I have not heard many other members talk about this point. The bill defines a new statutory damage provision of between \$100 to \$5,000 for all non-commercial infringement copyright.

A number of people to whom I have spoken, and who have come to meet with members of Parliament, have expressed concern about this section and believe applied statutory damages must be commensurate to, equal to and proportional to the severity.

That is an important factor that we must consider at committee. We may have differing opinions as to how these issues are going to be resolved. It would appear that the committee is going to be cast, once again, with having to judge two, or three or several very weighty issues.

The resale of art is also a new issue that has not really had a lot of attention, but it is one that leaves Canadian artists in a position of distinct disadvantage. As members will know, throughout Europe and in some parts of Central and Latin America, artists are rewarded when their works are sold and sold again. Original art increases in value over time and artists feel a share of the increase in value should be returned to them upon resale of their works.

● (1530)

At committee, we may wish to explore the European model or the European experience and see how Canadian artists can be better compensated for their work. Considering the level of interest that has now been brought forward, I am sure this is an area that our party and areas in other jurisdictions will be certainly interested in modelling as well.

It is clear that ephemeral recordings also present concerns for members of Parliament and will concern Canadians. To put that in perspective, currently copyright holders charge broadcasters for format-shifting their works. A simple example of this is a radio station that might purchase a song for broadcast. The current rules require the radio station to pay every time the radio station plays the song but, more important, when it transfers the song on to its computer servers.

As we know, modern radio stations are changing and these are being done in a way that outmodes and makes less necessary the old way of throwing a record on and paying someone at the end of the day. These are done and filed. Broadcasters want to simply pay once. Stations, whenever they play a song, do not want to pay again and again. The format shift, which is taking place will obviously do this time and time again, leaving artists without the traditional revenue stream they could once expect, basically as a result of changes in technology.

The right of copy for format-shifting and transfers is approximately \$21 million each year to artists and musicians, creators of the works. Bill C-32 eliminates the ephemeral recording rights in the Copyright Act, eliminating this compensation to creators.

While I sit the industry side of things, we can all appreciate the importance of Canadian culture, Canadian music, Canadian songwriters and the great impact they have made as a result of these kinds of arrangements, constructed in large part by Parliament in previous times. We know the Canadian recording industry is sound and strong. We are very proud of it and we have to do everything we can, in modern times, to ensure it is effectively and equitably safeguarded.

I believe there is the basis in the country for solid rewrite and review of copyright. It is long overdue. Members of Parliament may have differing opinions as to where and how we view effective copyright legislation, but I think we recognize that as the world changes, as technology evolves, so must the panoply of laws and the framework that allows us to change with changing times. That is the pragmatic approach, which the bill will require in order for it to be an effective response to the demands, needs and realities that society, that those in the industry as well as those artists expect.

I am not only looking forward to the questions, but I am looking forward to the opportunity, with some of my colleagues in the House of Commons, to frame and to craft legislation that may meet those expectations. I am not saying that the bill is the be-all and end-all. It is a very important step and the first step in the right direction. It has a long way to go, but it is nevertheless a critical and very important and timely step.

I look forward to Parliament approving second reading and getting this to committee where the experts then have their work cut out for them. We can hear from Canadians and meet those expectations.

● (1535)

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I congratulate the member for Pickering—Scarborough East for his work on copyright over the years and also IP protection. He spearheaded an all-party effort as we dealt with knock-offs, everything from the products developed to go in to the airline industry, to the hospitals, circuit breakers, a series of things. We looked at the consequences of those who stole those ideas and designs that affected everyone else. He has done a commendable job on that issue.

On this issue, I have a concern with regard to students, and I would like to hear his response to it. One thing suggested in the bill is if students purchase lessons, they have to destroy them within a certain time period after the completion of the lesson. I am of the view that is pretty harsh on students. They should be allowed to purchase that information and keep it.

Government Orders

In the past, although my French language skills are poor at best, and I have tried many times, I have purchased programs and gone to some different classes for that. I was able to keep the material to reference later on. Taking away what we have purchased is not fair if we use it the way it was supposed to be and do not produce it for others or share it them. If we own it, we own it and we should be able to maintain it.

Could the member share his views on that? There are a few learning issues related to the copyright bill that need some attention. I do not think it is balanced for those issues just yet.

Hon. Dan McTeague: Madam Speaker, I know the hon. member was an early advocate for changes to ensure that we had copyright legislation and protection, particularly as it related to products that were counterfeit, to ensure they both met the safety standards and did not compromise the quality of Canadian workmanship, which is at the core of his riding. When we visited his riding in 2007, we had heard very clearly about how many Windsorites were losing their jobs as a result of knock-offs and bogus products being made. The member brought those very much to our attention and were part of the unanimous report on manufacturing.

He also raises today a very interesting point. When we are required, after a certain period of time, to destroy information, particularly if it is for students or for educational purposes, it conjures up images of the show *Mission Impossible* in the 1960s, where the tape would self-destruct in five seconds.

We have to find the balance on both the rights of those who produce these products and those who purchase them. There has to be a reasonable person test applied here. One would use that in the vernacular as common sense, something that we would certainly want to prevail.

However, the hon. member has raised an area that really speaks to the need to ensure that we have on that committee members of Parliament who have at least some background and some skill at discerning, through their own experiences, what appears to be unintended effects and unintended consequences.

I support the hon. member's concern as somebody who has seen this kind of thing being inserted, I am sure unintentionally. What he has raised is an example of what are many problems along the way. It is a good document, but it has troubles and it will require some severe amendments.

I would support the member's concern. I thank him for raising that because I am sure I will be hearing from him on the committee very shortly.

• (1540)

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Madam Speaker, as mentioned earlier, my colleague's wealth and breadth of knowledge on copyright is certainly respected throughout this House. He is one of the leading experts in the House on all matters with regard to copyright. His opinions on these issues are certainly well respected.

We obviously agree that the creators have to be recognized and compensated. Writers must be paid. With the current method, a writer would pick up about 10% of the cover price of a book and the other 90% would go into such things as publication, advertising and

distribution. A lot of writers realize the greater portion of their incomes from licensing agreements and collective licences through the various education systems. It has been a system that has worked fairly well. Teachers and students are able to reproduce some works, and there seems to be a degree of balance.

My concern is that with the new provisions under this bill, for anything that is deemed educational, anybody from a university professor to a golf pro who would be able to reproduce work. There should be some concerns around that. How does my colleague anticipate building a fence around that? How does he anticipate containing that as we go forward?

Where are there going to be assurances that the creators, the writers who are so essential to the whole process, are protected, recognized and compensated for their works?

Hon. Dan McTeague: Madam Speaker, the hon. member for Cape Breton—Canso has raised a very important and delicate area.

I believe that this legislation, despite its best intentions, was not drafted very well. It will probably create a number of objections in loose, unclear or awkward wording which might pit one group against another. That certainly should not be the intention. What we have to do is agree on a formal set of principles that we want enunciated here.

We do not want a situation where the minister talks about going after people who are infringers or, to use other terminology, wealth inhibitors and yet does not really take into consideration the absolute destruction and devastation that might ensue. BitTorrent or other companies that I have been made familiar with over the past little while, such as isoHunt, might be able to hide behind poorly drafted legislation.

The hon. member talked about the need to compensate authors and those who have created novel, new ideas, whether that be the outward expression in terms of their artistry, or songs, or art itself. It seems to me that we have to find the balance between those who have created and expect compensation for that creation and those who will use it for purposes that are not commercial.

In the case of education, we have to resolve once and for all the issue of institutions which use and disseminate information but do not pay. Perhaps we should be looking at another facility, and the existing one of the Copyright Board was used many years ago, to ensure there is some recognition for the use of material that takes into consideration the balance of disseminating information while at the same time ensuring that those who have provided information, innovation, ideas or thought are also appropriately compensated for the work they are doing.

This is not going to be an easy process. If the bill is not precise, loose language often leads to terrible and unforeseen consequences. The expertise of members on the committee is going to be so crucial, because there are a lot of problems with this bill, but it is a step, as I have said earlier, in the right direction.

The hon. member for Cape Breton—Canso has raised a number of very important critical concerns that go to the core of why the legislation as it currently stands needs to take into consideration some very important principles. I share with the member the concern that we have a long way to go.

Government Orders

•(1545)

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Madam Speaker, I come to this discussion on the proposed changes to the copyright law from the position of someone who had been in the classroom at one time in his life as a teacher always looking for opportunities to make the learning process relevant to those who were eager to get out of his class. In so doing, I and many of my colleagues used all the resources available to us. That meant going to those who make it their life's work to create new experiences. In the creation of those experiences, they have the right to profit from their genius, creativity and, indeed, the efforts of many who commercialize that creativity.

As a classroom teacher, I availed myself of many with that creativity. It was not always somebody who had the greatest piece of art or the greatest creation of an artifact or even someone who had written the greatest book. Sometimes it went so far, believe it or not, as picking a column out of a newspaper and giving people an opportunity to address all of the issues raised, how they were raised and how they should be addressed. In so doing, we actually photocopied some of these things and distributed them.

Now we are talking about an archaic age in communication. The consumption is still the same. Today we are in a digital age and Bill C-32 is an attempt for Canada to catch up to the digital age, not to enter into it. If one were to speak with young people, such as the pages in the House, they are experts and maybe we should have them stand up here and address these issues. We would learn a lot more from them than we are going to learn from members of Parliament.

We are good at identifying what the problems are, but they will give us the solutions. Why will they give us the solutions? It is because they have grown up and lived with the technology that we say is the new digital age. They are addressing the same problems that I addressed when I was a classroom teacher. High school students were always looking for a way to do something else because it is the nature of the age in that chronological part of our lives to be inquisitive, to look for solutions, to look for ways out, to look for alternatives.

When someone is a creator, the first thing we do is ask what we learn from that. Whether one admits it or not, that is really what one does. Teachers used to do that and maybe some university professors still do that. What we try to do is avail ourselves of the creativity of others. We do that in the classroom. We also do it in the arts industries, primarily music and the graphic arts industries.

Today, the digital age in which we find ourselves has made it much more easy and speedier to avail ourselves of somebody else's creativity. That is good, but in so doing we have been running the risk of eliminating the creator's right to profit from that creativity.

We know that modernizing Canada's copyright law is an absolute necessity. We have to catch up. Changes to the copyright legislation may also have to protect the rights of consumers. If we think for a moment about the example I gave, which is a personal example and I hope everyone will forgive me for it, the cost to educate the next generation of Canadians will be astronomical if every one of the classroom practitioners were to respect the letter of the law that prohibits a photocopy, or in this case, a file share. The cost would be

horrendous. It is a question of balancing the commercial cost and commercial benefits.

Bill C-32 appears to meet some of these challenges. One should not always say that an initiative is negative simply because the Conservatives raised it. That would be the safe thing to do, but the bill risks being undermined due to some of the provisions dealing with digital locks and the technological protection measures, which some of my other colleagues have referred to as TPMs.

•(1550)

It seems a contradiction to say that a person could fairly use copyrighted items for certain purposes, but that the manner used to obtain them would be illegal. That is true. We need to clarify what we mean by that, otherwise we will be spinning around in circles over and over again. The moment we put the legislation in place, someone will find a vehicle, an avenue or a way to get out.

If Canadians have legitimately purchased a CD, DVD or other product, they should have the right to use that medium or any other device as long as it is not for commercial gain, because the commercial gain is resident in the person, persons or company that actually created whatever it is that is going to be used or shared.

It would be a waste of taxpayers' money and a betrayal of the public trust if Canadians, and I am now specifically talking about young Canadians, were fined or charged because they wanted to watch a movie they purchased on a DVD. We get into a situation where we are going to criminalize many people who are taking some things for granted because we have never really said that such activities are or are not legitimate. We have not identified that we would infringe on the legitimization of those items.

Other groups have expressed these concerns too. It is not just those of us who have been teachers, are teachers, or who are parents of a teenager, whose hair will grow my colour; other groups have expressed concerns as well.

The Quebec bar association, for example, in a letter to the ministers of heritage and industry states that the bill is severely flawed. I do not know why it is that we as parliamentarians constantly conjure up solutions that are so deeply flawed that people who deal with this every day see the holes in it immediately. We do not come here and extol the virtues of actually doing something. Specifically regarding Bill C-32 bar association officials say first of all that it does not meet Canada's international obligations as it goes against the three-step test before granting exceptions without remuneration to rights holders.

Think what that means for a moment. It really suggests that people have not done their homework in terms of what it is that has to be done. International bodies have a particular test and we do not meet it. We have not done that elementary homework. They also say it raises problems of coherence with international and provincial legal text and is ambiguous in the treatment of the responsibility of Internet service providers.

Government Orders

Now we have the medium, but those who activate the medium or who make it possible for all of the creators to get on the medium are also liable. This legislation does not address their liability and their responsibilities accurately, currently and effectively enough. That is from a bar association. I am assuming its officials had to talk to some consumers and experts in the use of the Internet either for file sharing, for pleasure, for education, or for the conduct of business. As I said, they probably did not talk to some of the young people who are in this House.

It introduces legal uncertainty, and whenever we introduce legal uncertainty, we are encouraging litigation. As a piece of legislation, this body representing lawyers is saying that it is good for the lawyers because if this bill is passed, there will be more people knocking on lawyers' doors. We will hear the sound of cash registers. Well, nobody uses cash registers any more; that is another archaic reference.

● (1555)

It reminds me of my own dad who wanted me to become a lawyer. There were at that time 4,000 lawyers in the province of Ontario. I think there are now 26,000, so my dad would have been right. He would have said, "Even if my son is not very good, look at all the market that is out there looking for bad lawyers". It has increased from 4,000 to 26,000. Everybody is going to keep going ka-ching, as my colleague from Cape Breton—Canso said.

Those lawyers are honest enough. I realize some people would like to play with that, but those lawyers and those law associations are honest enough to say, "Pass the bill as it is and make us richer", because that is what we will encourage, litigation. It creates exemptions, they go on to say, that depend on conditions that are either unrealistic or impossible to verify. They speak about the amounts of moneys and energies that will have to be consumed in order to bring some of these items to a forum where litigation is the order of the day. Can we avoid that? They are telling us to.

It introduces a dangerously imprecise concept of education that I talked about a few moments ago, and fair dealing, because according to the bar association, one can expect several cases of litigation, given the way the bill is written, on education alone. My principal, before I became one, said to me, "Do not go copying any of this stuff. Do not go distributing it to students. Do not do this. Do not do that". "I have got a piece of chalk and a blackboard. Is that the way you want me to conduct my teaching?" "Well, we cannot afford to get sued." I would not get sued if I referred to a book. However, if I copy a page out of the book, I am in trouble. If I want my students to have something physically in front of them, how do I overcome this liability that I will incur the moment I stand up in front of the class and say, "Hey, isn't this really great? You know that guy; he had great ideas, and let us take a look at it" and go on from there. I am not going into pedagogy, because it was boring then and it is boring today.

My point is that education is still the same process. It is still the same. The media and the techniques may vary, and we cannot expose today's teachers to litigation or potential for same. That same bar association says it negates the collective exercise of copyright and favours individual litigation through impractical and unrealistic remedies. So thank goodness we have members of Parliament who

can read, because we actually read this material. Now we are looking at this proposed legislation in the context of some expertise from the legal side, but not from the technical side just yet.

The legal side says here is the ultimate test of unfairness. It removes remuneration from rights holders, thereby ruining the existing equilibrium between creators and users of protected material, contrary to the very objectives of the law. Certainly, if we want to make good legislation, we have to think that the legislation we propose and pass in this House has to meet that first test of balance so that it is fair for you, Madam Speaker, it is fair for me and it is fair for all those who come in between or who depend on us. It may not be the absolute thing, but at least it has to be a balance. It cannot be too much of one or too much of the other.

One can see that the bill tries to fix a problem introduced in and by the digital age, but we have been in this age for decades. As I said, these young pages were born in the digital age; they know no other. Yet here we are. We are trying to find a system that adequately compensates artists, because that is a word we have not used often in our debate so far. We have talked about creators, but really, they are artists, because that is the difference between a creator and someone who practises what has already been created. If somebody is artistic, it goes beyond the genius of a simple mathematical or scientific solution.

● (1600)

If we are going to find a system that adequately compensates these artists while recognizing the realities of the current world, this bill cannot be judged to work, and it will not work in the long term because that balance is gone.

The bill ignores the fact that people share files all the time. Ask any high school student, any university student, and we will receive a lesson, as I do all the time, on the latest file sharing techniques. There is always somebody out there who is smarter than the next person, and the moment one solution is imposed, somebody finds a different way to get around it.

The Conservative government aided in the creation of this file sharing culture. We might think this is good. Sure. But by not stepping in at the outset, the Conservatives implied that while file sharing might not necessarily be legal, there is no consequence to file sharing illegally. In other words, there is no consequence. No law is being broken if no law is being enforced.

Government Orders

There are people who are obviously interested. We have the advantage of these new technologies. A constituent of mine is following the debate today and says that it would be like a Brink's truck crashing and having all the cash fall out. At first nobody does anything, but eventually someone goes and picks up a bundle of cash, looks around, and there are no police officers. Other people show up. They pick up another bundle of cash. What do you do? You call the police. Of course that is the right thing to do, to try to enforce something. Meanwhile, a lot of people have walked away with a lot of cash.

That is why the government is implicitly culpable in the circumstances it is trying to address today. It has done very little to address the problems of the digital age when it comes to protecting the rights of artists and creators and balancing the rights of consumers and learners.

We need to create new business models not only as a government, but we need to engage industry so that it can provide those new models for us. Government needs to work with them as we move in a satisfactory direction.

Is there any example out there that we might use? The Apple iTunes that some people engage in, the 99¢ songs, is one example of the industry reacting in a positive way. I note that there are a lot of others. These ideas must also be encouraged.

Some of my colleagues have talked about mashups, statutory damages, public exhibition of arts, resale of arts, recordings, et cetera. These are the items that some of the stakeholders raised, some who have visited me in my riding office and some who have lobbied. There is a word that is not always a legitimate word to use in anything, but they have lobbied members of Parliament from all parties to give them a sense of what is involved, to give them an education about the best way to handle these problems as proposed by Bill C-32.

As a member who has been here for some time, I am constantly impressed by individuals who come with the infusion of a new idea and want to be able to resolve this. I listen to them as all members in this House of Commons tend to do and should do. I often wonder why it is that the government does not follow the same thing. It is a tried and true road to success. The government needs to listen to the people who are creators, listen to the people who are artist creators, listen to the distributors, listen to those who commercialize and manufacture, listen to the consumers, listen to the experts on the material and listen, as I have tried to do, to those who have a legal framework into which we place all of it.

All of this is to say that if we are going to have to support an initiative of this nature we need to give it more careful study, and we are going to study this more carefully.

• (1605)

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Madam Speaker, I greatly appreciate the comments by my colleague from Eglinton—Lawrence. We have to realize that Bill C-32 is basically the third attempt to update Canada's copyright laws in the last six years.

The legislation has remained untouched since 1997, and the Liberal government attempted to update the legislation in the dying

days of the Paul Martin regime with Bill C-60. Therefore this is a similar type of bill.

The Conservative government introduced Bill C-61 nearly two years ago but had to withdraw the bill in the face of widespread criticism that it was too cumbersome and too closely modelled on the restrictive U.S. DMCA, the digital millennium copyright act.

At first glance, Bill C-32 appears to strike a balance between corporate and consumer interests. However, my colleagues on the NDP side and, from what I can understand, also my Liberal colleagues are raising some concerns with respect to whether or not the bill actually does what it should be doing. I hope the Liberal members are true to their word with regard to their concerns and when the bill gets to committee they will actually be honest about wanting to change the problematic areas of the bill and will not look at passing a bill that is still going to be defective.

In looking at Bill C-32, we see that it treats breaking of digital locks for personal use the same as if the lock were being broken by commercial counterfeiting. I am trying to get some sense if the member is in agreement with me with regard to whether or not this is politically problematic, as it potentially pits artist groups against students and educational organizations.

I know the member spoke about the education aspect of it and whether we should actually be trying give criminal records to our students. I guess that is the bigger question. Should we be treating our students like criminals?

The member talked about the teachers and whether or not they should be destroying those notes. So again it is the cost to the education process.

Hon. Joseph Volpe: Madam Speaker, I hope my colleague will forgive me if I was reading while she was also making a comment. The reason I was reading is that a page handed me a faxed sheet from a major employer in the educational field in southern Ontario. The present CEO happens to live in my riding and he said, "I have been watching with great interest the introduction of this bill. It has an enormous impact on our company". I am summarizing. "We employ some 250 people. In education this would create a serious problem for us, in all of the full range of the materials that we utilize and we sell to school boards and to teachers".

The member's question is absolutely apropos. It should not be anyone's intention to turn students into criminals, nor should it be anyone's intention to turn teachers into criminals for sharing some of the artistry, the creativity of others, in a learning process.

We need to be able to come up with the definitions that make sense in the real marketplace. We need to come up with the definitions and the legal parameters that make sense from, in this case, the producer's point of view and the consumer's point of view. They both live, economically, in the same environment and we need to strike that appropriate balance.

I think the member can count on members of our caucus to make sure the debate goes in that direction.

Government Orders

• (1610)

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Madam Speaker, this has been a very worthwhile debate. For anybody who has been following the debate today, I think a number of great points have been brought out. My colleague from Eglinton—Lawrence has on several occasions referred to balance, which is the essence of what is important here.

As taxpayers, it is important that when we look at our education dollars, we can see that a portion of those education dollars need to go to the physical structure, the heat, the lights, the roof overhead, the desks, and the materials that come in, and a portion toward the salaries of the teachers and the administration. Those are all relevant parts of the education dollars.

One per cent of those education dollars goes to the collective licensing for those who create those materials. It is imperative that we protect those writers who create those materials.

What does my colleague see as the cautionary principles or the types of parameters that we will be able to put around this to ensure that the creators are protected, recognized and compensated?

Hon. Joseph Volpe: Madam Speaker, my colleague from Cape Breton—Canso has put his finger right on it.

School boards, universities and libraries around the country think in terms of what portion of their budget they ought to allocate to the rights of creators and artists. We call those licensing agreements for legal purposes and those licensing agreements must carry a particular value. They permit anybody in that educational library or information dissemination industry to share that creation and, when they do, they think in terms of the obvious limits. They constantly upgrade their product.

We can see that it would be unrealistic, let us say a generation ago, to buy a textbook, seal it in Saran wrap or some such other thing, give it to someone and say, "I give it only to you. Once you have taken off that wrap, then it belongs to you. You cannot give it to anybody else. If you share your book with another student, the book self-immolates, it burns".

That is essentially what we are asking these digital locks to do, which is to prevent somebody from actually opening that book. When people open it, they will actually read it and consume it. Whether the individual is standing or sitting beside them as they read this book or whether we send it to them and say that they can borrow the book for a week, it is the same concept.

As my colleague from Cape Breton—Canso has so rightly pointed out, we may need to revisit some of these licensing agreements as the infrastructure for the digital lock problem from the point of view of educational institutions.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, the government has been arguing that it has to follow the United States model because of the WIPO, World Intellectual Property Organization, Internet treaties. However, the reality is that of the 88 states in the world that have ratified the WIPO Internet treaties, fewer than half of them have actually adopted the U.S. model.

Why is the government attempting to steadfastly follow the American model when only half of the 88 countries that have ratified

the treaties have in fact followed the American model? Could it have something to do with the entertainment lobbyists in the United States, the recording studios and maybe even the United States politicians themselves having influence on the Conservative government?

• (1615)

Hon. Joseph Volpe: Madam Speaker, I would enjoy the opportunity to engage in some mirthful repartee here but the member is asking me to attempt to justify the government's positioning and thinking on this. I always find that a difficult exercise, not being a Conservative by demeanour and certainly not being so by ideology.

A strict fact of life that my colleague will know is that the creative community is no longer completely, almost homogenously, contained in the United States. It is a very creative environment but it is not exclusively so. There is great competition in the many states of Europe and even more in the emerging and increasingly commercialized China, India and Southeast Asia.

One might say that we are doing great damage to those countries in Latin America and South America that have their own creative geniuses that we have not recognized. Many of them are also engaged in producing creations that have a trans-world application. Why the government seems to follow singularly and exclusively an American model is beyond me. There are other people who have—

The Acting Speaker (Ms. Denise Savoie): Resuming debate. The hon. member for Algoma—Manitoulin—Kapusksing.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP): Madam Speaker, I was really enjoying what my colleague had to say and it is unfortunate that he ran out of time.

I am glad to join in this debate and add my thoughts on an important issue for Canada and for Canadians. The effects of this legislation, if it becomes law, will be felt throughout our economy and society. Therefore, it is important for us to ensure that Bill C-32 lives up to its billing as a balanced Copyright Act.

I am certain that all of us in this place have a desire to get it right this time since it is the third time in five years that Canada has tried to modernize its Copyright Act. Not even the Liberals before that could get it right. It is something we promised to do when we signed on to the WIPO treaties in 1997. Again, WIPO stands for World Intellectual Property Organization. This is an issue with a lot of stakeholders. It might be tempting to look at it as a debate over the rights to one specific item, like music, but that is too simplistic.

Music is a useful example because it shows us many of the ways this legislation will be tested, but there are arts communities, educators, students, corporations, technological innovators, entrepreneurs, a vigorous open source community and nearly every Canadian involved in his or her role as a consumer that need to be considered too. That is not a complete list but it shows us how many diverse and, in some cases, opposing opinions need to be considered when we talk about the modernization of Canada's copyright laws.

Government Orders

It is easy to see why we need to do this. The technology available today has made our existing laws almost obsolete. The laws we have are suitable for another era. The last time we updated them, computers did not have the ability to hold much information. The Internet was still new, slow and not as diverse or complex. There was not a reliable or standard format for digital music beyond the CD. It was a time when a lot of us still had cassette players and some of us still had eight-track players in our cars. That was only 13 years ago. Let us fast forward now.

[*Translation*]

Now in 2010, we can see people using public transit watching a television program from the night before on electronic devices no bigger than a cassette tape. We see others listening to music on digital devices that can hold hundreds of songs. It is clear that the memory capacity of these devices has improved considerably compared to the cassette tapes we listened to 13 years ago. It is also clear that advances in digital technology have already gone beyond the scope of the existing version of the Copyright Act.

● (1620)

[*English*]

As I have mentioned, this is not the first attempt by the government to update the Copyright Act. Canada needs to be brought in line with advances in both technology and current international standards. The issue is not simple and yet it must be addressed since it is at the heart of Canada's ability to be a competitive player in our increasingly technologically-defined world.

Ever since Canada signed the World Intellectual Property Organization Internet treaties, we have been on a collision course with the revamping of our existing laws. It is our commitment.

While it is important to protect the rights of the biggest players in the industry, such as movie studios, record labels, gaming and software companies and the like, it is also important to protect the individual artists, educators and consumers. We need to recognize the way in which people choose to consume copyrighted work and to have legislation that reflects this.

As we saw from the American prosecution of Napster, using the courts to fill in gaps in existing laws can become a bit like a game of WHAC-A-MOLE. We learned from that experience that the desires of the consumer will not conform to approval formats. If we close down Napster what happens? We get different file-sharing sites. I can see how this would drive some stakeholders crazy but it also illustrates how every battle won may not have a happy ending and that emerging technology can have the ability to expose loopholes in copyright legislation.

New Democrats are happy to be having this debate and see in Bill C-32 some good measures along with some that need improving. It is our hope that we will be able to roll up our sleeves and make the fixes that will allow this legislation to ultimately pass.

For many people, the sticking point in Bill C-32 is the overarching power given to digital locks. Copyright activist, Russell McOrmond, says:

All of the comparatively positive aspects of the bill are nullified by the legal protection of technological measures, including by allowing these all too often

abused technologies to supersede and effectively replace the rest of the Copyright Act.

Digital locks exist. It is a phenomenon that has been accepted in some things and not others. People buy and use locked items now, such as video games, DVDs, software and so on. They are not really the issue. It is the legal power they will have and how that power is greater than it needs to be that is the issue.

This update treats the breaking of digital locks for personal use the same as if the lock were being broken for commercial counterfeiting. We do not do that in other areas. We do not treat a first-time shoplifter the way we do a bank robber. Why should we penalize a kid posting a mashup on YouTube that uses previously locked material the same way we would a real video pirate?

It was hoped that Canada would not go as far as the United States has with its digital millennium copyright act. We see in the United States a desire to criminalize the consumer and exact punishing fines that is too heavy-handed. We have concerns about emulating too much of the American position when it might not be necessary.

In the long debate leading up to this current update, we heard that Canadian musicians and songwriters reject lawsuits against individuals as a way to protect their material. They did not want to bring new meaning to Joe Strummer's *Jail Guitar Doors*. In fact, there are some musicians who see little value in trying to sell their work. A lot of artists in Canada release their own music online for free. They might use a Creative Commons licence to do this.

If the music is shared for free by others, with the owner's permission to do so, would it still be legal? I would be interested in hearing the answer to this question, since it will have an effect on the legitimate business practice.

For the artists who use a Creative Commons licence, they see their products as advertising and a way to get people out to their shows. The new reality in the music business is that the money is to be found at the box office and not in the record store.

● (1625)

This update goes some of the way toward distancing Canada from the kinds of fines we have seen in the U.S. for consumers who download copyright material. The government tells us that it does not want to punish individual users. It wants to focus its deterrence and enforcement efforts on distributors and large websites that illegally host copyrighted content.

Government Orders

The fact remains that provisions in the legislation, especially the power given to digital locks, can lead to prosecution. Fines might be reduced from a maximum of \$20,000 per copyrighted work to a one-time maximum penalty of \$5,000 in situations in which copyrighted works have been illegally accessed for non-commercial purposes, but there are a lot of ways this can be interpreted.

We need to ensure the law does not prescribe excessive force when it is not needed. This update creates new limited exceptions to the fair dealing provisions of the Copyright Act, including exceptions for educators and exceptions for parody and satire for which Canadian artists have asked.

For educators, it is problematic. They will have to determine what these exceptions mean for materials used in the classroom. We have heard this on a number of occasions today with respect to educators.

There are also new regulations for materials distributed for distance learning and a requirement to destroy those copyrighted materials 30 days after the class has ended. One would have to get another copy to go back and re-read something. This will not make sense to many Canadians. It runs counter to most of our experiences.

Truth be told, there is more in the bill than I could cover in the time allotted to me. For example, there is a section that deals with those who do cover work. For a performer who makes a living by interpreting someone else's work, this is an important consideration as it is for the artist who has created the work on which the performance is based. Still, I would hope this does not extend to the average garage band that might make a few bucks here and there and basically learn the ropes by playing other people's songs. It would be something like charging a kid in minor hockey for emulating an NHL player's moves on a breakaway. Again, it would go against what Canadians would see as being both right and fair.

I will focus on the larger issues and leave the fine details to the work of the committee. I have outlined one already with respect to the power given to digital locks, and I will explore one more.

The bill effectively would end the copying levy on blank media by not including music-playing devices like iPods as the natural next in line to older forms that were taxed, such as CDs and cassette tapes. The legislation would end an important revenue stream for artists and would ignore the way that technology has changed, the very thing the bill is supposed to do.

On that note, I am sure that many of my colleagues here have been lobbied by some of these artists who have indicated that this is an important part of their ability to continue to be an artist and get a little revenue for what they have done. The exclusion of this provision sends the wrong message. We are really missing the mark if we do not include some kind of compensation to recognize the way these devices are used and the way that music, ebooks and other forms of digital art are shared. Without such a measure, we are cutting artists out of the mix and ignoring the reality and purpose of the current technology. We did not do that for previous forms of blank media. I ask the government this. What is so different about things like iPods?

If we want to hear an authoritative voice on this subject, we can listen to my colleague, the member for Timmins—James Bay. He is both a recording musician as well as an author and knows a thing or

two about copyright from the perspective of an artist. Recently he was a featured guest at an American conference discussing the issues of the digital culture and the music industry.

● (1630)

To give members and idea of the importance of this event, T Bone Burnett addressed the same audience. Mr. Burnett also knows a thing or two about the music business. A musician and fabulous producer, he has worked with notable Canadians, like k.d. Lang and Bruce Cockburn, as well as international stars like Elvis Costello.

He has been nominated for an Academy Award for his work on film scores and is active in the search for a better way to present digital music than the current formats that are dramatically less responsive than the album format we have largely abandoned.

All this to say, the member for Timmins—James Bay, one of my colleagues from the northern team, is in good company as a stakeholder in this debate. The member has this to say about extending the blank media levy to the new music playing devices, “In a world of endless downloading, we need to provide a monetizing stream for artists...the levy is compensating artists for some of the enormous amount of copying that is taking place”.

It is fair to say that the New Democratic Party's position on copyright is based on the principles of compensation and access. It reflects our belief that artists need to be paid for their work and consumers should be able to access these works with the least amount of restrictions.

I want to go back and quote a few things from Dr. Jeremy de Beer. He raised this issue in his study of Bill C-61, of which Bill C-32 is a re-enactment. He stated that the digital rights provisions were:

—a poorly veiled attempt by the Government to strengthen the contractual rights available to copyright owners, in the guise of copyright reform and the implementation of Canada's international obligations. Future iterations of Bill C-61 that do not take the fair dealing provisions of the Copyright Act (and the overall scheme of the Act) into account would also likely to fail constitutional scrutiny.

There is some grave concern with respect to the constitutional scrutiny that the bill would actually have in place.

The copyright reform must be based on a willingness to work collaboratively to amend the many outstanding problems with the legislation.

As I have indicated, this is the third time there has been an attempt to update Canada's copyright laws in the last six years. The Liberals could not get it done with Bill C-60. The Conservatives could not get it done with Bill C-61. We hope that with Bill C-32 people will want to work together to address the problematic areas in the bill in order to ensure artists have legislation that will work.

Government Orders

We will see the bill through to committee with the hope that it can be improved so it will reflect the belief and be able to give Canadian copyright law the update it really needs.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I think people watching at home are very surprised to hear that Bill C-32 would require teachers and students to destroy digital lessons 30 days after the course concludes. That will be a big surprise to a lot of people. In addition, Bill C-32 would require librarians to ensure that intra-library digital loans self-destruct within five days of first use.

Could the member confirm that this is the case with Bill C-32 and does she think that is fair?

Mrs. Carol Hughes: Madam Speaker, the member is absolutely correct. People have a reason to worry about what the legislation would do if it was unamended.

The fact is we do not want to treat them like criminals. We want to ensure they will not be charged. We want to also ensure they have access to the materials that foster the future of our country, which is our young people. It does not make any sense to instill penalties on the work or the tools that they need to do the job.

As far as I am concerned, these areas really need to be amended. I hope the government side will see fit to make those necessary changes.

• (1635)

[Translation]

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Madam Speaker, I would like to ask my colleague from Algoma—Manitoulin—Kapusking a civilized question.

[English]

I listened to my colleague's speech. She was very courteous. She has listened to everybody else's debate in the House. I thought she had some very good insights.

Her concern centred specifically around the one provision about locked in measures that would prevail, whether we were talking about video games, or information of great value or creative pieces.

She has indicated that her party will support the bill at second reading. I did not hear anybody say that before. I deduced that from her suggestion the bill would be scrutinized at committee and the only way it could get there was if someone supported its passage and direction to committee.

That seemed to me to go a bit beyond saying that this was a really bad bill that should be eliminated on the floor of the House at second reading. The other position is that it is really bad but we should send it off to committee in an environment where coalitions develop. The government is always looking for a coalition partner. Perhaps it will find somebody on committee to support it.

Did I hear that correctly? Does she really want some co-operation in committee to effect a bill that actually makes sense other than this one?

Mrs. Carol Hughes: Madam Speaker, I am not the only member of the New Democratic Party who has indicated we are willing to move the bill to committee so we can look at the problematic areas.

My colleague has also indicated that his party was willing to work with it as well.

He also mentioned a coalition, which surprises me. People are getting a little tired of hearing the government side always referring to the coalition. There is no bigger coalition than the Liberals and the Conservatives. The Liberals either vote in favour of what the government does and gives it the majority it needs, or they do not show up to vote. Then they turn around and say that they voted against it, but in the meantime they sent some members out the chamber.

I want to talk about the digital locks. The digital lock provisions in the bill make a mockery of any claims of balance. The government claims to be providing new exemptions and rights, fair dealing of educational uses, reproduction for private purposes, making backup copies, copying rights for the printed disabled and the so-called YouTube mashup provision. If there is a digital lock in place, an individual will be criminalized if he or she tries to use these rights. These sections need to be fixed.

Proposed section 41 lays out technological protection measures, which supersede the rights of citizens who would normally be able to enjoy the non-digital realm. Bill C-32 offers rights that the consumer will not be able to exercise.

It is quite important to see what is in the bill and what needs to be changed. The government is creating a two-tier level of rights between digital and non-digital products instead of legal certainty. Canadian citizens will face arbitrary limitations on their legal rights to access.

As I have indicated, the NDP is supportive of moving this bill to committee. The committee will then decide on what amendments to make to it. The seriousness of this is whether or not the Liberals and the Conservatives are willing to work at fixing the problematic areas to ensure that educators, students and some of the artists are not made criminals.

• (1640)

Mr. Jim Maloway: Madam Speaker, I have a question for the member.

The Conservatives have indicated that they are forced to, in effect, follow the American approach to the WIPO Internet treaties and the digital locks by virtue of the fact that they have signed the treaties. The fact of the matter is that 88 states in the world have actually ratified the WIPO treaties, with only half of them actually supporting the American approach.

The question I have for the member is whether she believes that perhaps the government is being overly influenced by the American movie lobby and business lobby, and perhaps even American politicians, to get their version of what should be a proper agreement in force in Canada.

Mrs. Carol Hughes: Madam Speaker, it is evident that we should be following the WIPO approach.

Certainly we can look at some of the language that is in there, but does Canada have a plan to review new exceptions every three years? The answer is no.

Government Orders

The U.S. DMCA experience leaves little doubt that the introduction of anti-circumvention legislation will create some unintended consequences. No matter how long the list of circumvention rights and other precautionary measures, it is impossible to identify all future concerns associated with anti-circumvention legislation.

So they are committed to looking at it every three years. It does not appear to be in the plan of the government.

I thank the member for the question.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I am very pleased to rise today to speak to Bill C-32. I listened to a lot of very good presentations today regarding this very important bill.

At the outset I would like to say, following up on the previous member who spoke and the NDP critic who spoke to the bill this morning, that members of the NDP will certainly be supporting this bill going to committee. We support it in principle. It is a outstanding issue that has to be dealt with by Parliament.

In many ways, I hope it follows the route of Bill C-11, the immigration bill, which basically proved to be successful at the end of the day with the help of all four parties in the House. We have the potential to follow that route with this bill. Some of the concerns that were raised today by the NDP critic in debate were responded to by the minister of the government.

It appears to me that there certainly seems to be an interest on the government's part in working with the NDP critic and our party, and I believe, the other parties as well, to try to work out perhaps even an all-party agreement on this legislation. I really do not feel that we are that far apart.

Speaker after speaker has concentrated on really, more or less, the same issues. Some issues were not addressed, but by and large, the same issues came up over and over again. So it is incumbent upon the government in committee to resolve those issues, and perhaps before Christmas, Parliament will have a second successful bill as opposed to having it end up not going anywhere.

The government has certainly had ample experience over the last five years with bills it proposed going nowhere because it is in a minority situation and knows that all it takes is for it to bring forward a bill that the opposition does not agree with and the bill will not be successful. That is really the end of its effort.

I recognize that we have only 20 minutes to discuss this matter and I do not know that it will be sufficient. Nevertheless I want to deal with some of the issues involving Bill C-32.

Canada's technological community has long been calling for a major overhaul of the Copyright Act to bring fair and balanced copyright legislation to this country. The act has not been reviewed since 1997. I think back to those days 13 years ago and realize how the technologies have changed during that period. It is tremendous.

John Manley was the minister and Jean Chrétien was the prime minister in a majority government. How and why the Liberal government of the day, a sort of command style government with an absolute majority, could not get this job done seems a bit surprising

to me. Nevertheless it did not do it. That might be indicative of how controversial it actually is and how many players are involved.

I recall a number of years ago, in 2000, when I was involved in putting together Bill 31 in Manitoba, the province's Electronic Commerce and Information Act. That was internal to the government. We had to sit down with four or five government departments that were dealing with electronic issues. The Uniform Law Conference had a template that we could follow. Just trying to get those silos, those departments within a provincial government, onside proved to be fairly difficult, although we did get the job done.

In this case, it goes way beyond the government, because we are dealing with many competing forces within the country itself. The Liberal critic pointed out this morning how substantial this area is in Canada in terms of jobs and employment and the large part of the economy that is involved.

● (1645)

The Conservatives' copyright modernization act seeks to enact long overdue changes that would bring Canada in line with advances in technology and current international standards. At the rate we are going and with the technology changing, we are never going to catch up unless we get this job done now.

The issue is highly complex. It features competing demands from stakeholders and the artistic, academic, business, technology, consumer rights and communities. We have heard conflicting views from a number of them even today. However, it is a top priority and a multi-faceted issue that the government must take on if it wants Canada to be a competitive player in our increasingly technology-reliant world.

When Canada signed onto the World Intellectual Property Organization, or WIPO, Internet treaties in 1997, 13 years ago, it committed then to modernize its copyright legislation. Before Bill C-32, two other attempts were made to enact legislation that would achieve the goal, most notably in 2008 when the Conservative government brought forward Bill C-61 and that bill was met with widespread opposition. It died when Parliament prorogued in 2008.

Bill C-32 is designed to be technology neutral, which is a very good way to deal with it, because if we do not do that we will be dealing with technology referencing typewriters or old technology from many years past. Taken forward to the future, 20 years from now people will not be understanding the type of technology that we are dealing with in the bill right now. So we have gone to a technology-neutral position that applies across a broad range of devices and technologies with a view of ensuring adaptability to a constantly evolving technology environment.

During the summer of 2009, as the minister referenced, Industry Canada held a series of nationwide consultations on copyrights, soliciting input from Canadian consumers, industry experts and content developers. During the consultations, the most discussed and most contentious issue was digital rights management, including the digital locks, which has been talked about by many speakers today, anti-circumvention measures and TPMs, or technological protection measures.

Government Orders

User rights advocates made it clear that they wanted to see the government expand the fair dealing provisions in the Copyright Act and provide more exceptions for consumers. In Canada, fair dealing as defined by the Copyright Act is more restrictive than the fair use provisions in the United States, particularly with regard to education and teaching. It refers to uses of content that are considered valid defences to copyright infringement, such as for purposes of criticism and review, news reporting or educational use.

While user rights appear to have been taken into some consideration in drafting the bill, Bill C-32 is fairly heavily weighted in favour of the rights of content owners. I reference Sony, Hollywood studios and so on and have asked the question about the influence of the Hollywood lobby, the American political lobby on the Canadian government to come up with a solution that they basically approve of.

The Conservatives laugh and say it has taken six years and obviously they are not responding to any pressure because had they responded to pressure they would have done this a long time ago. What matters here is that the American government and American business interests want to see a piece of legislation that fits in with their legislation, because they see this as a continental market. I have explained before that of the 88 countries that have approved the WIPO Internet agreements, only half of them follow the American model. The other half have a lesser approach than the American system of supporting digital locks.

The government tries to bamboozle us by telling us that we have to give industry the digital lock provisions because we are following the United States, following WIPO.

• (1650)

However, half the countries that have approved and ratified these agreements are not following the digital lock procedures the way the Americans are. Let us understand that from the beginning. We do not have to go holus-bolus, cap in hand, following on the trail of the Americans, contrary to what the government would like us to believe.

The government has stated that its aim in updating the Copyright Act is not to punish individual users, but rather to focus its deterrence and enforcement efforts on distributors and large websites that illegally host copyrighted content. Of course we agree with that. No party in this House wants to be causing grief to the citizens of Canada. There is no question about that at all.

The copyright modernization bill contains three broad categories of changes that Internet and e-commerce law expert Michael Geist termed sector-specific reforms, compromise provisions, and no-compromise rules regarding the DRMs.

The sector-specific reforms are designed to appeal to a wide cross-section of Canadians and include measures that extend the term of copyright for performers and producers to 50 years from the time of publication of a musical performance. They also create a new "making available" right in accordance with the WIPO treaties. This measure will give copyright owners exclusive control over how their content is made available on the Internet.

It also introduces a mandatory review of the Copyright Act, to take place every five years. It is important to have a mandatory

review every five years. Even though the bill itself is technologically neutral, things may change in five years, and it is important that we have the ability to require the government to do a review after that point.

Bill C-32's compromise provisions will formally enshrine commonplace grey-area practices that enable users to record TV programs for later viewing, as long as they do not compile a library of recorded content. That is called time-shifting. I know that some people are not going to be happy with this. There are people who like to use their PVRs to copy programs and want to be able to make copies of those and record them. But they are not going to allow people to compile a library of recorded content.

The provisions regarding transferring songs from CDs to MP3 players, called format-shifting, and making backup copies create new limited exceptions to the fair-dealing provision of the Copyright Act. These include exceptions for educators and exceptions for parody and satire, which Canadian artists have been asking for. Bill C-32's compromise provisions will create an exception for content creators that would enable the circumvention of DRMs for the express purpose of reverse engineering for encryption research, security testing, perceptual disability, and software interoperability.

It would also introduce a new YouTube exception that would allow Canadian users to compile clips of copyrighted works into a remix work, as long as it is not created for commercial purposes.

I also want to point out that no one here today has mentioned that this legislation will also give photographers, for the first time, the same rights as other creators. I listened for that all day long and I did not hear anyone mention it. Photographers should be happy, because for the very first time in the history in Canada they will be given the same rights as other creators.

Bill C-32 also creates a new exception for broadcasters to allow them to copy music for their operations.

In addition, it creates a carve-out for network locks on cellphones. This is another one that I think is going to be popular. One of our members actually introduced a bill regarding cellphones, but understand that we are talking about network locks on cellphones. Right now we are stuck with a network when we buy a cellphone. The locks are going to be taken away, and Canadians are going to have the right to unlock their phones. I think people are going to be happy with that if they want to switch carriers, as long as they abide by the providers' contract terms when they make the switch.

• (1655)

There is also a reduction of statutory damages from a maximum fine of \$20,000 per copyrighted work to a one-time maximum penalty of \$5,000 in situations where copyrighted works have been illegally accessed for non-commercial purposes.

Government Orders

The government touts this reduction of penalties as a progressive, positive change. However, if we read Michael Geist's work, he argues that this is not going to be the effect, that it is not going to work, that we are creating legislation that is going to produce a lot of litigation.

Our critic mentioned that artists have better things to do with their time than hire lawyers. Therefore, the bill is going to be good for lawyers. But if we are talking about little artists who are trying to practise their trade, the last thing they are going to want to do is hire lawyers to track down people who are infringing on their copyrights.

Perhaps we have to take another look at the whole issue of the fines. Perhaps we ought not to think that, because we are reducing fines from \$20,000 to \$5,000, we have solved the problem. Michael Geist, who is a recognized expert in this area, has made a convincing argument that this is not the case.

Finally, the copyright modernization act contains no-compromise provisions that are likely to have a huge impact on the way Canadians obtain, use, and share copyrighted content. These include measures that create powerful new anti-circumvention rights for content owners like Sony and other big companies, as distinct from the creators and the developers, that prevent access to copyrighted works on pain of fines of up to \$1 million, or five years in jail. This measure is based directly on the United States' controversial Digital Millennium Copyright Act, the DMCA, and that is one of our criticisms of the bill. The government is slavishly following the American model as opposed to following the 88 countries in the world that are not following the American model, that have separated from the American model, and have gone easier on the digital lock issue.

An immediate result of this provision would be to convince the United States, and particularly its powerful entertainment lobby, that this country is in line with U.S. regulations and is an attractive and secure place to conduct business.

I think that is what it is all about with the Conservative government. It wants to convince the Americans that we are a good, safe market, with the same standards that they have, so that they can come and do business with us. Instead of this, the government should be looking out for our citizens.

The foundational principle of the new bill remains that any time a digital lock is used, whether on books, movies, music, or electronic devices, the lock trumps all rights. So what is the point of giving people all these rights if we simply take them away by making sure that the digital lock trumps all these new rights?

This means that both the existing fair-dealing rights and Bill C-32's new rights all cease to function effectively so long as rights-holders place a digital lock on their content or device. It would also require that, where a digital lock exists, digital copies made for the purposes of self-study self-destruct within five days, and that course materials be destroyed no later than 30 days after the conclusion of a course. What good is that?

We have had speaker after speaker criticize that provision of the bill.

Perhaps I can deal with the remaining points in the question-and-comments period.

• (1700)

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, there were some good points made in the member for Elmwood—Transcona's presentation. I agree with his point about a failure to act. We do not want to hurt those who create the work in this country. But if we pursue a course of inaction, if we do not adapt our laws and regulations, we will continue to hurt this group. Our singers and songwriters are being disadvantaged right now.

Recently, I saw some comments from Warner Bros. that it now has only half as many Canadian acts signed as it did five years ago, that it is not able to put its money into artist development, and that it is not able to take chances on young up-and-coming artists. A failure to act would have a tremendous negative impact on young artists.

I will speak specifically about writers and authors, those who write and provide content within our school system. There is a great deal of concern about the compromise on the collective licensing; it is feared that there will be no revenue stream for those writers. Only about 10% of the revenue received from the sale of books goes to the authors. They realize a great deal of their own personal income from licensing agreements through the various education ministries.

I think it is imperative that, as legislators, we do not throw the baby out with the bathwater, that we ensure that those people who write, who provide the content, are looked after in this legislation.

I would ask my colleague for his insights and suggestions on how we are going to do this as we go forward with this bill.

Mr. Jim Maloway: Mr. Speaker, I think we have to pass this bill into committee, which I think will happen. Then the committee should take a thorough look at all of the 88 countries that have passed the WIPO Internet treaties to see how they have structured their agreements and legislation. We should contrast this information with how the Americans have structured their legislation around digital locks, because the digital locks seem to be the key to this bill.

Clearly, it is not as the Conservatives say, that we have one option, that we have to follow the American system because that is part of signing the WIPO agreements, that because these digital locks are part of the American system they also have to be part of ours.

We have to take the time to look at Australia and other countries. Half of the countries that have signed the WIPO agreements have legislation different from the American version. The Americans lost that battle; they lost that argument, and rightly so. The world does not have to follow in lockstep with what the Americans want. Just because their industry wants digital locks, that does not mean everybody has to follow suit. Half the countries have not.

So let us look into this in committee and see if there is any way that we can get something that is a little more user-friendly and a little lighter on the lock issue.

Government Orders

● (1705)

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP): Mr. Speaker, before I ask my colleague a question, I want to correct something I said a while ago.

I mentioned that the bill being tabled, contrary to the United States legislation, did not have an avenue in place for a mandatory review of the Copyright Act. However, in reviewing the bill, I see that it does have that. It is a five-year as opposed to a three-year, which is what is in the United States.

My colleague talked about the digital locks and the importance they would have to artists and students, as well as the impact on someone charged based on this legislation. We certainly do not want to make criminals out of teachers, artists or students.

I want to address a serious problem with this bill regarding the number of previous revenue streams for artist organizations that appear to be undermined through exemptions and changes. The most noticeable impact is the government's decision to not extend the private copying levy on not just CDs but ebooks, iPods and other playing devices. This has been a good revenue stream for the artists.

Maybe my colleague could indicate whether he has been lobbied by some of the artists and whether some of them have called or emailed him on this issue. It is a big issue for the artists not only within my riding of Algoma—Manitoulin—Kapusking where I happen to have a lot of artists in the area, but across the board.

Perhaps the hon. member could also talk about the New Democrats' position on copyright on the basis of principles and compensation to access.

Mr. Jim Maloway: Mr. Speaker, our critic, the member for Timmins—James Bay, explained this very well in his speech. In fact, artist compensation is a very important component of this whole equation. He took considerable time this morning to explain how, as technology changed, people in the country were alarmed that a certain business model was coming to an end, but the companies adapted.

Years ago the Pony Express delivered mail across the United States. When the telegraph came in that put it out of business. When the telephone came in it replaced the telegraph. The one constant is that technology will change and we need to adapt to the new technology.

The key is to not tie ourselves up in litigation by bringing in legislation that will involve all sorts of lawsuits and lawyers. The idea here is to facilitate commerce so that the public is well served, but the artists get their fair share of compensation as well. That is the whole idea behind having a workable piece of legislation in this country. I think we can do it if there is a will on the part of all parties to work together on this when it gets to committee. I know the Bloc has some serious issues and I do not know whether they can be resolved. Even in our case I do not know whether we will get all of our issues resolved.

. However, if we are positive about this and move forward, hopefully we can follow what we did with Bill C-11, the immigration legislation, and get a successful conclusion.

● (1710)

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, I am pleased to speak to Bill C-32, An Act to amend the Copyright Act.

There is probably no bill in this House that has occupied more parliamentarians' time than this one, not just in this particular session of Parliament but in previous sessions of Parliament. We have debated and debated this issue but we cannot seem to get it right. There have been several bills in the past, introduced in previous sessions of Parliament.

We have read the bill and we have serious concerns with it. However, we think it merits going forward to committee where it can have the proper study, the proper hearings and we can hear from the stakeholders groups and hear their concerns. We have already heard mixed reviews of the bill from different groups.

We want to see how we can make this bill a better bill for all Canadians. Canadian artists and consumers across the country are demanding action on this very important issue and they are looking to all of us for leadership. It is unfortunate that we have taken so long to get this legislation on track.

In Canada, we are in midst of a transition to a digital economy, which has a profound effect on our cultural industries. Our aging copyright laws have received international criticism and the longer we lag behind global best practices the more Canadian artists and Canadian consumers lose out.

We believe it is time for Canada to implement fair and balanced copyright modernization in order to balance the needs of creators and consumers.

We in the Liberal Party feel there are some serious challenges with this bill but that it merits going forward for further study at committee. We want to ensure that digital lock provisions allow Canadians who have legitimately purchased a CD, a DVD or other products have the ability to transfer their purchase onto their iPod or make a personal backup copy on their computer, so long as they are not doing so for the purpose of the sale or transfer to others.

Many artists, writers and creators have also expressed deep concerns about issues like the new education provisions, mashups, statutory damages and compensation for resale rights. While we have deep reservations, we will be supporting this bill going to committee to hopefully address some of the concerns that I have raised and that other members of this House have raised.

We need to take this issue extremely seriously because there are artists, stakeholders and people in our society who are looking to us for leadership. We need to take their concerns seriously and address them as soon as possible.

We are supporting copyright modernization to protect the works and intellectual property of Canadian artists and creators. We want to see Canada's laws updated as soon as possible.

Government Orders

Several areas of concern have been raised and I think it is important that I also raise them to have them on the record so we can figure out how to deal with some of these issues. One issue concerns whether digital locks should trump all other rights for copy. Bill C-32 introduces new rights for Canadians to make copies for personal use, such as format shifting, transferring a CD to an iPod; time shifting, recording a show for later viewing; and making back-up copies.

However, in Bill C-32 the new digital lock provisions, the technological protection measures, TPMs, override these new rights. In other words, under this new law, if a company puts a digital lock on a CD, the people buying the CD will not be able to circumvent the law to put the music onto their iPod without breaking the law. This exact issue was a highly controversial change when Bill C-61, the Conservatives previous copyright bill, was introduced.

We are in a constantly moving, dynamic digital economy and we have a hard time catching up with all the changes. At times we question whether we should have no legislation or deeply flawed legislation. I am one of those who believes that we should have some legislation and that hopefully it will not be deeply flawed once it goes to the committee stage.

• (1715)

However, we need some type of protection because having nothing at the moment is embarrassing to Canada and it is not looking after the best interests of Canadians from coast to coast.

Passionate consumer concerns have been expressed with regard to the digital lock provisions and media stories are reinforcing the belief that the Conservatives are preventing Canadians from transferring their CDs onto their iPods. Canadians believe that when they buy a CD, they are buying the right to listen to that music in the format they choose, whether it is on their CD player, their iPod or computer.

There is an education component to this bill that is also of great concern. The new education exemptions for copying means that teachers and educational institutions could now make copies of work for some educational purpose and not infringe on copyright.

Broadly speaking, the bill proposes to implement two major changes. It introduces making copies for educational purposes as an exemption under Canada's fair dealing rules and introduces several specific distance education exceptions to allow for copies used for lessons communicated to the public by telecommunication for educational or training purposes, if that public consists only of students who are enrolled in a course.

There is growing opposition to the broad fair dealing exemption. Writers and publishing groups in particular are very opposed. Because fair dealing is so broad but what is fair, the writers and publishing groups believe the new exemption will give teachers and educational institutions a blank cheque to make copies of their work to give to their students. They believe teachers and educational institutions should have to compensate creators for their work. In particular, why should private, commercial educational institutions be permitted to disseminate works for educational purposes without compensating copyright? This is not an easy issue. It is very hard to please both groups on this important contentious issue.

Groups, such as the Canadian Association of Student Associations, CASA, and the Association of Universities and Colleges of Canada, AUCC, have advocated for the education fair dealing exemption. Educators, whether they are post-secondary or K-12, have traditionally tried to make free copies of works for students claiming that they were infringing copyright under the fair dealing exemption of private research and study. The dissemination of works for students, however, stretches the concept of private research and study.

Furthermore, some teachers want to be innovative. An example is a teacher wanting to show a one minute clip of a movie to make a point but he or she cannot now without paying high copyright fees.

Essentially, CASA and the AUCC want to have a clearer delineation of fair dealing to allow them some clear and reasonable freedoms to use copyrighted material in certain circumstances. CASA and AUCC, however, are also pursuing this route to avoid expensive fees and course packs that charge up to \$45 per person for copyrighted material for classes.

We can see that a lot of groups are depending on us to get this legislation right. We want to reward our artists and our artist community, not punish them. We also do not want to punish students.

I realize that these are very complex issues but it is time that we collectively work together to ensure we get this one right.

This fair dealing change, however, could have profound effects on the creation of textbooks, particularly in Quebec. Textbooks are specially designed in Quebec and, given the small size of the education market, copyright fees are quite high in order to recoup expenses. Allowing the fair dealing copying of even sections of textbooks in Quebec or in other parts of the country would significantly reduce the compensation authors receive.

Further, how far can exemptions be applied? Could a teacher make a copy of an entire movie and show it in class and not pay copyright fees based on the premise of education?

• (1720)

It was so much easier once upon a time when teachers could show movies without any issues of breaking the copyright law and so forth, but we have moved into such a new digital age that we have to figure out how we can be innovative and at the same time be fair.

The mashup section, clause 22 of the bill, creates an exception for mashups and user-generated content. An example of the mashup is a personal movie produced using movie and music clips combined with personal video and then posted on YouTube, for example. The clause, however, is too broadly written.

Under this rule, an individual can post an entire movie on YouTube and as long as the person adds a small inserted clip at the beginning or the end, he or she can call the video a mashup. We believe the language in Bill C-32 must be tightened to ensure that mashup exemptions cannot unexpectedly create a loophole for further copyright infringements.

There is also the issue of statutory damages. Clause 38.1 of Bill C-32 defines new statutory damages of \$100 to \$5,000 for all non-commercial infringements of copyright. Many stakeholders have expressed concerns about this section and believe applied statutory damages must be commensurate with the severity of the infringement.

As well, there is public exhibition of art. Currently, paragraph 3(1) (g) of the Copyright Act defines the right to present at a public exhibition an artistic work created only after June 7, 1988. The Liberal Party feels this is discriminatory to artists who created work before 1988, and we want to amend this part of the legislation.

There is the resale of art. Throughout Europe, artists are rewarded when their works are sold and sold again. Original art increases in value over time and artists feel a share of the increasing value should be returned to them upon resale of their works. In committee we wish to explore this European model.

Currently, copyright holders charge broadcasters for format shifting their works. A simple example of this is when a radio station purchases a song for broadcast. The current rules require the radio station to pay every time it plays the song but also when it transfers the song onto its computer server. Broadcasters want to simply pay once, whenever they play the song, and not pay again for the format shift being discussed.

The right of copy for format shifting, however, transfers approximately \$21 million each year to artists and musicians, the creators of the works. Bill C-32 eliminates the ephemeral recording right from the Copyright Act, eliminating this compensation to creators.

Everyone can see that there are a lot of issues to be dealt with in committee, and we wish committee members all the best because this has been an ongoing issue as long as I have been in Parliament. We shall see if it actually gets resolved by the time this session is over. I certainly wish them all the best.

The stakeholder reaction, as I mentioned earlier, has been mixed. Michael Geist and consumer advocates oppose the bill, as the digital law provisions are considered overly restricting to Canadians who wish to download their CDs onto their iPods.

Some arts groups, such as the Canadian Film and Television Production Association, have supported Bill C-32 as a good step forward, but others, such as the Alliance of Canadian Cinema, Television and Radio Artists, ACTRA, and other Quebec arts groups have opposed Bill C-32 because it lacks a levy, inserts the new education exemption and is not strong enough on issues such as notice and mashups.

Large business groups like the chambers of commerce, the Entertainment Software Association and the Canadian Council of Chief Executives have expressed support for the bill.

Government Orders

Other information technology business groups such as Google, Bell, Rogers and others have expressed support for the bill's direction, but have expressed concerns about the digital lock provisions.

Several education stakeholders, like the Canadian Alliance of Student Associations and the Canadian Association of University Teachers, have also expressed support for the education amendments but also concern with the digital lock provisions.

The Writers Guild and the Association of Canadian Publishers strongly oppose the new exemptions for education.

The Canadian Artists' Representation and many other arts groups are opposed to many parts of Bill C-32 and would especially like to have the resale right included in the new bill.

• (1725)

We have a bill that is quite complex. I will not use the word "mess", although some others might say it is a mess, but we have been in this situation for a very long time. Certainly it has been debated over the last 10 years through various sittings of Parliament. With what the Conservative government is now bringing forward, different pieces of legislation have been changed. We had elections and then we had prorogation. All of that has killed past bills. A new bill has been introduced at this time and we do not know when an election is going to happen, but we will see what happens to the bill. If it actually makes it beyond the election, that would be great, but I have some reservations. I am hoping the committee will have an opportunity to look at these different issues and address them.

Canadians from coast to coast are looking for leadership from all of us. I do not want to see this as a partisan issue. We need to get copyright right for all Canadians. It is of great value for all of us.

So many people are depending on us to make the right decision, so I am hoping there will be co-operation at the committee. I am hoping we can all get together to work on this very important issue, bring it back to the House, have a final vote and then move it to the other chamber.

I cannot say how important this legislation is to all of us, and I am hoping that in the spirit of co-operation and with the limited space of a minority Parliament, we will have the bill passed before the next election.

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I would like to congratulate the hon. member for a great speech and to bring forward some points that I think are important.

The New Democratic Party's position on copyright is based on principles of compensation and access. Artists, as we have all said, need to be paid for their work and consumers should be able to access these works with the least amount of restriction.

We also support collective licensing. We support fair access to education materials. That is where I would like to ask my hon. colleague a question, because he talked about that.

Private Members' Business

Under the bill, for example, digital lessons for long distance learning must be destroyed within 30 days of a course. In our opinion, we feel this would treat students in digital learning environments as second-class citizens. It undermines the potential of new learning opportunities. Coming from a city that has three post-secondary institutions and provides education to many people throughout northern Ontario, I would like to hear my hon. colleague's comments about this aspect of the bill.

Mr. Mario Silva: Mr. Speaker, the hon. member made some very valuable points. They are important on the issue of compensation for our artists and access for education. There are a lot of valuable points he made that need to be clarified and addressed at the committee stage. I hope we will come back with a better bill than the one we have at the moment.

I do not have an answer to all his questions. These are things with which I have also been grappling personally as to what is the best direction. I am hoping that the collective wisdom of the committee will allow us to come back with a bill that will be supported by all of us.

I am one of those who strongly believe we have to have some legislation. We do not always get perfect legislation, but we need something with which to move forward.

• (1730)

The Deputy Speaker: There will be eight minutes left for questions and comments for the hon. member the next time the bill is before the House.

It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

FEDERAL SPENDING POWER ACT

Mrs. Josée Beaudin (Saint-Lambert, BQ) moved that Bill C-507, An Act to amend the Financial Administration Act (federal spending power), be read the second time and referred to a committee.

She said: Mr. Speaker, on April 14, I had the honour and privilege of introducing Bill C-507, which proposes to rectify one of the biggest injustices of the current federalism: the fact that over the years the federal government has given itself an illegitimate power, the so-called "federal spending power".

We are talking about a "so-called" power because it is nothing more than a federal government creation that has no basis in the Canadian Constitution.

The vast majority of jurists feel the same way. Nothing in the Constitution resembles this so-called federal spending power.

The great constitutionalist, Andrée Lajoie, is categorical about this and says:

...the expression "spending power" as used in Canadian constitutional discourse refers to the ideological affirmation of a non-existent federal power to spend in the

provinces' areas of jurisdiction by imposing conditions equivalent to a normative intervention.

I find that to be an accurate and appropriate definition of this so-called power usurped by the federal government over the course of the past century. The definition contains all of the key elements. First, it states that there is no justification for this power under the Constitution of Canada, either the original 1867 version or the current version that was adopted, need I remind you, in spite of the unanimous opposition of the elected members of the National Assembly of Quebec, and that no Quebec government, federalist or sovereignist, has endorsed to date.

Then there is the fact that the expenditures in question pertain to areas of jurisdiction belonging exclusively to Quebec and the provinces and which, therefore, are not under federal jurisdiction.

Finally, there is the manner in which Ottawa has used these expenditures to assume unlawful oversight in Quebec's affairs, impose its standards and conditions, and lay the foundation for the paternalistic ideology we call "Ottawa knows best".

The federal spending power is just a tool for justifying the federal government's centralist meddling, its hope for a unitary state and its dreams of reducing the provinces to simple administrative entities that Ottawa could relegate to the rank of subcontractors. Quebecers will never accept that.

However, after this Parliament recognized Quebec as a nation, we would have expected it to concurrently recognize that a nation has collective rights, just as individuals have rights, and that they include the right to define one's own national identity.

The areas of jurisdiction belonging to Quebec and the provinces are instruments that provide an affirmation of identity and values and, to that end, unlawful federal interference, by means of the so-called federal spending power, must be seen and judged for what it is—an attempt to impose on Quebecers values that are not our own.

Therefore, we should not be surprised that the provinces, except for Quebec, have practically never manifested their opposition to this so-called power because the federal government, the government of Canadians, has generally attempted to promote the values of the Canadian nation.

The federal government's illegitimate expenditures in areas under Quebec's jurisdiction fall into at least three categories. The first is conditional transfers—money that the federal government transfers to Quebec and the provinces—such as the Canadian health and social transfer. The second is direct services to the population. The third includes individual benefits and business subsidies in fields not under federal jurisdiction. The Canada Council for the Arts, the Economic Development Agency of Canada for the Regions of Quebec and research grants are examples of this.

Every Quebec government since Duplessis, whether Union Nationale, PQ or Liberal, has criticized this kind of normative interference.

And rightly so. Currently, the federal government spends over \$60 million in areas not under its jurisdiction. This year, nearly one-quarter of the Quebec government's budget came from the federal government.

The federal government spends money on university research, education, health, social housing and parks. Now it is trying to impose a single securities commission.

•(1735)

Every time it does this, it is imposing its priorities, values and principles on Quebec. Those are Canada's priorities, values and principles, not Quebec's. For Quebec to exist as a nation, it must, at the very least, be in control of the levers and powers set out in the Constitution. That is why I will not accept the member for Beauce's lame reasons for voting against the Bloc Québécois's October 21 motion, which was essentially the same as Bill C-507.

The member for Beauce basically said that he did not support the Bloc Québécois motion because its intent was to destroy Canada. I have two things to say about that. First, it is yet another intellectual shortcut to equate the desire to build one's own country with the destruction of another. The difference between the two is fundamental. Sovereignists do not despise Canada, nor do we wish to destroy it or make it ungovernable. All we want is for Quebeckers and Canadians each to have their own country.

If I follow his logic right through to the end, to say that abolishing the federal government's spending power would mean the destruction of Canada is to suppose that this alleged power is basic to Canada. Since this so-called power is illegitimate, illegal and unconstitutional, the only possible conclusion is that he thinks the foundations of modern Canada are illegitimate, illegal and unconstitutional. If that is the conclusion he wanted to reach, I can only say I agree. The supposed federal spending power is nothing less than the constitutional equivalent of the sponsorship program: nothing less than an indirect way for Ottawa to engage in nation building through dollops of millions of dollars in propaganda.

I hasten to add, though, in case there still any doubts in this regard, that our identity and allegiance are not for sale. Quebeckers will never sell their soul to the highest bidder. That is why the Bloc Québécois has been saying for years that such interference in Quebec's affairs must stop. I want to emphasize that it should stop, rather than falling back on any notions of limiting the so-called federal spending power, as the Conservative government proposed before getting elected in 2006. Illegalities do not become more justifiable and legitimate, as if by magic, just because someone puts a limit on them. In any case, how can one limit a power that does not exist in the first place?

It is very amusing, therefore, to watch the federalist parties thrash about trying to find some justification for this illegitimate power—simply because they are federalists—when this power is the exact negation of the principles on which the Canadian federation is supposedly based. It is intriguing to see those parties all entangled in this paradox because they have only themselves to blame. They created it.

Their blatant inability to condemn the supposed federal spending power only reinforces the impression, which seems to get stronger every day, that the Canadian federation cannot be reformed and the only option still on the table for these federalists is the status quo. But that is unacceptable to Quebec.

Private Members' Business

The legislative changes in this Bloc bill are not radical in the least. Quite the opposite, they are intended simply to repair an error and an illusion that federal governments have been trying for decades to turn into a central principle. The supposed federal spending power is nothing more or less than the zenith of constitutional trickery. But Quebeckers are not fooled.

So how can this mistake be fixed? First of all, by doing an inventory of all federal spending in jurisdictions that belong to Quebec and the provinces. Next, by withdrawing, without any form of negotiation, from those jurisdictions and transferring the funds involved to Quebec and the provinces, unless of course, the federal government is given express written consent to continue that spending. Thus, opting out, as it is commonly known, would disappear, to be replaced by its counterpart, which I will call opting in.

•(1740)

In other words, the desired goal is to reverse the onus: instead of having to enter into long, painful negotiations every time, the federal government's exclusion from jurisdictions that are not its responsibility would become the norm.

In order to ensure that a province or Quebec is not shackled by a decision to opt in, these agreements would have to be renegotiated every five years.

Lastly, fair compensation must be given for all programs that would be returned to Quebec and the provinces, ideally by freeing up some of the federal tax room that the federal government unfairly has at this time and that means that the fiscal imbalance has definitely not been resolved, despite this government's claims.

If it were resolved, we would not be here discussing this bill, because the very existence of federal intrusions in our jurisdictions is the most indisputable proof of the fiscal imbalance.

In order to solve it, tax points would definitely have to be transferred so that Quebec would not have to beg the federal government for the financial resources needed to assume its responsibilities, which are more significant than federal responsibilities.

In fact, that is precisely what was recommended by the Séguin commission on fiscal imbalance, whose final report was unanimously adopted by the National Assembly.

Two of the commission's main recommendations called specifically for the Canada health and social transfer to be replaced by a transfer of tax points, preferably from the GST but possibly from personal income tax, and for an end to the abusive, unconstitutional use of the supposed federal spending power in areas of Quebec and provincial jurisdiction.

Generally speaking, that is exactly what is proposed in the bill before us now.

Private Members' Business

Despite the fact these recommendations were approved by the National Assembly, despite the fact the Quebec nation was officially recognized right here in this Parliament, and despite the fact this bill provides a perfect opportunity for the federalist parties to demonstrate their good faith, I harbour few illusions about the fate that will befall Bill C-507.

Despite the goodwill they like to display and the rationales they always find to give themselves a clear conscience, the federalist parties will always want the power to dictate to Quebec what path it should follow, and that will be, always and forever, the Ottawa knows best approach.

By spending in areas of Quebec and provincial jurisdiction, the federal government imposes its priorities and its vision of a unitary country. But that is wrong. Canada is not a unitary country. It is a divided country, irredeemably divided, between two nations, the Quebec nation and the Canadian nation, not to forget the many first nations of course.

By spending in areas of Quebec and provincial jurisdiction, the federal government tries to iron out the differences, even though they are huge and very significant, between Quebec's political choices and Canada's political choices.

Quebec has decided, in particular, to adopt the most progressive social policies in North America. The federal government tries, however, in every way to meddle in Quebec's social affairs, generally by adopting a poor copy of what is done in Quebec and then imposing its own conditions and standards if Quebec wants the funding.

People who defend this attitude generally say the federal government's supposed spending power is like a present that Quebec and the provinces are free to accept or reject.

But the supposed presents from the federal government are paid for with money from Quebec taxpayers. What a gift.

Quebeckers are told they are being given a present, but they are the ones paying for it. The worst thing is that the people who defend this do not even realize how absurd their rationale is. If they do realize it, they invoke all kinds of equally absurd principles to justify the unjustifiable.

Our proposal—like Quebec's position for the last 60 years—at least has the merit of being clear.

In conclusion, I would like to say that Quebec is a young nation that has dreams and aspirations, just as people do. But because of Ottawa's paternalistic, condescending attitude toward it, I am more convinced than ever that we will only be able to realize these dreams when we are completely and totally free, when we are a sovereign country.

• (1745)

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, I will make three points about the speech made by my colleague, the member for Saint-Lambert.

First, she reminded us, and rightly so, that this House recognized Quebec as a nation. She went on to tell us that she would like the federal government to stop interfering in Quebec's affairs. Here,

again, I agree with her. There is no reason for the federal government to interfere in Quebec's exclusive areas of jurisdiction. She then said that Canada is unreformable.

Their bill, like their motion on the federal spending power, would apply to all provinces without regard to the fact that Quebec is the only province to be recognized as a nation, and unanimously so, in this House. The leader of the NDP had an opportunity to tell the leader of the Bloc this when the motion on the federal spending power was moved two weeks ago. He told him that it was a surprise that he would treat Quebec like any other province.

My question for my colleague, the member for Saint-Lambert, is quite simple. When she says that Canada is unreformable, is she saying that she would like it to be reformed?

If so, and given that Quebec is the only province to be recognized as a nation, why the devil are they so hell bent on proposing a change that will affect the other provinces, which have never asked for such a change, when they could instead set their sights on the only place where it might actually succeed? Is it because she wants to continue to be able to say that Canada is unreformable?

In the NDP, our policies are clear. I will have an opportunity to say more about this, but I would like to know whether she wants the federation to be reformed or whether she is still looking for ways of claiming that the situation is intractable and that they will never get what they want.

Mrs. Josée Beaudin: Mr. Speaker, there have been calls for the federal spending power to be abolished for 60 years, and the Bloc has been demanding it for more than a decade.

The bill proposes just the opposite: that henceforth the federal government refrain from interfering in provincial affairs. Now, provinces seeking federal government financial assistance will have an opportunity to get it and will be able to request it. We want Quebec to have full powers, we want an end to the constant negotiating over issues that concern Quebec, and we want the federal government to stop interfering in Quebec's affairs. Now, if the member were to take a close look at the bill, he would see that the provinces will be able to make such requests should they see fit to do so.

Mrs. Ève-Mary Thāi Thi Lac (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, I would like to thank my colleague for her speech. I would like to hear her opinion about the fact that Quebec took measures regarding its areas of jurisdiction back when education was transferred. Quebec asked for compensation. However, the federal government did not give Quebec the compensation it rightly deserved, which created a deficit. I think that the Bloc Québécois has brought to light what is known as the fiscal imbalance. I do not feel that this issue is settled.

It is all well and good to say that the federal government will not interfere in provincial areas of jurisdiction, but I would like the member to also explain the importance of the fact that the federal government must compensate the provinces that choose to opt out of certain programs and the importance to the provinces of receiving this funding.

Mrs. Josée Beaudin: Mr. Speaker, I would like to thank my colleague for her question.

Private Members' Business

The bill proposes that the amount corresponding to the program that Quebec decides to run be transferred in tax room. This would ideally be done in the form of tax points for personal income tax or GST points. We can see when the time comes. However, it is not a big deal if we do not come up with a new strategy today. This was done in the 1960s. Quebec was the only province to accept tax points transferred from the federal government. That is the abatement we see in our taxes today. It still exists. That is one way of doing things. Providing tax room is a predictable and fair way of doing things that is impartial enough to avoid dealing with the mood of the government that is in power at a given point in time.

• (1750)

Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, thank you for giving me the time to present my ideas about this bill.

I will begin by saying that I find it very ironic that the Bloc Québécois is introducing this bill, since the bill would prohibit federal spending in a number of areas for which the Bloc has sought increased federal involvement.

In fact, I have in front of me all of the demands the Bloc Québécois has made. They are probably not all here, but it is a long list of demands for federal spending that the Bloc Québécois has made here, in the House of Commons alone. For instance, it is the Bloc Québécois that has called for an expanded federal role in transportation. I will give an example. For the Quebec Bridge, a member said, on October 21, 2010, "What is the government waiting for to reclaim the Quebec Bridge from CN in order to repair it as quickly as possible?" That is an example of a federal acquisition that the Bloc Québécois is calling for in the House of Commons.

On October 20, 2010, they were talking about compensation for seniors. On September 21, 2010, and on September 16, the Bloc was calling for more infrastructure funding. On August 3 and July 5, it was assistance for industry. On July 16, it was awarding contracts in Quebec. On May 2, the environment critic called for the ecoAUTO rebate program. The Bloc Québécois is calling for assistance for the forest industry, which falls under natural resources, and in the bill, the Bloc wants to prohibit the federal government from getting involved in that area. But it is asking the federal government for more by calling for assistance for the industry.

The Bloc Québécois is calling for more transfers in more areas that, it says, are under exclusive provincial jurisdiction. Once again, we see a demand for assistance for several industries. I could go on. I have only read one page. I probably have in front of me 50 pages of demands the Bloc Québécois has made for greater federal government involvement.

Looking at the track record of the Bloc Québécois here in the House of Commons, we could say that it is really the centralist Bloc. It is the party that, day after day, continues to call for the federal government to play a greater role in what the Bloc is now describing as matters under exclusive provincial jurisdiction. Even today, the Bloc Québécois critic called for the federal government to play a greater role in the area of culture. She said the federal government was not doing enough and should spend more. So if she believes this is simply a provincial matter, she could have asked the provincial

government, in Quebec City, to spend that money. But no, she did it here.

It is not hard to understand why Canadians are a little surprised to see a bill like this coming from the Bloc Québécois. Every day, we see the Bloc calling for more spending in the areas it wants to prohibit with this bill.

• (1755)

Allow me to give another example of a program that directly benefits Quebecers and that the Bloc Québécois would like to prohibit with this bill: the Canada child tax benefit, which is paid by our government. The federal government sends a cheque directly to parents in Quebec. I can tell you that I have never received a single call from a family asking that the cheque be sent to the provincial government instead of being sent directly to them.

That is exactly what the Bloc Québécois is calling for in its bill. A program like that one, which is managed by the federal government, would be prohibited. The provincial government would be entitled to claim that money directly instead of it being sent to families. That is what the effect of this bill would be, if it were to be implemented.

The problem the Bloc Québécois has is that it is supporting something in theory that it is directly opposed to in practice. This is one of the problems, or contradictions, that the Bloc Québécois will never be able to resolve. It is the same contradiction after 17 years. The Bloc Québécois says it wants to have sovereignty in Quebec, but it is here in the House of Commons of Canada.

[English]

I reiterate that the Bloc Québécois has made demand after demand for more federal involvement in a whole series of areas, which the Bloc now says are exclusively provincial jurisdiction.

I have examples of where the Bloc members want the federal government to take over bridges and where they want the government to spend. Basically in every area the government spends money, the Bloc has demanded that it spend more. By virtue of that spending, it would make the federal government larger and contradict, in practice, the theory advanced by today's private member's bill.

I think we can call the Bloc Québécois the "Bloc Centralists" as it is the party that demands consistently and perhaps most vocally that the federal government expand its activity in basically every realm. Just today a member of the Bloc stood and demanded more federal involvement in the area of culture, saying that the federal government was not involved enough and that it ought to spend more.

The Bloc members have to decide. They cannot say, on the one hand, that the federal government should be banned from doing the spending and then stand up in the House of Commons and demand that the spending be increased, which is what we hear from our colleagues across the way in the Bloc Québécois.

Private Members' Business

Our government is not interested in the theoretical debate. We are focused on real results. We have delivered those results for Quebecers and, indeed, for Canadians in every province. We have lowered income taxes, cut the GST, brought in tax credits for kids' sports, student text books, bus passes and tradesmen tools. We have lowered business taxes. We have just created 400,000 net new jobs since the bottom out of the global recession. We will continue to work on the economic recovery.

We will not be distracted by a theoretical debate, which has no application in reality and which is of no interest at this time to people in any part of our country, including Quebec.

• (1800)

[*Translation*]

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, it is intriguing to hear the Prime Minister's spokesman categorize the debate on limiting the federal spending power as theoretical given that it was his Prime Minister who promised to introduce legislation in the House to do just that.

As for his assessment that some, particularly in the Bloc, will continue to demand spending in areas where they do not want it, I think that any honest assessment of the bill and of the speeches made earlier by Bloc and NDP members—and I dare say by his own Prime Minister—shows that people are fully aware that this problem must be resolved. That is one of the challenges that needs to be addressed, instead of pouring oil on the fire as the Prime Minister's spokesman did by oversimplifying things, which is neither in keeping with the standards of this House nor worthy of the individual who just spoke. He knows what he just said was not honest. I think that those of us who have spent their careers trying to build bridges between Quebec and the rest of Canada are extremely disappointed because it is his own Prime Minister who promised to introduce legislation.

Now, I must come back to an important point made by my colleague, the Bloc Québécois member for Saint-Lambert, in her speech. In response to my question, she said that her bill was optional for the other provinces. But the fact is that she failed to read her own bill. Clause 2 of Bill C-507 could not state more clearly that the legislation applies to all provinces. One simply has to read the summary of the bill:

This enactment amends the Financial Administration Act in order to end federal spending in an area of provincial jurisdiction in the absence of a delegation of power or responsibility in that area.

The bill applies therefore to all the provinces' areas of jurisdiction.

Based on the response the member gave earlier, she would have had us believe that the bill applied solely to Quebec. And yet, the recent letter from the leader of the New Democratic Party to the leader of the Bloc concerning the Bloc's motion could not have been clearer.

It is being said that the Conservatives are irresponsible because they failed to stand by their commitment to introduce legislation. And we agree. We do not agree, however, when the member for Saint-Lambert says that Quebec is the only province to be recognized as a nation. We do agree with the first part. But she wants Quebec to be treated just like the other provinces. The NDP does not agree with that. We want this recognition of the Quebec nation to be truly meaningful, and that is what the leader of the NDP

sought to do in writing to his Bloc counterpart. It is why we kept all the provisions limiting the scope of our proposal, but made them specific to the provinces' exclusive areas of jurisdiction; and yes, that includes Quebec.

We have no interest in playing games as the Bloc seems to want to do by introducing legislation it knows is doomed to failure because it will upset the provinces when they have asked for nothing of the sort. There is nothing optional about Bill C-507.

It is worthwhile to take a look at the NDP's historical approach to this. At its founding convention 50 years ago, the NDP was the first Canada-wide political party to recognize the reality of the Quebec nation. That is a very important historical fact.

Then a broad consultation was held everywhere in Canada, called the Social Democratic Forum on the Future of Canada. This was a report by a group co-chaired by Nycole Turmel, long-time president of the Public Service Alliance of Canada, and Dick Proctor, a former colleague of ours in this House from Saskatchewan. Charles Taylor and Bill Blaikie were also members of the forum. Of course, that was Charles Taylor of the Bouchard-Taylor Commission and Mr. Blaikie, who was once voted best member of the House.

The report led to a recommendation that we have asymmetrical federalism when it comes to Quebec, and co-operative federalism. Obviously, it is that last word that causes so many problems. It sticks in the craw of the Bloc members to think that something constructive could be done in Canada to improve things for Quebec.

That was implicit in her answer to my question: she wants to be able to keep saying, every time she talks about it, that Canada cannot be reformed.

• (1805)

That is what we are talking about. Canada is a work in constant progress. It is entirely perfectible, and one of the things we have done to make Canada better is to recognize the reality of the Quebec nation in this House. The NDP is now trying to give that a little more substance.

A series of positions that are quite clear were then adopted in the Quebec section. They are worth examining, in light of recent efforts by the NDP intended precisely to give some real meaning to that recognition of the Quebec nation. Five years ago, it was said that Quebec's national character was based particularly, but not exclusively, on a majority French-speaking society that works in the common language in the public space. A bill was introduced in this House to extend the language guarantees in the Charter of the French Language of August 1977 to federal enterprises. That was in response to this first concern.

We raised something else, namely a specific culture that is unique in the Americas and that finds expression in a sense of identity and belonging to Quebec. I proposed a motion in the House following the Supreme Court's decision invalidating Quebec's Bill 104, which opened an enormous hole in Bill 101 concerning access to English schools. We managed to get it adopted unanimously by the House. The House agreed unanimously that immigrants who choose Quebec must learn French first and foremost. That is important to the history of this country.

Finally, we also speak of Quebec's specific history and institutions. The NDP courageously supported the Bloc motion to maintain Quebec's political weight in the House of Commons. We did not see any contradiction between the need to increase the number of seats in provinces that required it, such as British Columbia, Ontario and Alberta, and the need to maintain Quebec's percentage. We moved an amendment that the Bloc accepted, and there was a vote. Ultimately, it was defeated because the Liberals always vote against Quebec, whether in regard to the language of work, the specificity of its culture, access to French schooling, or its political weight. However, there is a progressive, federalist, Canada-wide party that can stand up in the House and say loud and clear that we should stop being half-hearted about our recognition of the Quebec nation. The time has come to really breathe some life into it.

Finally, because the fourth point deals with specific economic and political institutions, I would like to add in regard to the regulation of securities that, once again, when there were votes in the House—the Liberals are hiding now behind a reference to the Supreme Court—they voted against Quebec's right to keep the regulation of securities within its jurisdiction.

Those are four examples. That was followed in the fall of 2006 by what is called the Sherbrooke declaration, which was approved at the first meeting I had the pleasure of attending for the NDP in September 2006. It was held in Quebec City. All of these principles favoured asymmetrical federalism and a federalism that worked through consent, consultation and negotiation. We wanted to eliminate the federal spending power from areas of exclusive Quebec jurisdiction. It is in keeping with this position, unanimously supported by the NDP, that we are trying today to repeat what the leader of the NDP recently offered the Bloc in regard to their motion.

If the Bloc is sincere, if it is serious, if the Bloc members are not just engaging in a positioning exercise, as they often do, if they want to have a chance to get this passed, they should agree to propose an amendment making it clear that they are speaking exclusively about Quebec and its exclusive areas of jurisdiction. The NDP will be there. That is totally in keeping with the positions adopted by our party pursuant to these very important consultations that found expression in the NDP's Sherbrooke declaration.

We say in our document that we have to break the deadlock. That is what we are trying to do. Unfortunately, the Bloc prefers to keep us there.

• (1810)

[English]

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, I am pleased to stand in the House today to speak to Bill

Private Members' Business

C-507. However, I must say that this is beginning to seem a bit like déjà vu.

[Translation]

I find this motion rather curious in that it claims to deal with an urgent issue of vital importance to Quebec, according to the Bloc Québécois. Moreover, the ideology behind it draws on ultraconservative theories that even the Reform government opposite refuses to tackle officially.

[English]

This issue was addressed by the Bloc on October 21 during its opposition day motion. May I remind the member for Saint-Lambert that her party's motion was defeated 42 yeas to 232 nays.

However, even with Bill C-507 on the order paper prior to the opposition day motion, the Bloc could not have envisioned a better time to bring this idea to the forefront of debate thanks to the member for Beauce. Remember that the member for Beauce in a speech to the Albany Club in Toronto on October 13 stated that the federal government intervenes in provincial jurisdictions and that, in his inflated opinion, it has no constitutional legitimacy to do so.

[Translation]

The member for Beauce's eloquent rant continues by stating that we should envisage a new way of conducting federal-provincial relations. The big bad wolf, as the member for Beauce calls the federal government, should not interfere in provincial matters and activities. Clearly, it is a simplistic way of summarizing the highly complex task of governing the federation. I remind my colleagues who seem to have forgotten this, that we are still one country.

Before delving into the arguments against the motion, which seem exceedingly clear to me, I would like to point out the glaring inconsistencies in the Bloc Québécois's bill.

[English]

Since when does that party which claims to be the only true defender of Quebec's interests want to promote a bill that would actually provide fewer services for the province while dismantling tried and tested programs? Does it really want less for Quebec?

[Translation]

Let us now look at the arguments which, in my opinion, call into question the relevance, not to mention the urgency, of this issue. At present, this is not even an issue in Quebec. My fellow citizens of Quebec have much more pressing concerns, such as the future of their pension plan, their health care system and their jobs, than such very esoteric constitutional matters. Furthermore, whether you are a nationalist or a federalist, today, as was the case 15 years ago, this is not an issue in which Quebecers are engaged on a daily basis.

Private Members' Business

The central issues in the major debates on the future of Quebec that we have had over the past 25 years are language, culture, pride and other aspects of identity. I have never heard talk of the spending powers of the different levels of government outside of political circles.

The Bloc members will now rise together to proclaim loud and clear that this motion is vital because the current government does not respect the division of powers set out in the British North America Act. I would like to digress a bit here to point out the subtlety of my referring to that constitutional legislation, since I assume the Bloc Québécois would not be referring to that act, given that Quebec refused to sign the Constitution in 1982. But looking closer, perhaps I am mistaken.

The Bloc Québécois claims that the federal government should not help the provinces when it comes to health and education, because those areas fall under provincial jurisdiction according to the Constitution. Let us take a closer look at the ins and outs of the Constitution Act, 1982.

[English]

On the one hand the Bloc is saying that the federal government violates the Constitution the province refuses to adhere to, but on the other hand, wait. It now appears it is somewhat opportune to refer to it while that party is still refusing to admit the brilliance of its scope. When it works in their favour, the Bloc members like it and when they do not get enough out of it, it is a disgrace. It is looking more and more like a case of having one's cake and eating it too, or as we say in Quebec, avoir le beurre et l'argent du beurre.

[Translation]

At the heart of this debate on the division of government powers and responsibilities lies, I believe, the whole question of the very delicate balance we are trying to achieve in terms of governance within the federation. This balance is not only vital to making this country work, but it is also the primary reason we have been so successful over the past 143 years.

We in the Liberal Party are fully aware that our federation can always be improved, but its basic principles—including the federal responsibility of ensuring the greatest possible fairness for all Canadians—are not negotiable. In that regard, the Bloc Québécois and the Reform Conservatives form the strongest coalition this House has ever seen. For both parties, the best form of governance for Canada would be a federal government stripped to bare bones, in which all real power would belong exclusively to the provinces.

The irony of this approach is that the current government is using its spending power excessively and has run up a huge operating deficit, showing complete disdain for the most basic democratic principles and profound distrust of all of the accountability mechanisms established by our parliamentary system.

•(1815)

[English]

This brings me back to the idea of balance. Balance is what we are severely lacking because the Conservative Reform government refuses to be fiscally responsible, socially fair and an equitable partner our provinces need and expect. Balance is the crucial

determinant of a solid and functional federation. It is the only way to ensure that all players are equally represented regardless of size, wealth or background.

[Translation]

Prior to 2006, federal governments of all political stripes tried, in their own way, to work harmoniously with the provinces.

The objective was always to ensure equitable, fair transfers in the areas of health and education. Clearly this has not always been easy, nor have the provinces always obtained everything they asked for. However, the search for that balance was certainly a constant during those 143 years of congenial federalism.

The prosperous and generous Canada of the 21st century is the brilliant result of the fragile but undeniable equilibrium our governments have always sought to achieve.

That said, in working out my pro-federative and resolutely federalist arguments, I am beginning to understand, though I can never subscribe to their reasoning, why my Bloc Québécois colleagues felt it was important to introduce Bill C-507, which we are debating today. I can get a sense of their argument for a federal government reduced to its simplest form.

In the face of the Reform Conservative government's dictatorial and simplistic approach, it is easy to conclude that it would be better to get rid of any possibility of power being exercised by people who are so ignorant and contemptuous of the tradition of striving for balance to which I referred earlier.

[English]

Federal spending power is the critically important means by which the federal government can exercise its responsibility to make Canada a viable political unit and to strengthen it. This is certainly the way Ottawa has traditionally used its spending power under Liberal governments such as when we introduced the old age security plan, the national health care act, employment insurance and many other initiatives.

[Translation]

Canada is not the European Union; Canada is a true federation with constitutional mechanisms and responsibilities that allow it to ensure a certain cohesion among all of its components.

Our differences, be they linguistic, geographic or ethnocultural, are a source of wealth and innovation. They define our place in the world and allow us to be creative in our search for solutions. As someone who left Canada after a long stay here once said, "Canada is a solution in search of a problem."

The Bloc Québécois has its *raison d'être*, and I know for a fact that I am not going to be the one to change its outlook. However, I am no more ready than they are to abdicate the vision I have had of Canada for 32 years, one which has inspired me to pursue the federalist adventure.

The federation we created in 1867 was extremely idealistic. I am convinced that there were not many observers at the time who would have bet on its success.

Private Members' Business

And yet—can we forget that for six years in a row, Canada ranked first among the best countries in which to live? Can we forget that Canada originated the concept of the duty to protect, an obligation which is now the guiding philosophy of the United Nations? Can we forget the sacrifices made by all our soldiers who have fought for democracy?

As a proud Canadian and a proud Quebecker, I really do not believe that to be the case.

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, I noticed something the hon. member for Outremont said a little while ago and would like to get back to it at the end of my speech.

Our debate on the federal spending power in areas of Quebec and provincial jurisdiction reminds me of quite a funny incident during the 1992 referendum campaign. At the time, the Charlottetown accord was on offer to Quebeckers, who rejected it as we all know. The supporters of the accord had recruited a hockey star, who turned out to be better at stickhandling than at constitutional issues. Journalists asked this star, who said he was in favour of the Charlottetown accord, what he thought of the spending power and the provisions of the Charlottetown accord in that regard. He said he thought they were good. When asked if he could expand on this, he explained that spending power means that if someone has money, he can spend it. That was an amusing episode in the campaign.

In 1867, the people of Quebec were not consulted about joining Confederation. Nevertheless, their political leaders at the time assured them that under the new constitutional system, Quebec would have considerable sovereignty in many areas concerning culture, its national aspirations and everyday life, and that, in order to develop as a nation, it could use these considerable powers in areas affecting daily life such as culture, education, health and so forth.

Those were the conditions under which Quebeckers agreed at the time to join Confederation. In fact, the desire to provide a certain amount of sovereignty was expressed by the use of the word Confederation rather than federation.

Since then, though, Ottawa has not hesitated to invade Quebec's exclusive areas of jurisdiction. Family policy, health, education and regional development are a few of the most striking examples. I will provide a few figures. In 2008, the federal government spent \$652 million on health, \$386 million on heritage, and \$679 million on the Social Sciences and Humanities Research Council. These are all areas that deal with cultural and social life, which is internal to Quebec.

Ottawa does not hesitate to invade these areas. In all, the federal government spent more than \$60 billion in Quebec and the provinces in 2008-09. That is clearly intolerable.

In 2006, the current Conservative government promised to limit the supposed federal spending power, but it has not done anything so far. Some time ago, the hon. member for Beauce went quite far, saying that federal expenditures in areas of Quebec and provincial jurisdiction should be eliminated, pure and simple. However, he did not go so far then as to vote for a motion of this kind. We will see whether he votes for this bill.

● (1820)

Our claims today are based on the very existence of a Quebec nation that was officially recognized by the House. Recognizing a nation is more than just a symbolic gesture. Nations, like people, have fundamental rights, the most important being the right to control the social, economic and cultural development of its own society, in other words, the right to self-determination. You cannot, on one hand, recognize the existence of the Quebec nation and, on the other hand, deny that nation the right to make choices that are different from Canada's. You cannot deny it the right to choose how to use its own resources, in accordance with its own values and in pursuit of its own development.

In his speech, the member for Beauce quoted a speech that was given in 1871. So concerns over the constant interference of the Canadian government in the areas of jurisdiction of Quebec and the provinces is nothing new. The member quoted a speech by Laurier, who said:

If the federal system is to avoid becoming a hollow concept, if it is to produce the results called for, the legislatures must be independent, not just in the law, but also in fact. The local legislature must especially be completely sheltered from control by the federal legislature. If in any way the federal legislature exercises the slightest control over the local legislature, then the reality is no longer a federal union, but rather a legislative union in federal form.

It is clear that what Laurier feared has now become a reality. In his speech, the member for Beauce reminded us that we have strayed a long way from what the Fathers of Confederation intended. We have strayed because federal spending that encroaches on provincial jurisdiction is contrary to Canadian power-sharing principles. In principle, the two levels of government are equal, both sovereign in their respective areas of jurisdiction. Power sharing is supposed to be airtight to prevent the majority nation, the Canadian nation, from imposing its ideals on the minority nation, the Quebec nation. That is why the Séguin report—Mr. Séguin, a former Quebec finance minister, was appointed to chair a commission to investigate the fiscal imbalance in Quebec, and he took the opportunity to address the basic issue of federal spending power—stated the following:

The so-called federal spending power is based on singular logic enabling the federal government to intervene in areas under provincial jurisdiction without having to adopt a constitutional amendment.

Indirectly, the federal government is doing what the Constitution forbids: interfering in areas belonging to Quebec and the provinces.

Earlier, the member for Outremont said that, in a way, the NDP recently proposed that Quebec should be able to manage its own affairs and opt out of the federal spending power, as long as that approach was not imposed across Canada.

● (1825)

If the New Democratic Party were prepared to propose an amendment to the existing bill to guarantee Quebec the right to opt out of the federal spending power unconditionally, our party would support that measure. It has to be clear. It cannot be a trick—

Private Members' Business

●(1830)

The Deputy Speaker: The time provided for the consideration of private members' business has now expired, and the order is dropped to the bottom of the order of precedence on the order paper.

[*English*]

Pursuant to an order made on Thursday, October 28, the House shall now resolve itself into committee of the whole to consider Motion No. 7 under government business.

I do now leave the chair for the House to go into committee of the whole.

[*For continuation of proceedings see part B*]

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OFFICIAL REPORT
(HANSARD)

**Tuesday, November 2, 2010
(Part B)**

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, November 2, 2010

[Continuation of proceedings from part A]

GOVERNMENT ORDERS

• (1830)

[English]

VETERANS

(House in committee of the whole on Government Business No. 7, Mr. Andrew Scheer in the chair)

Hon. Jean-Pierre Blackburn (for the Leader of the Government in the House of Commons) moved:

That this committee take note of the courageous contribution and service to Canada by Canada's veterans.

The Chair: Before we begin this evening's debate, I would like to remind hon. members of how the proceedings will unfold.

[Translation]

Each member speaking will be allotted 10 minutes for debate, followed by 10 minutes for questions and comments. The debate will end after four hours or when no member rises to speak.

Pursuant to the order made on Monday, November 1, 2010, the Chair will receive no quorum calls, dilatory motions or requests for unanimous consent.

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, I would like to begin by thanking all members of this House for allowing me the opportunity tonight to discuss issues concerning the care and support we are giving to our nation's greatest heroes, the men and women who have answered the call to serve our country in times of war and in times of peace.

As the Prime Minister has stated many times, military service is the greatest form of public service, and he is right. There is no greater service one can perform in Canada than to defend this country's most important values. What are those values? Democracy, freedom, human rights and the rule of law. These ideals are shared by all Canadians. That is why the best men and women in our country are always willing to serve Canada, whether during both world wars, the Korean war, our many peacekeeping operations or the current mission in Afghanistan.

We must recognize that these remarkable men and women make many sacrifices. They have left the comfort of their homes and the arms of their nearest and dearest to serve and protect Canada and Canadians. And now, they are also doing it to support the Afghan

people. In exchange, our nation owes these men and women an enormous debt. Our government is aware of this, and we are determined to make sure that Canada is always there for them.

Our accomplishments over the last five years show that we have decided to ensure that the members of our Canadian Forces, our veterans and their families have the support they need when they need it, and get the care they need at the proper time.

If I may, I would like to remind the members of this House, and all Canadians, of what our government has done in the last five years to serve the men and women who have served our country so well.

First, we have made significant investments in the programs, benefits and services these men and women depend on. In fact, in the last five budgets, the Government of Canada has allocated over \$2.5 billion in additional funds for our veterans and their families. I repeat: well over \$2.5 billion in additional funds.

It is equally important to note that these new investments have been made in the priorities determined by our veterans and their families, in things they have said are most important to them, and of course that includes the New Veterans Charter. Although some do not agree, a New Veterans Charter that is flexible and adapted to the new circumstances, to the modern era, is something our men and women in uniform and our veterans wanted. And the House supported them.

In May 2005, in this very House, all parliamentarians voted unanimously in favour of adopting the New Veterans Charter. They had realized that Canada needed a new approach, a new social contract, to keep up with the changing needs of our veterans in the modern era. That is what the New Veterans Charter accomplishes. It clearly places the emphasis on the health and welfare of our sick and wounded veterans and their families, so they are able to live full and productive lives as quickly as possible. In essence, it means that when our new veterans in the modern era return home wounded, they are able to enter a rehabilitation program, go back to work and continue to live a full life.

• (1835)

I would point out that the initial cost of the new veterans charter was substantial at approximately \$740 million over five years. This covers the new measures in the new charter. However, the new veterans charter was never a question of dollars and cents. For us, it is about doing what needs to be done for our veterans.

Government Orders

I would also encourage Canadians to consider our other investments, again, in areas considered by veterans to be the most pressing. Some of these investments targeted issues that go back decades, issues that some veterans perhaps thought would never be addressed in their lifetime. And yet, we acted. For example, we took action to support veterans living with amyotrophic lateral sclerosis. For the past 66 years, no government had acted on this issue, but our government took immediate steps to provide more financial support to veterans and access to the care and services they so greatly need. The battle is over for these veterans. They will no longer have to fight for the services they need in dealing with amyotrophic lateral sclerosis, and should a veteran be diagnosed with this illness, he or she will be entitled to all the benefits that our department provides.

There are other examples, such as the establishment of the veterans bill of rights and the appointment of the first-ever ombudsman for Canadian veterans. Veterans' groups were calling for a veterans' bill of rights and an ombudsman as far back as the 1960s and 1970s, but their calls went unanswered until our government took the reigns.

There have been many similar examples over the last five years. We extended the veterans independence program to thousands of low-income survivors. We restored benefits to pre-1995 cutback levels for allied veterans and enhanced them by including Korean war veterans and their families. We also doubled the number of Veterans Affairs Canada operational stress injury clinics so that veterans scarred psychologically as a result of their service can get the assistance they need when they need it.

We have disseminated information on agent orange use in 1966 and 1967 at the Canadian Forces' base in Gagetown, and we made available ex gratia payments to eligible persons. These payments are for \$20,000. Other governments refused to take action in that area, too. We acted to ensure that those affected got help.

These achievements are significant. They have genuinely helped to improve the lives of our veterans and their families in a meaningful way, and they are in keeping with our commitment to take decisive action to meet the changing needs of men and women in uniform, both active and retired.

The new veterans charter has been thoroughly successful in this way. The charter embodies the greatest enhancements to veterans' benefits and programs in 60 years. It has also ushered in numerous innovations in terms of the application process for veterans and their changing demographic profile. The charter is not perfect, however, and could not be so. No one could predict all the issues our veterans would face, in even the first five years.

That is why, over the past two months, our government has announced far greater investments, totalling \$2 billion, to enhance the veterans charter; \$2 billion to help lessen the suffering faced by our men and women living with catastrophic injuries; \$2 billion to ensure that injured and unwell veterans have an adequate monthly income.

We have made these improvements to the new charter to ensure that those returning seriously injured from Afghanistan, and their families, do not have to worry about their financial future. These new assistance measures represent \$2 billion in additional support,

and we will soon be introducing a bill to that effect here in the House of Commons.

I wanted people to know that at least some new measures will be implemented to help our veterans. I will have a chance to elaborate on that as I answer hon. members' questions.

● (1840)

[*English*]

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Chair, this is perhaps more in the nature of a comment than a question and perhaps I will get the minister's response.

It is appropriate and timely that we have this debate, because all members of the House will be in our ridings next week attending various ceremonies that commemorate and honour the sacrifices made by our veterans over the years.

One thing I notice is that every year the crowds get larger and larger, but unfortunately the number of World War II veterans on parade gets smaller and smaller. Although that is a fact of life, it is unfortunate.

The point I want to make, and I make this point every chance I get, is that I am from the riding of Charlottetown and I want to say in the House how proud I am of the work and the dedication of the people who work for Veterans Affairs Canada.

I know there have been a couple of issues involving privacy that came to public light and they are being investigated, but that should not for a minute take away from the excellent professionalism, the work and the dedication of these people who go about their jobs each and every day looking after the needs of our veterans.

The fact has been alluded to in surveys and empirical evidence that the vast majority of veterans in Canada are pleased with the service they are getting from the Department of Veterans Affairs. Therefore, every chance I get I want to say how proud I am of those hundreds of people who work in that particular department, and I ask the minister if he shares my sentiment.

[*Translation*]

Hon. Jean-Pierre Blackburn: Mr. Chair, to provide all these services to our veterans, we need an extremely attentive and devoted team. That is the team we currently have at our headquarters in Charlottetown. There are also all the government representatives and officials in various locations across the country offering these services to our veterans.

Government Orders

I want the hon. member to know that we are currently recruiting additional staff in order to be prepared to respond to the needs of those returning from Afghanistan. We want to make sure that in less than a few weeks, we can quickly provide them the entire range of services available on their return from Afghanistan.

I want to take advantage of the hon. member's question to explain the significance of the changes we are making. Take for example a soldier who returns from Afghanistan seriously injured. Before the changes, if he underwent a rehabilitation program he would have received 75% of his salary, but someone else at the bottom of the pay scale would have received 75% of that salary at the bottom of the pay scale. We are going to increase this so that the person receives a minimum of \$40,000, plus additional measures. A seriously injured veteran returning from Afghanistan will now receive a minimum of \$58,000 a year.

• (1845)

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Chair, I have two short questions for the minister. Last week, we saw important internal documents from Veterans Affairs, which indicated that officials knew from the outset that a new benefit system would result in less money being allocated to veterans. We are talking about a savings of \$40 million. I would like to hear what the minister has to say about that.

Furthermore, there have been a fair number of scandals over privacy and confidentiality of medical, psycho-social, economic and financial information of veterans. We are familiar with the case of Sean Bruyca. More than 650 people consulted his file. We do not know why. There is also the case of Louise Richard, a retired military nurse, who experienced the same thing. Even the veterans' ombudsman told us in committee that he was the victim of such abuses.

We were pleased when the minister apologized publicly. However, he said that the privacy rights of a number of other veterans had been breached.

The minister has said that he will investigate. I would like him to tell me what mechanism will be put in place to ensure that veterans' privacy rights are respected.

Hon. Jean-Pierre Blackburn: Mr. Chair, the Bloc Québécois critic has asked me two questions. In his first question, he claimed that improvements were made to the new charter in order to save money at the expense of our veterans.

I remind the House that the new veterans charter was adopted before we took power. It was under the previous government. I have no idea whether they were trying to save money, but that is not our intention. The proof is that we just received \$2 billion in additional funding from the government, that is, \$200 million over five years, to improve services for veterans and to ensure that they do not have any financial worries.

That is why I said earlier that if a soldier returns from Afghanistan seriously wounded and participates in a rehabilitation program, or if he can never return to work because his injuries are too severe, he will receive a minimum of \$58,000. That is obviously in addition to the lump sum disability payment, which can go up to a maximum of \$276,000. So there are two measures. Furthermore, we have been

asked to look at the amount our veterans receive as a disability payment, since some of them have difficulties managing it. We will offer options to our veterans to better meet their needs.

As for the privacy concerns, since my time is up, I would be happy to speak further if other questions are asked.

[*English*]

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Chair, so many questions and so little time.

If the government wishes to take credit for certain programs, then it also has to take responsibility for the failure of some of those programs.

As the minister well knows, when the VIP program was extended, the Prime Minister was the opposition leader. In 2005 he said clearly in a letter to Joyce Carter that all widows and widowers of World War II and Korean War veterans would receive the VIP program. All of them would receive it, and they would receive it immediately. There were no other provisos.

In the 2008 budget, the program kicked in and less than 10% of those people were eligible. They were also under strict criteria, which meant they had to be receiving a disability payment or have a low income in order to receive the VIP program. That was not said in the letter. The letter said "all" and "immediately".

The privacy information of Sean Bruyca and others may have been scattered throughout the department like confetti. I am wondering why the minister did not call for a public inquiry into the department in order to seek outside consultation and recommendations.

We do not blame the minister for what happened. He just received his posting. To be honest, with what I have seen so far I believe the minister is sincere and careful regarding what he wishes to do for veterans, including RCMP veterans, and their families.

I am wondering why he did not call for a public inquiry into his department.

I have many more questions, but I am sure I will be given ample time in the future to ask them.

• (1850)

[*Translation*]

Hon. Jean-Pierre Blackburn: Mr. Chair, I would like to thank the member for his questions.

What is more important than information concerning the private lives of veterans? This information needs to be kept only in the hands of those who need to know, and not a large number of people who actually do not need to know. We need to keep this type of information from being shared with a large number of people.

Government Orders

When all of this was brought to my attention—they were talking about events that occurred in 2005 and 2006—we immediately put measures into place. The Privacy Commissioner's four recommendations will be implemented and, over the coming days and weeks, we will make public an action plan that comprises 10 elements that will completely change the way things are done within the Department of Veterans Affairs. We can therefore ensure that our veterans' private information will truly be respected. You can see that we are serious and that we are moving ahead in this direction.

In terms of support measures for families of veterans, I would also like to tell the member that it was the previous government that made cuts in 1995. We put them back in place and those who served in Korea, in particular, as well as their families, are really being helped by these measures.

[*English*]

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Chair, my earliest memories are of a Legion where my mom played in a pipe band. I liked to listen to the kindly older men while the band practised. I liked their stories. They would test me, "Do you know what that tune is? Do you remember what it stands for?" They were *The Battle of the Somme, Black Bear, and Highland Laddie*.

By the time I was five, I knew to stand for the colour guard, to take my woolly winter hat off as I entered the Legion, and why we wear a poppy. I found the word "veteran" hard, so my parents instead used the word "hero". My whole life, veteran has been synonymous with hero.

Every summer we lined the streets of the Canadian National Exhibition for Warriors' Day. I remember the rows and rows of men and women who stretched from one side of Princes' Boulevard to the other, Legion after Legion, the 400 Squadron, the Toronto Scottish, waiting for my grandfather to march past and then my mother, and clapping until my hands were raw.

As a child, I was fascinated by the veterans' medals, and I asked my dad how anyone could have had medals that stretched from one side of his chest to the other. My father taught me that Canada owes our veterans. That is why we come to honour them each summer and that is why I must never forget them. He told me how his own father was not able to fight in the second world war, but that at the end of each week, how his father, a barber, prepared packages tied up in brown paper with string, to send to the boys from the neighbourhood. As a child, I saw my father cry only twice, but his eyes watered every time he told me about those packages.

As I grew older, my understanding of our veterans' gift to my parents' generation and to mine deepened, while the rows upon rows of veterans dwindled. Today Warriors' Day is a mere trickle of what it once was, with many veterans being driven in vans along the parade route. But the ranks of new veterans are growing. My hands are still raw and none of my family can manage a dry eye when the first Legion passes.

For 25 years, I had the honour and privilege of performing with the 48th Highlanders of Canada, *Dileas Gu Brath*, and had planned to do officer training with the navy if I had stayed in Canada for school. I have stayed on the bases as Esquimalt and at Valcartier, and was asked to teach new recruits at Borden. I would like to thank the 48th for the profound respect they taught me for military culture,

history, and the sacred trust Canada has with its veterans, for the debt of gratitude we owe them, and always, that we will remember them.

I came to serve in Ottawa for two main reasons: to fight to end child hunger in Canada, and to fight for neurological disease, all because of what a veteran said when I was a child. He said that he went to war for my mom's generation, for my generation, and for those to come, that he did not go for his own. One hundred thousand never came home. Then he said the words that I have never forgotten, that have haunted me all my life: "What will you and your friends do for the next generations? We are entrusting you with the future we fought for".

Let me begin by thanking all of our veterans, our World War II veterans, our Korean War veterans, our Canadian Forces veterans, and all our Canadian Forces and reserves. I thank them, I know each member of this House thanks them, and our country thanks them.

I was enormously proud to be appointed the veterans critic by our party. I take this new role to heart. I profoundly take my service to them, as they taught me service throughout my life, and I will do my utmost to honour them, their service to our country, and, most important, to work to restore the sacred trust Canada once had in them.

I will fight hard to bring attention to the issues they have raised with me such as agent orange, ALS, atomic war veterans, clawbacks, lump-sum payments, the new veterans charter, and privacy. I never would have believed, and Canadians would not have believed, that we would ever have had to fight for the privacy of our veterans. We assume that this is a given in our country. To name but a few issues, there is PTSD, the veterans' ombudsman's office, and Veterans Affairs.

● (1855)

It is disgraceful that in Canada we have let them down, and let them down on so many issues. Yet again they have had to be the heroes, to lead us to see the injustices, and to push us to begin to right the wrongs. I am sorry that they have come home only to fight other battles: for care, treatment, and something so basic as privacy.

Government Orders

While I may have come to Ottawa for two main reasons, I now have a third: the brave men and women who put their lives on the line for Canada in time of war and in time of peace. They are our country's heroes.

This week, Canadians across our country will begin to gather in places where it is impossible not to be moved by the sacrifice of our veterans. We shall remember the fallen, the battles that have defined generations. We shall remember our humanity in difficult circumstances, during peacekeeping missions. We shall remember the generations serving today. Many left as young men and women only to return as heroes, to take their place alongside previous generations for the courage they have shown and the sacrifices they have made.

However, our veterans deserve more than one day, one week, of remembrance. They have earned care when they need it, respect throughout their lives, and the necessary economic, familial, and social supports to return to civilian life, to adjust to a new life, or to age with dignity and grace. They do not want hollow words, with no action. They deserve leadership with real change, and they deserve what they engaged in so extraordinarily well themselves, namely, action.

Our veterans deserve significant changes to veterans affairs. I want to acknowledge the good work of the people there, though. I want to recognize the people who actually served in the military and who understand the culture. We need a change in the current philosophy, from the insurance policy climate of today to the sacred trust of the past, from helping a veteran only to the age of 65 to looking after a veteran to the end of his or her life, to reinstating the originally intended benefit of the doubt when dealing with veterans, to streamlining processes and procedures and ensuring that there are enough people to allow timely processing of claims.

There also needs to be an extensive review of the new veterans charter, in consultation with veterans across the country. We need to know what is working, what is not working, where the gaps are, and what needs to be changed.

Although the charter was intended to be a living document, the government has not made one change in four years.

We need to make real changes in compensation. This is one of the most criticized pieces, with 31% of veterans saying the lump-sum payment does not work for them.

Why does the government continue with something that is failing to help our veterans?

We must also ensure that VAC is properly prepared for when our men and women return in 2011. VAC cannot meet the demand of today's veterans, let alone the veterans of 2011. Where is the vision, the strategic plan, and the resources to ensure that the department is ready?

I profoundly thank Colonel Pat Stogran, veterans ombudsman, for his years as an officer in the service of our country and for his excellent and courageous service to our vets over the past three years.

Finally, I honour all our veterans, their families, the fallen, and those still serving. There is no commemoration, praise, or tribute that can truly match the enormity of their service and their sacrifice.

● (1900)

[*Translation*]

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Chair, I would like to congratulate my colleague on her excellent speech. She and I are both members of the Standing Committee on Veterans Affairs. Her work shows that she is a sensitive and thoughtful person.

I would like to ask her a question about the decision not to renew the ombudsman's mandate. The ombudsman told the Standing Committee on Veterans Affairs about a number of issues. Of course, there was the confidentiality issue and, most importantly, the endless delays in processing veterans' compensation claims. Apparently it was taking a long time for people to get responses to their compensation claims, and that often caused problems. There was also the matter of the lump sum payment. Like the Bloc Québécois, the ombudsman supported reinstating the lifetime monthly payment and eliminating the lump sum payment, which saves the government \$40 million at veterans' expense.

I thought that the ombudsman was very critical of the government, and I have a few questions. Why, according to my colleague, was his mandate not renewed? Is the fact that he is accountable to the minister a good thing? Would it not be better for the ombudsman to be accountable to a more independent entity instead of directly to the minister?

[*English*]

Ms. Kirsty Duncan: Mr. Chair, it is a privilege to serve on the committee with the hon. member.

He raised the issue of long delays. Every day we hear of people waiting for answers on their claims. Right now we are dealing with a woman who has been denied her agent orange claim, although it is one of the accepted Institute of Medicine diseases that is recognized. We then went to Veterans Affairs Canada was actually put in two years ago. We were told by Veterans Affairs that she did not get it in quickly enough and her claim has been denied again. I now have the information to send to Veterans Affairs that her claim two years ago.

The delays are certainly an issue, as are the lump sum payments. Veterans Affairs' own survey showed that 31% of veterans do not think this meets their needs. We really need to look at this because we need to ensure that our veterans are able to live a good quality of life and in dignity.

Government Orders

The last question was regarding the veterans ombudsman. The member has done an excellent job of highlighting the issues that our veterans have been raising, such as agent orange and ALS. As recently as May of last year, the government was not taking action on ALS. It was not until the Dyck family, and my condolences to the Dyck family, had the courage to come forward and tell their story along with the veterans ombudsman that the government moved on this issue. I was actually at ALS Ontario's meeting on Saturday where Mr. Dyck was celebrated. My condolences again to the Dyck family.

ALS, agent orange, clawbacks and lump sum payments are some of the issues that the veterans ombudsman had the courage to raise.

• (1905)

Ms. Irene Mathysen (London—Fanshawe, NDP): Mr. Chair, I thank the member for her remarks and her insight into the realities faced by veterans.

My question pertains to my riding. While she did not touch on it, I am hoping that she can shed some light. The Parkwood Hospital in my riding is a veterans hospital and has been a veterans hospital since the end of the first world war. It is currently closing 72 beds. The reality is that veterans from World War I, World War II and the Korean War are diminishing in numbers and so the beds are being closed.

My concern is, and I have written to the minister about this, that these beds should be available for peacekeepers, and there have been many missions since the Korean War, and for the veterans coming back from Afghanistan.

The response, and I understand, is that these modern-day veterans can seek private care in other kinds of facilities. The problem, however, is that other facilities do not have the expertise or the kind of atmosphere care that ex-service people would benefit from. Very often in these seniors' homes they do not even have a Remembrance Day ceremony.

We are talking about creating centres of excellence, and not allowing these veterans' hospitals to go by the wayside. I wonder if the member could comment on that.

Ms. Kirsty Duncan: Mr. Chair, the hon. member raises an important issue, which is the issue of long-term care.

When members of the Canadian Forces go off to war and into harm's way, we have an obligation to look after them when they return and ensure they have the care and treatment they need. They should not be fighting another battle when they come home when they absolutely need that specialized care.

I will address the issues of operational stress injuries, anxiety, depression and PTSD. We need people who are experienced in those fields. What do we need to do immediately in order to take action on PTSD? Is it investments in awareness, outreach and suicide prevention? Is it hiring more mental health professionals? Is it improving care and treatment?

Once veterans have a diagnosis, we need to make it easier for them to get the support they need.

[*Translation*]

Hon. Jean-Pierre Blackburn: Mr. Chair, I would like to share a few thoughts with the member. I see that she recognizes that the new Veterans Charter must be improved. At the same time, we all know that the charter was passed, here in this House, when her party was in government. I hope that the member has noted that we are making important changes to the new charter. We are preparing to introduce a bill. Will the member support us when we introduce our bill?

Today, there will be a motion in the House to introduce our bill in the next 48 hours. It will make improvements to the earnings loss benefit and the monthly disability pension. With these two measures, a veteran returning from Afghanistan with serious injuries, if he participates in a rehabilitation program or if he cannot return to work, will receive at least \$58,000 per year. Does she agree that this should be improved substantially?

In addition, we want to add options for the lump-sum payment. Does she agree that we need to move forward and make these changes quickly so that our veterans can benefit from them as soon as possible?

• (1910)

[*English*]

Ms. Kirsty Duncan: Mr. Chair, with regard to the new veterans charter, the focus of this debate is not to go into the past. It is about fixing things today. We appreciate that the minister took action in the fall. We appreciate any help that he brings to our veterans. We appreciate the investment and we are looking forward to seeing that bill and to ensuring it meets the needs of veterans.

[*Translation*]

Mr. Guy André: Mr. Chair, from November 5 to 11, people will be celebrating Veterans' Week. It is very important to commemorate, as all parties in the House are doing today, the courage and bravery of the men and women who have worn the uniform and who have put their lives at risk to complete their mission.

In addition to remembering their courage, we must not forget that all of us, especially those of us who are parliamentarians, have an important collective responsibility with regard to our veterans.

After their service, after they have completed often courageous and difficult missions, it is our duty to ensure their well-being and to provide them with good living conditions when they leave military service. We must admit that our government does not always meet all of their needs.

The new veterans charter has improved certain services. The charter was originally implemented by the Liberals, as the minister just said, and then continued by the Conservatives. There are still a lot of improvements to be made, as we have discussed many times in the Standing Committee on Veterans Affairs. I will come back to that.

Government Orders

The current government keeps talking about the Canadian Forces' involvement in various military operations. It is a fact. The government does not hesitate to spend significant amounts of money to procure military equipment. The Canadian army goes to high schools to recruit new soldiers and send them to sometimes difficult and dangerous missions. But what are its responsibilities? The government has to meet the needs of soldiers returning from a mission damaged, disabled and injured.

Soon our soldiers will be returning from Afghanistan. A number of them will have gone through dangerous situations and will unfortunately be suffering from post-traumatic stress disorder. Some are already returning disabled or suffering from post-traumatic stress disorder. There are also the families who have had to cope with the suicide of one of these soldiers. Is the government up for this new challenge? Will it respond appropriately to the needs of our veterans? Those are some of the questions being asked in our committee. We believe that the government is not responding appropriately and that it has to make a number of improvements.

The government has to be as dynamic when the time comes to take care of veterans as when it recruits people for military missions. There needs to be greater investment when these people return injured or suffering from post-traumatic stress disorder.

Statistics show that one person in six experiences some kind of post-traumatic stress. The government has to invest in research. The government has to prevent post-traumatic stress disorder and invest in research to reduce the negative impact on soldiers who participate in military missions.

The prevailing culture among Veterans Affairs Canada decision-makers has been the subject of much criticism. Critics, including the veterans ombudsman, say that the culture is based on institutional obstructionism and inaction. For a long time, the system has denied veterans the services to which they are entitled. Their files get lost in unbelievable tangles of red tape. That is the truth, as we have seen in committee.

The ombudsman raised these issues and submitted a report. I hope that the Minister of Veterans Affairs will read it.

• (1915)

It contains some important elements. I have repeatedly raised the issue of the right to privacy. This scandal emerged over the past few weeks, months and years. Since 2005-06, veterans' files have been made public and available to just about anyone working for Veterans Affairs Canada, including the minister—not the current minister but the former one. Anyone could look at those files. There is a lot of work to be done in Veterans Affairs Canada and, as I said, a lot of research.

Another area that needs improvement is service delivery times. It takes far too long to assess cases and give people the compensation to which they are entitled. It takes too long. These are lengthy delays lasting three months, six months, even a year. People have to wait. Veterans have to fight to obtain services. They get discouraged. That is not right.

I spent several years as a social worker in a CLSC. People called for services, and our response time was 48 hours. At the time, we had 48 hours to respond to people's requests. There should be

benchmarks for responding to veterans' compensation claims. They should not have to fight Veterans Affairs Canada.

Of course, the lump sum payment is a very important issue. The Bloc Québécois is calling for changes in that respect. The hon. member for Québec circulated a petition that was signed by over 6,000 Quebecers. Based on certain reports, it seems that the lump sum payment was not enough for some young people. Of course, for people 30 or 40 years older, it could be worthwhile, but for a young person who receives the maximum amount of \$280,000 at 22 or 23 years old, it is not enough. The same is not true for a colonel who receives it at age 40 or 45. That is not the same reality. Unfortunately, when the lump sum is paid and the individual spends it all, it is usually the family that ends up paying for that individual's education, rehabilitation or living expenses. We heard this from witnesses who appeared before the Standing Committee on Veterans Affairs. For instance, one woman told us that her son had unfortunately spent almost all of his lump sum payment. Thus, it is important to restore the monthly payments that existed before.

The minister said we were against the veterans charter. We are not against it, but this is one part of the veterans charter. In fact, the new veterans charter, as we have seen, provides better local services for veterans, services for caregivers and many other services that are truly improved. However, the issue of the lump sum payment instead of monthly payments still needs to be addressed.

Lastly, to conclude, I would like to talk about the ombudsman's independence. As we know, the ombudsman held his position for three years and tabled one report. In my opinion, in order to be effective, an ombudsman must be in that position for a longer period. People always say that an ombudsman should be critical of the government in order to further the cause of veterans, but that can sometimes displease the government. I would propose, as the Bloc Québécois has in the past, that the ombudsman be independent and not come under the department.

• (1920)

[*English*]

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Chair, I would like to thank my colleague for his passionate and caring speech. He raises an excellent point about research.

There seems to be a delay in translating research at Veterans Affairs Canada. For example, in Canada the illnesses of those who are eligible for an Agent Orange payment are actually based on the Institute of Medicine report from 2004. In the U.S. that is updated every two years. There is a review of the science and the new science is added.

If we look at ALS, research showed that veterans were more at risk of developing ALS. Again, the government chose to ignore this information as late as this spring. The U.S. took action back in 2008. It was the Dyck family who fought so hard to get compensation here in Canada, with the veterans ombudsman.

Now we have new research looking at post-traumatic stress disorder, and we see there is an increased risk of our veterans developing dementia.

Government Orders

I am wondering if my hon. colleague could comment on the need to make sure we have up-to-date research.

[*Translation*]

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

To get back to what I was saying, we see problems like post-traumatic stress disorder with our veterans. I would like to offer my condolences to the family of Brian Dyck, who had ALS, which the member mentioned.

Our veterans experience other problems, such as suicide and difficulties with social integration. We have even seen cases of homelessness. An organization in British Columbia, I believe, specializes in homelessness among veterans.

I think that follow-up and research are important. Research is important to understand the social, psychological and physical problems veterans experience. Follow-up is also important, since they are essentially being abandoned once they return from their missions. My colleague from Shefford saw a veteran in psychological distress who was abandoned in Granby. He receives a call once a month to see how he is doing. That is not psychosocial follow-up. You cannot determine whether someone is truly doing well if you call them once a month or once every six months.

These people went through something difficult. They experienced stress or a situation that affected them personally. We must ensure that they are followed over the medium and long term. We must invest. We invest huge amounts of money in military missions, so we must invest just as much in the soldiers once they return.

• (1925)

[*English*]

Mr. Greg Kerr (Parliamentary Secretary to the Minister of Veterans Affairs, CPC): Mr. Chair, the member and I exchange many views during the committee process. It is a real learning experience.

Would the member not agree that, hearing these discussions, we are realizing that so much that was not done by the previous government is actually under way today? There is action taking place on the things that were talked about.

We know it has been an extremely difficult few months for veterans and for all of us on the privacy issue, but would the member not agree that the government, with the leadership of this minister, is showing that initiatives are now under way and that they are the right way for the government to go?

I know the member is talking about all that should be done, but would the member not acknowledge that there is a listening process and a response process that is good for the veterans?

[*Translation*]

Mr. Guy André: Mr. Chair, there is some worthwhile work being done in the Standing Committee on Veterans Affairs. We have had some discussions, and we do not always share the same opinions, but that is democracy.

Is the Conservative government taking more action than the previous Liberal government did? I have always said that the

Conservatives and the Liberals are cut from the same cloth, and I said it earlier during question period. Luckily, the Bloc Québécois is here to ask the right questions, forcing the parties in power to think, to be more critical and to progress.

And that is why I believe that the committee members, no matter what party they belong to, have an interest in continuing to develop veterans' services. I believe that this sensitivity needs to translate into programs and concrete action.

[*English*]

Mr. Peter Stoffer: Mr. Chair, I wish to state to the audience listening in tonight that I will give the hon. member from the Bloc Québécois credit. Even though they may think the Bloc Québécois is a separatist party, which is their angle in here, the hon. member has stood up and fought not just for veterans in Quebec but for veterans and RCMP veterans and their families right across the country. For that he deserves a round of applause. It is true that he does not think just of those in Quebec; he thinks of them right across the country.

My question for him concerns Ste. Anne's Hospital. We know that Ste. Anne's Hospital in Quebec is the last federal veterans' hospital we have in the country. We understand, through various sources, that the hospital will eventually be divested over to the Province of Quebec. One of the floors is already given out, right now, to people who are non-veterans. Our biggest concern is not just for the World War II and Korean War veterans getting the hospital care they need, but we have hundreds of thousands of modern-day veterans from post-1953 who may not be eligible for short- or long-term hospital care. I would like the hon. member's opinion on that.

Our veterans from post-1953 served in Haiti, Afghanistan, Cypress and Egypt. We have a lot of discussion about veterans of Afghanistan, but there are hundreds of thousands of veterans who served during the Cold War. These individuals and their families will eventually require long-term assistance.

For example, in Halifax a while back there was the case of Janet Maybee's parents. Her father was in the Camp Hill hospital, but his wife, who was in the last stages of her life, was in another institution. We had the same problem in Ontario.

I would like the hon. member's opinion. What would happen to these spouses in the last stages of their lives and where should they be facilitated in order to ensure their long-term care?

[*Translation*]

Mr. Guy André: Mr. Chair, I would like to thank my colleague for saying that the Bloc Québécois thinks about Quebecers as well as all Canadians. I would even say that we think about everyone on this planet. We are not against anyone. We simply want to manage a country and our own social, economic and political development.

Government Orders

And the issue of Ste. Anne's Hospital is somewhat similar. I visited Ste. Anne's Hospital with my colleague, the NDP member, and with Liberals and Conservatives. Many of the wings in this hospital are empty. It is a major challenge. In west Montreal right now, there is a need for long-term care beds. Negotiations are currently under way between the federal government and the Quebec government to see what can be done with the available long-term care beds. Will a new reception centre or nursing home be built when there is a perfectly good hospital that could provide services to other elderly people? I do not necessarily think that we need to go against veterans' interests, but I do think that the space needs to be used for everyone's benefit—

• (1930)

The Chair: I must interrupt the hon. member.

[*English*]

I can accommodate one more very brief question or comment. The hon. member for London—Fanshawe, for 30 seconds or so.

Ms. Irene Mathysen: Mr. Chair, my colleague has talked about Colonel Stogran. I too want to thank him. He mentioned in passing, in some of his criticism, that Veterans Affairs and the Privy Council are stonewalling and penny-pinching.

This brings me to a discussion I had with a former serviceman in my riding. He was seriously injured while he was serving overseas. He was not in combat, but he was in training and hospitalized as a result. Consequently he is retired, but the injuries have come back to haunt him. He has severe neck problems and a heart problem—

The Chair: I have to stop the member there. There is very little time left. There is only 30 seconds for the hon. member for Berthier—Maskinongé.

[*Translation*]

Mr. Guy André: Mr. Chair, it is difficult to answer because she was unable to finish her question. We could perhaps speak outside the House because I did not understand the end of her question.

I would like to thank her for her co-operation. The NDP is one of our good partners when it comes to veterans and others.

[*English*]

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Chair, for those who are listening and watching, many of them will notice I do not have a moustache. That is because this is Movember, which means members of Parliament with moustaches shave them off and then grow them back. I invite all those veterans, all those men out there to ensure they get their prostate checked because it is very important. Statistics show that 25,000 of us will end up with prostate cancer this year, so it is very important for early detection. That is why I do not have the moustache tonight.

I personally want to thank the government for allowing this take note debate. The last time we had a debate on veterans issues was in 2006. I firmly believe members of Parliament and senator should be discussing veterans and military issues a lot more than we do now.

I want to give three very quick points for the minister to allow him to understand exactly what the problems are. I have seen these in my thirteen and a half years of advocacy for veterans, RCMP members and their families.

First, the rhetoric does not match the resources. We heard about VIP, but less than 10% of the women actually qualified.

Second, we heard about agent orange. The former minister and the Prime Minister, when he was not prime minister, were in Gagetown and said very clearly that everyone would be covered by agent orange compensation. We learned that just over 3,000 actually were covered. That promise was to over 300,000 people, military and civilians who could have been covered by agent orange compensation. However, the Conservatives brought in the exact same program that the Liberals offered except they offered a caveat. People had to have died after February 6, 2006, in order to receive the compensation package. That is when the Conservatives officially became government.

In a letter Joyce Carter of St. Peter's, Cape Breton received from the now Prime Minister, he said that all widows and widowers of World War II and Korean veterans would be covered by VIP immediately. Two years after the Conservatives formed government, they allowed less than 10% to qualify. Then they accused me of voting against their budgets that included that 10%. When they make a promise of that nature to veterans and their families, they had darn well better keep it.

I personally want to thank veterans out there like John Labelle, Roger Boutin and Mel Pittman of Lower Sackville, Nova Scotia, for trying to stop the unfair clawback to their pensions at age 65 and those who have a CPP disability clawbacks as well. Ed Carter-Edwards from Ontario is one of the very few last surviving Buchenwald veterans in our country. These are military personnel who were captured and put in a concentration camp. That was against the Geneva Convention. They fought for years to get compensation and they finally received it a few years ago. My tip of the salt and pepper cap to Ed Carter-Edwards for that.

I thank Dennis Manuge of Porters Lake, Musquodoboit Harbour, Nova Scotia for his continuous battle of fighting against the unfair SISIP clawbacks. Here is where the problem is in SISIP. Two DND ombudsmen said that it was not right. The House of Commons voted that SISIP was wrong in terms of the clawback. The Veterans Affairs committee, the Senate committee also said unanimously that this was wrong. Yet these veterans had to go to the Supreme Court of Canada to fight that unfair clawback of their SISIP.

This is why I have said the rhetoric does not match the resources. If the government is truly responsible for veterans and their families, then why do veterans have to go to the Supreme Court to pursue their case when all these outside avenues and agencies have said that it is wrong and it should be dealt with it appropriately?

Government Orders

I also want to give special kudos to Colonel Pat Stogran. I remind everyone it was the Conservatives who put Colonel Pat Stogran in as the ombudsman. Now they may not like what he has to say, but the fact is Colonel Stogran has become the beacon of light and hope for many veterans, RCMP veterans and their families.

● (1935)

One of the best things the government could announce tonight, or very soon, is the reinstatement of Colonel Stogran for the next three years as Canada's ombudsman. I would encourage and plead with the Veterans Affairs minister and the Prime Minister to do that. Although they may not like his style or what he has to say, he has become a beacon of hope, light and truth for veterans, RCMP members and their families. The number one thing the government could do almost immediately is allow Colonel Stogran to continue on for the next three years.

There is another thing the minister could do tonight, or very soon. The Minister of National Defence has announced that all members of the military are allowed to attend the rally on November 6 at 11 o'clock across the country. There will be no repercussions for as long as they do not wear their military uniforms, and that is fine.

We would encourage the Veterans Affairs minister to tell his 4,100 employees across the country that they too will be invited to attend the rally in support of veterans, RCMP members and their families from coast to coast to coast. If the minister wishes to announce that tonight, that would be a very good thing.

One of the major concerns veterans have with the Department of Veterans Affairs is called the Veterans Review and Appeal Board. This Gordian knot called the Veterans Review and Appeal Board is where 90% of the problems are within the Department of Veterans Affairs.

Imagine when someone who is 86 years old, who fought in World War II, who has a hearing problem, is denied his or her first claim, but is told he or she can appeal. Six months later, that person gets another letter saying that he or she is denied once more and can again appeal, but the department will assign him or her a lawyer and the individual's case will go before the Veterans Review and Appeal Board.

The Veterans Review and Appeal Board is made up of mostly political appointees. These are people with no medical, military or policing history. In fact, one of my former colleagues, Angela Vautour in New Brunswick, was on that board. An assistant of Norm Doyle, a former member of Parliament for Newfoundland, is now on that board. I do not know what medical, military or policing history she has.

The government has to stop appointing its friends to that board. They are adjudicating on behalf of veterans, RCMP members and their families. It is disgraceful that people who are politically appointed, with absolutely no medical, policing or military history, adjudicate on behalf of the heroes of Canada. That has to stop.

The fact is the Conservatives knew this was a problem. At their 2005 convention, they said they would stop this practice, but they have continued with it. Do not get me wrong, people like Harold Leduc and others with military experience are on the board and do a great job.

I would, by the way, advocate for eliminating the Veterans Review and Appeal Board and for putting the money toward veterans benefits. However, if the government cannot or will not do that, then it should ensure a board is comprised of military, policing and medical personnel who truly understand what it is like to serve in Haiti, in the Middle East, in Korea, in World War II or in Afghanistan.

There are many other things the NDP would like to do to move this issue forward. We encourage the Minister of Veterans Affairs and Minister of National Defence to work co-operatively to do that.

The fact is every day I receive requests from military personnel, veterans and RCMP members from across the country to assist them, in some way, in dealing with the Government of Canada. They find the Gordian knot they have to go through, which I call the Cirque de Soleil act, in order to get assistance is mind boggling.

There are over 770,000 veterans with families in our country. DVA only deals with roughly 220,000, so more than two-thirds are not DVA clients. This is key. When the government says that there is an 80% approval rate for veterans on the services and benefits of DVA, that is only recorded for the people who receive a benefit. I have asked DVA to ensure it contacts all 770,000 veterans out there and ask what they think of DVA. It may get a different answer.

● (1940)

I know there is a lot of time for questions and answers, and I would be more than happy to—

The Chair: Questions and comments, the hon. member for Kitchener—Conestoga.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Chair, this is an interesting debate tonight. I know many of the veterans in my riding, who I have had the privilege of meeting over the last four and a half years, are very appreciative of the services that our Department of Veterans Affairs has given them.

I had the privilege of meeting Harry Watts, World War II vet. He was a dispatch rider in World War II. He goes into classrooms and to citizenship ceremonies and eyes light up when people hear him telling his stories.

I want to point out that many veterans across Canada are very appreciative of the efforts of our government.

The member for Sackville—Eastern Shore raises some interesting points about veterans. The question I would have is this. If the member is so supportive of veterans, can he explain why he has consistently voted with his party against any increase in benefits for our veterans or our military? Why is the member opposed to providing good equipment to our men and women in uniform so they can do the job that we send them to do and have a much better chance of returning safely to their family and friends?

Government Orders

Mr. Peter Stoffer: Mr. Chair, I know the member is fairly new. He has been here a couple of terms now. Therefore, I will try to be as nice as I possibly can.

For Mr. Watts, veterans receiving benefits are very happy. However, there are thousands and thousands who do not receive benefits and they are very unhappy.

I wish the member would be completely truthful with the House. He knows very well that when 300,000 people are offered agent orange coverage and less than 3,000 are covered and I am asked to vote for it, he is damn right I will vote against it.

When every widow and widower of World War II and Korean War veterans are promised VIP treatment and then less than 10% are offered assistance and the Conservatives want me to vote for it, absolutely not.

These are in budgets. Budgets mean confidence in the government. I have a great respect for the hon. member, but if he expects me to stand and vote confidence in the government, it will be a very sad in the country when I do that.

• (1945)

Hon. Judy Sgro (York West, Lib.): Mr. Chair, I am pleased to stand and have an opportunity to ask a few questions to my hon. colleague.

There are a few of us in the House who sit on the Standing Committee on Veterans Affairs. We have a fabulous group that is very much committed, on all sides, to making a difference in the lives of veterans and their families. My hon. colleague has been on the committee, as he said, for over 13 years. He has been there as a passionate advocate and is recognized by all of us on the committee.

The issue to do with the ombudsman and the independence of the ombudsman is an issue that has been of great concern to many of us. The fact is the current ombudsman who is about to leave has no independence.

I would be interested to hear my colleague's comments on the future of the ombudsman's role and whether he thinks it should be a completely independent area.

Mr. Peter Stoffer: Mr. Chair, if people read the veterans report from Standing Committee on Veterans Affairs, they will see the committee asked for complete independence for the ombudsman.

We know that the DND ombudsman's hands were tied. We have asked for complete freedom for the veterans ombudsman in order to look at anything the ombudsman wanted to look at, to have complete independence and be resourced accordingly. Unfortunately, that did not happen. The Conservative government of the day appointed Colonel Stogran, but put various restrictions on what he could and could not see.

This is one of the aspects of the failure of it, again where the rhetoric does not match what is said. We would encourage the Conservatives, if they will not reappoint Colonel Stogran, which we would encourage them to do, to ensure that the ombudsman, whether it be Colonel Stogran or whoever, has a lot more freedom and judicial overview in terms of what can and cannot be seen.

[*Translation*]

Mr. Guy André: Mr. Chair, I would like to congratulate our colleague on his excellent speech. I sit on the Standing Committee on Veterans Affairs with him. He has served on that committee for a number of years and is very dedicated to the cause of veterans. I believe that he truly stands up for veterans, as do the Bloc Québécois and other members of the House.

There is one thing that concerns me, and that is Bill C-473. The bill will be debated in the House and seeks to protect medals, orders and other items. The member knows where I am going. We met with the Canadian Legion and other veterans' organizations, who told us that the medals belong to them. They told us that when they are given a medal, without a signed contract, without any agreement, the medals belong to them.

The bill states that the veteran may transfer these items to his family. If the veteran wishes to sell them, he must promptly approach the museum. However, veterans oppose this bill. They say that the medals belong to them. If veterans do not comply with the provisions of this bill they may be subject to a fine of \$5,000, \$10,000 or \$15,000, which is a fairly large amount. That is unfortunate. Medals are given to heroes who are then penalized and slapped with a fine if they do not agree to look after the item given to them as provided for in this bill. The member is about to—

The Chair: I have to interrupt the hon. member.

The hon. member for Sackville—Eastern Shore.

[*English*]

Mr. Peter Stoffer: Mr. Chair, here is where I disagree with my hon. colleague from the Bloc Québécois. I firmly believe that the medals given to the heroes of our country are not currency. These are not hundred dollar bills hanging from the left side of the chests of our heroes.

In fact, today, many armed forces personnel received various medals at the Governor General's and it was a wonderful ceremony, but the government did not hand them a cheque and say, "Thanks for your bravery. Thanks for your service. Here is some money". I firmly believe these medals should never be turned into currency, should never be turned into cash. In fact, it is illegal to sell the Order of Canada medal.

I firmly believe that when members of the military and RCMP who have received those medals pass on, those medals should be handed obviously to families, schools or museums, et cetera, but if not, then they should be given to various groups or agencies that can display them in the honourable place that they deserve. I simply do not believe for one minute that future generations should profit financially from the valour of others.

Government Orders

• (1950)

[*Translation*]

Hon. Jean-Pierre Blackburn: Mr. Chair, I listened to my colleague closely. I notice an inconsistency between what he says and what he does. Every time we have implemented measures to support our troops or to help our veterans, the hon. member and his party have voted against them. I do not understand why he wants us to improve things for our veterans. Whenever we do, he votes against our measures.

In the coming days, we will be introducing a bill in which one of the measures will provide appropriate and substantial help to our veterans. We know, among other things, that a mistake was made when the new charter was implemented in 2005. Some veterans had injuries that occurred both before and after the new charter was implemented. The two were not combined. Accordingly, only 16 veterans were able to get benefits of up to \$1,600 a month. We want to correct that and make sure we go from 16 veterans receiving benefits to 3,500.

Will the hon. member support our bill?

[*English*]

Mr. Peter Stoffer: Mr. Chair, first of all, we would like to see what the government has to offer. We need to know if this money is new money or regurgitated money. That is one of the things we are going to have to ask, but I want to personally thank the Minister of Veterans Affairs for moving on the ALS. The fact is that they never would have moved if it were not for that very historic press conference held by Colonel Stogran, the ombudsman, and also the late Brian Dyck.

In fact, Brian Dyck, in his final words, said to this country and said to the nation, if you are not prepared to get behind the troops, prepare to stand in front of them. Unfortunately Mr. Dyck passed on and the government, and I give it credit, moved on the issue of ALS, but it never would have moved if it were not for that press conference.

This is what I am saying. Veterans and their families and RCMP members and their families should never have to go public before the cameras to get the help they need, and I am hoping that this debate and further debates will be able to encourage the minister and the government to move forward very quickly, to be proactive instead of reactive on issues regarding veterans, RCMP members and their families.

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Chair, I thank you and all my colleagues who are here tonight taking part in what is obviously a very important, timely and emotional debate for veterans, serving members and Canadians across the country. As we approach Veterans' Week and Remembrance Day, it is only fitting that we would be here tonight to speak about these magnificent Canadians who do so much for our country.

With respect to the ongoing discussions about what we can do to assist and properly support our veterans, I am very proud of this government's record. In four-plus years we have invested significant amounts of resources for serving members in terms of personnel support on the bases, the equipment they need to do the important work that we ask of them, the places where they train, work, live and

raise a family on the bases that we have across Canada, and of course, the ongoing support that they require upon return from active service.

[*Translation*]

Veterans fought to protect the values that all Canadians cherish, including freedom, democracy, human rights and the rule of law. They helped institute a tradition of excellence and a sense of pride within our armed forces, which the current members of our Canadian Forces carry on today.

Today, these men and women proudly follow in the footsteps of their predecessors by doing a remarkable job for their country, both here and abroad.

• (1955)

[*English*]

Both serving and retired members of the Canadian Forces deserve enormous gratitude and respect in practical terms. The attitudes of Canadians, I believe, need to reflect this, as do governments.

Our men and women in uniform are our best citizens. They stand for the principles and values that we hold dear: freedom, democracy and the rule of law. They are the epitome of public service and they bring action to bear in implementing these important things. These are not just watchwords; these are actual values by which they live.

Those principles that we hold dear perpetuate outward to other countries, in places such as Afghanistan, and in previous generations, countries such as Korea and places around the world that were in need of Canada, in need of protection, in need of some of the basics and the things that we take for granted on occasion.

As a country, we need to reflect sometimes on how fortunate we are and the obligation that brings to us to assist, to aid, to make things better. The most obvious instrument of positive change in many cases are the men and women of the Canadian Forces who are able to go and establish a peace, a stability, an environment to enable some of the important development, reconstruction and aid that we are able to bring to bear.

We must do everything we can with that in mind to care for and support serving and retired military personnel in a comprehensive way, not lip service but practical, meaningful support to ensure that they have what they need both in the implementation of their duties and when they return, if they need our assistance.

As a government we have taken several measures to improve the services provided to men and women in uniform, as well as those who have retired. Part of this is the co-operation that is now well under way between the Department of National Defence and Veterans Affairs, ensuring that we have lock-step synchronicity when it comes to the delivery of programs. We are making significant efforts to ensure that the transition from service offered to the Canadian Forces members and to services provided to Veterans Affairs is smooth, without hurdles and without bureaucratic bangles. There is work to be done and we are addressing these issues.

I also want to state that there is much greater recognition and sensitivity now to issues that relate to mental health. These issues require more attention and greater priority.

Government Orders

I am grateful to the chief of the defence staff, Walt Natynczyk, and those in the leadership of the Canadian Forces for having shone a light on these important matters. The launching of the “Be The Difference” campaign last year brought into full daylight the issues that stem from post-traumatic stress and service overseas.

We have to continue to do things such as doubling the number of mental health care professionals, ensuring that joint personnel support units are there to provide the assistance when it is required, and in many cases, simply recognizing the stigma that does attach itself to mental health. The “Be The Difference” campaign is an awareness drive aimed at building a culture of understanding and respect and encouraging strong community support within the Canadian Forces and within the broader community.

We are working closely with other mental health associations around the country to ensure that we are benefiting from the most recent treatment and the most recent methods of addressing these important issues. The government is also making sure that the Canadian Forces have access to the best possible health services and installations. Most notably, the joint personnel support units are very much aimed at giving practical support in ways that in the past have perhaps been overlooked.

[*Translation*]

This summer I had the opportunity to travel across this country to make announcements about the work we will be doing to renew our defence infrastructure.

In addition to many other projects, the government is allocating funds to build and renovate health services centres in Comox, Galetown and Greenwood.

We believe it is essential to have state-of-the-art facilities to give our Canadian soldiers access to the best health care possible.

[*English*]

We are implementing measures that allow the Canadian Forces to partner with civil institutions, thereby providing our men and women in uniform with the greatest access to the best existing health care facilities. Challenges given the size of the country and some of the existing challenges within the Canadian health care system obviously have an impact on this delivery.

For example, my parliamentary secretary from Edmonton and I were pleased to announce an agreement with the Glenrose Rehabilitation Hospital in Edmonton for the installation of a \$1 million computer-assisted rehabilitation environment, a CAREN system as it is known, a virtual reality program that is the second system in Canada being made available to members of the Canadian Forces. It is a dedicated patient care clinic specifically for rehabilitating grievous injuries, both physical and mental. There is another CAREN system, by the way, here in Ottawa. This is very much an important part of having the most state-of-the-art technology to assist in the rehabilitation of our soldiers.

This also is in keeping with our government's recognition of the importance of rehabilitation and recovery throughout the country, medical treatment, clinical treatment and mental health. Our Canadian Forces men and women require a lot of family support,

and financial stability as well, and the comfort and accessibility of accommodations within their own homes.

A little over a month ago, the Minister of Veterans Affairs and I announced new measures to address some of the needs of the Canadian Forces personnel who have suffered serious injury. These measures amount to \$52 million over the next five years, with the intent to honour the legacy of soldiers, sailors, airmen and airwomen who have sacrificed so much.

This legacy of care program includes five new measures to improve the assistance that is offered to the members of the Canadian Forces who have been grievously injured. The government has set up a permanent barrier-free transition housing program for severely injured veterans undergoing rehabilitation, as well as support for their families. We are also improving support services such as transportation to doctors appointments and delivery of medicine and groceries, and caregiver respite. We are also providing financial support to the exceptional people, whether family or friends, who are supporting and standing by our recovering military personnel. We are also extending the spousal education upgrade program, which is now benefiting more family members of military personnel killed or permanently incapacitated since October 2001.

This legacy of care program will very much improve access for veterans and serving members to information and individual attention.

I was pleased to be joined at that announcement by a number of members of the Canadian Forces and veterans, including Master Corporal Jody Mitic, who I know is watching this debate. These important practical improvements will bring about greater change.

Yes, there is more to do. The Minister of Veterans Affairs has alluded to this. We want to ensure consistency and continuity with respect to how we treat our men and women in uniform. We have improved, as I mentioned, the joint personnel support unit, which is a one-stop shopping centre for people to go to and have all these issues addressed on the base, but we are investing in the programs.

One of the most important things we can do that I know veterans watch closely is to continue to invest in the existing Canadian Forces, both in personnel support, enlarging the size of the Canadian Forces, and improving the bases and the equipment they currently have. There is tremendous pride within the Canadian Forces. When veterans see what we are doing for our serving personnel today, they share in that pride.

To conclude, I want to thank all the members who are participating in this important debate. I give assurances that at the Department of National Defence, as well as Veterans Affairs, we are working lockstep to address some of the outstanding issues that still exist, including the lump sum. We have every intention to continue investing heavily, as we have in recent years, in the issues that matter most to veterans and serving members of the Canadian Forces.

● (2000)

Hon. Judy Sgro (York West, Lib.): Madam Chair, I want to thank the minister for his excellent words. Those words are appreciated by all of us, but most important, by all of our veterans.

Government Orders

We all wish everything were perfect. Our hearts are always with our veterans, especially when it comes to trying to make a difference in their lives. The minister's speech clearly outlined that. The reality is that as hard as we might try, there are still lots of issues when it comes to dealing with our veterans.

When the mother of Corporal Langridge came to Ottawa last week it was a very sad day for all of us and for Canadians in particular because that is not the way we want to see things happen. A mother should not have to come to Ottawa full of frustration. Could the minister tell me what is going to change as a result so it will not happen again?

We never imagined in our lifetime that soldiers would be coming back home from a war-like setting. What else can be done for many of the young men and women who are coming back? They have to have PTSD. I do not think anyone can experience what goes on in a war like the one in Afghanistan and then come home and say they are just fine and then go back again. What is the plan when it comes to making sure that those men and women have the services they need?

• (2005)

Hon. Peter MacKay: Madam Chair, first, with respect to the matter involving Sheila Fynes and the issues she encountered in terms of information and ongoing support from the Department of National Defence, I met personally with her last Friday, as the member may know. We had a very straightforward and honest discussion about how the Canadian Forces regrets the delay in particular on some of the very personal issues that she had encountered with respect to her son. Many of those issues are going to be addressed in very short order.

As is always the case, there are complications with respect to sharing information and putting that in the public sphere, which I am very loath to do, given recent examples of where information was shared inappropriately.

I would be pleased to speak to the member, perhaps after this debate or when we sit down, so I can inform her about some of the steps we are taking to address that particular case. However, in the interest of protecting privacy, I will say no more.

Let me turn to the longer term implications of the conflict in Afghanistan and other missions where Canadian soldiers may find themselves in harm's way and as a result of their service suffer grievous injuries, psychological injuries. We have taken steps, as I mentioned earlier, to double the number of mental health care professionals and to invest specifically in a number of institutions, such as the health institution we have in Edmonton, for that high-end technical equipment we see in places like the Walter Reed Hospital in Washington. We want the best possible health care to be afforded to those men and women who are returning home after having been injured.

We are also investing through that legacy of care in a number of practical matters that deal with an individual's home, health care at home and supporting those who support them. We are ensuring, as the Minister of Veterans Affairs has already alluded to, that we put sufficient funds into these programs. There is \$2 billion over the longer term that is going to ensure that particularly new entrants into

the Canadian Forces who are injured will receive a base salary in terms of replacement of lost income and earnings.

We continue to ensure that we are making these programs accessible. That is one of the greatest things that we can do, partnering perhaps with HRSDC to improve the accessibility around the country. Reservists and serving members do not only come from big cities. In places like northern Labrador and parts of Ontario and right across this country, some of those services have to be made more accessible. Transportation to and from those centres for treatment has to be improved.

All of these investments are happening. I think the member and all members would agree that we owe the highest duty of care to make these improvements and investments.

Comparing that to previous generations, and I say this with tremendous sadness, many men and women returned from service overseas in previous conflicts and when they got off the train, boat or aircraft, there was nobody there to meet them and there were very few services available. We have tried to reach back in time to deal with some of those issues with respect to agent orange and atomic veterans.

I am proud of the steps the government has taken. I agree with the member there is more that has to occur. That takes resources. I hope we will have the support of members opposite and we will not see the soaring hypocrisy that we have heard from some when every step we have taken as a government is singularly opposed when it comes to a vote.

I heard the expression earlier that the rhetoric does not match the resources. Well, the rhetoric certainly does not match the voting record of some, like the member for Sackville—Eastern Shore who continuously berates the government and then stands up and votes against every single initiative we have taken. Everything from graves to child support to issues related to veterans that help them in their daily lives, to serving members of the Canadian Forces and investments in equipment and personnel support has been opposed each and every time in the last 13 years by that member.

Mr. Jack Harris (St. John's East, NDP): Madam Chair, I guess I should ask the minister why he and many members opposite continue to distort the whole notion of democracy that we are asking our veterans and servicemen to fight for. When people in the opposition vote against a budget which contains a whole raft of government policies that imply confidence in the government, it does not mean they are voting against individual particular things that they support. Yet each and every day we hear the minister and others opposite, including the Minister of Veterans Affairs, say the same thing to try to discredit those who are participating in the democratic process that we are asking our people to fight for. Why does the minister continue to distort that?

Government Orders

My second question relates more to the point of what we are talking about. I do want to commend the government and military officials for taking significant action over the last couple of years, particularly on PTSD, commencing when the defence committee started studying PTSD as a result of the efforts of my predecessor. I will use Corporal Langridge as an example, a person who, as a result of his service, suffered from PTSD and psychological injuries which ultimately caused his death. Is the government prepared to start recognizing the sacrifice made by injured soldiers whose injuries are psychological and which also result in their death? Is that something on which the government is prepared to move?

• (2010)

Hon. Peter MacKay: Madam Chair, I thank the hon. member for St. John's East for the honesty and integrity at least in part of his question. The short answer to the second question is yes. We have moved toward recognizing mental health issues, psychological wounds, so to speak, as part of the service record, part of the recognition when it comes to the Sacrifice Medal, when it comes to pension implications, when it comes to service related support. Absolutely that has happened and it will continue to happen. Most important, the treatment and recognition of post-traumatic stress has come forward significantly in this country as a result of support provided by this government and the ongoing efforts in the private sector, that is, in the existing health care system to use the latest methodologies and the latest mental health treatments to bring to bear on post-traumatic stress. This is something that is happening around the world.

Coming back to the member's first question, yes, people absolutely have the right to exercise their democratic right of voting a certain way and to do so in an informed way. But when I hear a member continually try to draw attention to himself for the great support that he provides to veterans and then he continually stands and opposes efforts, whether they be in a budget bill or in stand-alone legislation, things like increases for disability and awards, increases for the Commonwealth War Graves Commission, thousands of dollars set aside for children of deceased veterans education assistance, or for the higher education of children of deceased members of the armed forces, it is inexcusable. He opposes things like thousands of dollars in outreach programs for the atomic veterans recognition program, funding for the mission in Afghanistan, pay and allowances for Canadian Forces members, *ex gratia* payments for eligible applicants on the atomic veterans recognition program. He even went against contributions toward the improvement of the Canadian Forces Base Shearwater that he represents. That is inexcusable. That is irreconcilable. That is not consistent with someone who supports the efforts that are out there to try to improve the life and the support that exists for members of the Canadian Forces and veterans.

Mr. Robert Oliphant (Don Valley West, Lib.): Madam Chair, it is a great privilege to be part of the debate this evening and I thank all parties for agreeing to have this special take note debate.

I will begin by talking about the fact that I have had three careers in my life. I began as an accountant, and was probably less than successful at that. I spent over 24 years as a minister in the United Church, and since, I have become a member of this House of Commons. Of all the work that I have done, probably being the critic for Veterans Affairs has been the most meaningful and some of the

most important work I have done in my whole life. I thank my leader and my colleagues for supporting me in that work and I am very pleased that the hon. member for Etobicoke North has continued on in that work.

It is not easy to be an opposition member at the best of times and it is often quite difficult to take on those issues and not create some animosity. However, I want to begin tonight by telling the hon. members across that in this House I do not in any way doubt people's sincerity, people's concern or people's willingness to engage in this debate and in the issues that affect the men and women of our Canadian Forces as they have left the forces, as they have suffered injuries and as they continue in their lives.

A year ago last fall, I was part of a delegation that was led by the then minister, the member for New Brunswick Southwest. He was a most gracious delegation leader as we visited the route of the Italian campaign of World War II. We went from battle site to battle site and looked at the memorials that were part of that Canadian heritage. I was changed as a result of that trip.

I was moved and when I came home, I spent a great deal of time talking to my father who had served in World War II in the Royal Canadian Air Force, not in Italy, but nonetheless had had friends who had served there. I heard stories, but probably the most important part of that trip was in Ortona. There is a sculpture in Ortona called *The Price of Peace*, a Canadian monument that has been erected to honour the sacrifice of Canadian soldiers who gave their lives for the liberation and freedom of Italy in World War II.

The minister led a very moving ceremony where we laid wreaths and honoured those who had died and also those who had given of themselves in that battle. Very strangely, though, as we sang the national anthem and did the various things that were part of that ceremony, I noticed lurking in the background two young men wearing Canadian flags on their outfits. They were two young soldiers who were Seaforth Highlanders, named Matt Swanston and Kyle Yorsten.

Matt and Kyle were on their three week leave from active duty in Afghanistan and were following the route that we were following. They were following the route of the Seaforth Highlanders, particularly some of their comrades who had given their lives and who had actually received the Victoria Cross. They did not know that we would be there doing a special ceremony.

They were at the edge of the group and there was a person that I wanted them to meet. Her name was Francesca. She was a person who had laid a red flower at that monument every day. As a young girl, she had been liberated by Canadian soldiers. She had been given her freedom by them and her response was one of gratitude and one of love as she laid a flower at that memorial every day. I wanted Kyle and Matt to meet her because they were looking at their own lives in Afghanistan, and she told them that there would one day be a little girl in Afghanistan who, 65 years later, would give thanks for Canadians for their service in Afghanistan.

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Every day since then, as I have heard about another death or profound injury in Afghanistan, I have been concerned that it was either Matt or Kyle. It was a special relationship and they have become my pen pals. They are no longer in the theatre of war. As reservists they are home and back at school and work, but they have been for me a touchstone of what it is to fight in the Canadian Forces for the causes in which we believe in this House.

Their return to Canada, as with so many men and women of the Canadian Forces, is not an easy job. Some of our men and women will return with life-changing injuries, such as the loss of limbs or other permanent physical impairments. Others will come home with invisible injuries. Post-traumatic stress disorder affects as many as one in five Afghan veterans. All of them, regardless of physical or invisible injuries, will return with the challenge of re-entry into civilian life or deployment to non-combat roles in the military. None of them will escape these challenges.

● (2015)

Canadians need a new conversation about our care and compassion for the men and women who put their lives on the line for the safety of Canadians and for the future of democracy in this world. This conversation is long overdue.

Since the end of the Korean War, Canada has continued to produce veterans but many have gone unrecognized. Cyprus, Bosnia and Rwanda are only three of the more prominent operations that have left their mark on Canadian Forces personnel, prior to Afghanistan. One can only imagine the toll that was taken on military personnel even as they provided disaster relief in Haiti. No one comes back untouched. Many come back scarred. That is why Liberals have wanted, over the past year, to hear the stories of veterans.

The government side is fond of saying that we are new to this conversation. I do not think that is fair but it is true that we have engaged in a new way in the last couple of years with a new understanding of what it means to be a veteran in this country.

This last year, while the Conservatives took an extended vacation, Liberals were working on Parliament Hill hosting a series of round tables. One of those round tables was for veterans. In fact, it was a very early one. Experts representing veterans associations, mental health research, occupational therapists and others who are dealing with the profound effects of combat and military service spoke to us. Their focus was largely on the new veterans charter, PTSD and the Afghanistan war vets.

What we heard gave us a new agenda, new ideas, a new vision and a new willingness to act in solidarity with the men and women of the Canadian Forces and the veterans for years to come.

The 2006 new veterans charter was meant to modernize our approach, both as traditional veterans age and as modern veterans evolve. Veterans groups that signed on to that charter did so with the understanding that the charter would be constantly reviewed. That promise has not been kept by the government. It has failed to act significantly on many of the problems that have been identified with the new veterans charter. That charter was brought into this House with all party support and with the knowledge that it had to be constantly reviewed and changed. The promise was to constantly

reconsider benefits, especially the lump sum benefits made to disabled veterans, both for adequacy and appropriateness.

To keep that promise means to keep investing in research and clinical capacity for PTSD. To keep that promise means cutting bureaucratic red tape that plagues both traditional and modern vets. To keep that promise means to come to grips with disproportionate suicide rates, homelessness and incarceration of young veterans.

If we expect young men like Matt and Kyle and other young men and women to give it their all in the combat theatre, we owe them the assurance that they will be cared for when they get home.

Recent comments by the Minister of Veterans Affairs musing about the shrinking of his department as our elderly veterans gradually pass away have raised much concern among traditional veterans but have also perplexed new veterans who served during the cold war or are serving today in Afghanistan.

The minister's remarks are seen as opportunity to save money, at least that is the impression that we have been given.

We are seeing this as an opportunity to engage more fully the community of Canadian veterans who need our service. It means that we need to engage more fully in the programs and needs that they have, which means that we need to look at new options around compensation, around benefits and around the kinds of programs that maybe we need to have some creative creativity about, some imagination to explore new ideas.

This is not a way of saying that the public servants in Charlottetown are not working hard enough. It is simply to say that they need to have a new vision of the way they are working. The climate has changed, the context has changed and bureaucracies are slow to move.

Tonight I want to encourage the government to keep doing that, not to get defensive about what it has already done, not to defend the fact that it is spending more money on programs that probably were already going to increase simply by the nature of the injuries that are being sustained, but to commit to re-visioning the covenant that we have with Canadian men and women who have served in the Canadian Forces.

We are ready to engage, we are willing to work together, we want to do the best thing possible for all Canadian veterans and we want to encourage the government to make this its issue as much as it is our issue.

● (2020)

[*Translation*]

Hon. Jean-Pierre Blackburn: Madam Chair, I thank the member for his speech.

I want to remind him that on the question of a criticism published in the media in the last few hours, stating that there was a report saying we were trying to save money at the expense of our veterans by adopting the new charter, that all happened in 2005, before our government took office. That was under the previous government.

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That being said, what is important is to look for any flaws and take action to fix them.

What are we doing at this time? First, we are in fact going to make improvements to the New Veterans Charter. We are going to incorporate an entire new chapter of improvements. Among them, and I would like to remind the member of this, the earnings loss benefits will be improved. The minimum income that a veteran will have, if they are in a rehabilitation program, is \$40,000 per year. The second improvement is the permanent monthly allowance. There will be an additional \$1,000. That will mean, in a way, that with these two measures the minimum veterans will receive if they come back from Afghanistan severely injured and are not able to go back to work, or are in a rehabilitation program, is \$58,000 a year. As well, we are preparing to make improvements, sir, to offer options regarding the lump sum payment. The other thing is that we are fixing a problem that arose when the new charter was implemented under your government. There were only 16 people who were able to access the permanent monthly allowance. We are going to fix that. Now, 3,500...

• (2025)

The Deputy Chair: Order, please. I would ask the minister to address his comments through the Chair and to finish his question quickly.

Hon. Jean-Pierre Blackburn: Madam Chair, we are also making improvements—in fact, this has been done already—for people with amyotrophic lateral sclerosis. This is something else we are in the process of fixing, in addition to the entire transition of care that we will be offering all our veterans.

Does the member acknowledge that we are in fact making significant improvements to provide tangible assistance to our veterans in the modern era and to make sure they have a secure quality of life, in financial terms, if they come home injured?

[*English*]

Mr. Robert Oliphant: As I said, Madam Chair, yes, there have been improvements but there was a four and a half year silence from the government. It was only after we in the Liberal Party began a conversation with Canadians that there was actually any movement on any of these issues. It was only after the veterans affairs committee issued a report, which was almost unanimous except for one issue that the Bloc Québécois would not support. The report had 18 recommendations that the government began to move on. It was only after we started to inspire veterans to take up, as it were, arms again to fight a second battle with the government that those actual improvements were made. We had seen tremendous improvement, yes, but not enough.

I want to remind the minister not to rewrite history too much. The new veterans charter was enacted after 2006. It was obviously an all party agreement that was worked out with the previous minister in the last Liberal government, but it was, just to get the record straight, the present government that actually put it into legislation with the commitment to revise it regularly. It was meant to be a living charter but it has not been a living charter until we revived it.

This is the party of the resuscitation of the new veterans charter. This is the party of resurrection. This is the party that is saying that it will actually bring life into the charter again and we thank the

government for waking up, but we will be continually in this conversation to ensure that the government does not fall asleep again.

I do want to mention that some disparaging remarks were made about my colleague in the New Democratic Party, the member for Sackville—Eastern Shore. He is not always right and sometimes he is rather over the top, but to doubt his integrity on these issues and his obvious passion for veterans is unfair. I congratulate him because, frankly, he helped wake me up, and that, I think, has helped the whole cause of veterans. I am glad the government has seen a little bit of this. It was asleep at the switch and I ask that it not fall asleep again, please.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Madam Chair, let us first of all go over the voting records.

The Minister of National Defence talks about the voting records on budgets, but who voted against ending the discriminatory clause of marriage after 60? The Minister of National Defence and the Conservative Party. Who voted against Bill C-201, to end the clawback of disability payments on Canada pension plan at age 65? The Minister of National Defence and the Conservative Party.

Who ended up voting against the extension of VIP for all widows and widowers of veterans that the government had promised? The Minister of National Defence and the Conservative Party. Who voted against raising the amount one can leave at time of death from 50% to 66%? The member for Central Nova, and as well he is the Minister of National Defence, and the Conservative Party. Who voted against every single private member's bill we have tried to introduce for veterans on this issue? The Minister of National Defence and the Conservative Party.

Besides that, the last thing I will ever do is take lessons from the Minister of National Defence, since he is co-author of a party that was conceived in deception and born in betrayal.

My question for my hon. colleague is this. By the way, I have seen great sincerity in him and I have travelled with him to Italy and watched him perform with the former Minister of Veterans Affairs with tremendous sympathy and care for veterans and their families.

My question is quite simple. Colin Pick from Manitoulin Island, who is the president of the War Pensioners of Canada, has sent to everyone 24 recommendations of what the government can do to immediately ensure that veterans and their families and RCMP members and their families get the treatment they need.

One of the highlights of these recommendations is the assurance that Pat Stogran continue on as veterans' ombudsman for one more term.

I would like to know the member's response and the Liberal Party of Canada's response. Should Colonel Stogran continue on as the veterans' ombudsman?

• (2030)

Mr. Robert Oliphant: In a word, Madam Chair, yes.

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The member's first question, though, was who had voted against those progressive measures for veterans and the answer obviously is the Conservative government.

The answer to the second question is yes. I believe Colonel Stogran has the capacity, the ability, the energy, the experience, the wisdom, the intelligence, the reasonableness, the compassion and the passion to do this job.

What has hindered him, however, is his lack of independence in his ability to have the resources to do his work fully.

There is still time. His term ends on November 10. There is still time to do the right thing and do what men and women across the country, our veterans, have asked for, to reappoint Colonel Stogran.

If the government does not do that, let us take a little time to rethink the office of the veterans' ombudsman, because there are some problems there. We need to open up that discussion and ask how can we have a truly effective, a truly independent veterans' ombudsman who can actually report fully to Parliament through the minister to make changes, so that we hear directly from the ombudsman what it is that veterans are concerned about.

Hopefully it will be someone with that kind of experience. Colonel Stogran saw battle, led men and women and gave his all for this country, for our world, and the veterans' ombudsman needs to be the calibre of person again that Colonel Stogran is.

The ombudsman also needs to have his sense of humour, because he has weathered a lot of storms given to him by the other side of the House and he is still going, he is still feisty and he is still energetic. I am proud to have him as a Canadian serving the men and women who are our veterans.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Madam Chair, talk about the revision of history.

Everyone in the House starts off saying, yes, we all love our veterans. Of course we do, but my question is this. Why did the Liberal Party and Jean Chrétien in the previous government take away thousands of veterans, the designation of veterans, and reduce VIP care? The opposition clearly forgets that. I wonder if the member could try to answer that question directly.

Mr. Robert Oliphant: Madam Chair, the hon. member will know that I was not in the House at that time. I was not part of that government.

I am attempting to find a new way of doing things and I am not ashamed to say that.

I do not always go back in history on those kinds of things. I am looking ahead. I am tired of the government constantly saying what was done in the past. This is not a new government. The government is almost five years old. This is the government. It should not be afraid of being the government. It is not the opposition. It is the government. It should do its job and do its work.

Mr. Greg Kerr (Parliamentary Secretary to the Minister of Veterans Affairs, CPC): Madam Chair, this is certainly an auspicious evening.

I am pleased to have the chance to join this timely discussion. Given much of what I have heard so far, it is imperative to begin by

reassuring all Canadians that our government fully realizes and proudly accepts the immense debt we owe to our men and women in uniform, our veterans and their families.

We understand Canada's solemn duty to care for and support and serve the men and women who have served our great country.

For 50 years, successive governments focused their efforts on the traditional veterans who served in the first world war, second world war and Korean war. Government programs and services were regularly fine-tuned to the changing needs of these aging men and women. They worked well. Our veterans told us so repeatedly.

But the times change. Generations come and go. With the passing of John Babcock earlier this year, we lost our last living link to the first world war.

Our government quickly recognized this changing reality and we acted.

In 2006 our government implemented the new veterans charter, and we did so with the unanimous support of the previous Parliament and with the overwhelming approval of Canada's veterans and their various organizations. Groups such as the Royal Canadian Legion, the Army, Navy & Air Force Veterans in Canada Association, or ANAVETS, and the Canadian Peacekeeping Veterans Association had been widely consulted and expressed their support for this new approach.

Many prominent Canadians also agreed. Various advisory panels encouraged the change in direction. Experts from around the world confirmed that focusing on early intervention, providing intensive treatment and rewarding rehabilitation would greatly improve the health and well-being of our injured and wounded soldiers.

All of them were right.

With the sweeping improvements we implemented under the new veterans charter, our injured soldiers are getting the help they need, the help that can make a real difference in their lives and the lives of their families. Yet to listen to recent criticism, Canadians must wonder if the new veterans charter was a mistake. Let me assure them, this is not the case.

The question of course is how could there be such a disconnect between the public's perception and reality.

I believe some perspective is required, and I would like to use my time here to address these issues directly.

Among the most perplexing criticisms is the claim that the main goal of the new veterans charter was to save the Government of Canada money by shortchanging veterans and their families. This is just not true. We spend far more money today on veterans' services than ever before. We are ensuring veterans are rehabilitated and successfully reintegrated into society. This is a better and more comprehensive commitment than merely compensating them.

Equally mystifying is the suggestion that the new veterans charter was a pet project of the bureaucracy in Veterans Affairs. Again, this is not true.

I think a brief look at the charter's history is helpful.

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By the late 1990s, it was growing clear to most observers that the original veterans charter adopted at the close of the second world war had run its course. By relying on disability pensions and only limited rehabilitation programs, the previous system was having the perverse effect of encouraging veterans to focus on their disabilities rather than getting better.

For example, if veterans could prove their back pain was getting worse or that their hearing had declined, they might see their disability pensions increase by a few dollars a month. As some have aptly noted, this amounted to a prescription for poverty, especially for the increasingly younger, modern-day veterans.

The solution was and remains to focus on wellness and to promote and reward rehabilitation.

As many reports and discussion papers have concluded, Canada needed a modern approach to meet the needs of a new generation of veterans while still fully supporting those who could not be rehabilitated.

Our Canadian Forces personnel and veterans knew this from their own experiences. Some of them serving on an advisory council flatly called the previous system inadequate and unworthy of us. The result, after almost six years of consultations, was the new veterans charter.

Central to the new charter's success was a commitment to full rehabilitation and vocational assistance, to ongoing financial support and to comprehensive case management.

These pillars of the new veterans charter were not dreamed up by a federal bureaucracy trying to cut costs. They were the ideas and recommendations of the very men and women the new charter was designed to serve.

● (2035)

Dr. Peter Neary is a case in point. He was chair of a joint advisory council for DND and Veterans Affairs. His group had issued a discussion paper in the spring of 2004. When he saw the new veterans charter, this is what he said: "I am pleased to see that Veterans Affairs has responded positively and comprehensively to the recommendations made by our council".

Further, those recommendations were subsequently reviewed and endorsed by Canada's major veterans organizations at their various conventions. They were not alone in advocating this new approach for our veterans.

Countries such as Britain and Australia had already adopted similar sweeping changes to their veterans programs and benefits.

Other countries, including New Zealand and the United States, have been weighing their own reforms, and many are reaching the same conclusions. Canada deserves top marks for its new charter.

Let me cite a few examples of the endorsements our new veterans charter has received.

For example, a 2008 international study completed for Australia's Department of Veterans' Affairs described our new veterans charter as "the closest to a 'wellness' approach" that is "based on enabling and rewarding a return to the best life possible".

New Zealand has followed suit. Former Prime Minister Sir Geoffrey Palmer is now president of the New Zealand Law Commission, which coincidentally completed a review of veterans' care around the globe just this past spring. What was Mr. Palmer's verdict? "We sincerely believe that an approach like the Canadians' new veterans charter is best for younger veterans".

Even our Standing Committee on Veterans Affairs, on which I serve and which is represented by MPs from all sides of the House, praised Canada when it compared our efforts with what other countries are doing for veterans and their families.

I must say that even the member for Sackville—Eastern Shore said, barely one year ago: "When you compare our Veterans Charter and compare our benefits to other countries, we rank among the top in the world when it comes to care for veterans and their families".

Look at what the member for Mississauga East—Cooksville told *The Globe and Mail* in September. She was the minister of veterans affairs when the new veterans charter was passed in May 2005, and she said the high point of her political career was watching the four party leaders of the day agree on a \$1 billion charter for veterans.

Despite all this support, the new veterans charter still remains a target of critics who, quite frankly, base many of their claims on factual errors or incomplete knowledge. The most common mistake is the suggestion that we replaced the lifetime disability pension with a lump-sum disability award.

This is not true. The sole intent of the disability award, worth a maximum of \$276,000, is to recognize the non-economic impact, the pain and suffering, from being injured in the line of duty.

The economic impact of an injury or illness is addressed through a variety of ongoing financial supports. The most common one is the earnings loss benefit. It pays eligible veterans up to 75% of their pre-release salary, and it can be supplemented by other benefits and allowances for the rest of their lives.

If the additional changes our government is proposing are included, it means our most seriously injured veterans will receive a minimum of \$58,000 a year.

However, the most important thing about the new veterans charter is not how it evolved or the disability award and the other financial benefits it provides. The most important thing is that the new veterans charter offers hope, real hope, for ordinary Canadian heroes who are hurting.

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Above everything else, the new veterans charter is about helping our wounded men and women to make the very best recovery they can, in the shortest time possible. And we are proud to be there for them, because our government is here for veterans and here for Canada.

It is a living document, and we are in the process of amending and improving it. It is not about turning back the clock but responding to the recommendations, so that we have a strong array of programs that are geared to the needs of our modern veterans.

• (2040)

Ms. Kirsty Duncan (Etobicoke North, Lib.): Madam Chair, I think we have to recognize there is criticism of the new veterans charter, enough to spark a day of protest. I really believe that there needs to be consultation across this country, and change.

As the parliamentary secretary said, we are proud to be there for them. So I must address the issue of agent orange. I have many questions.

I am wondering if the hon. member thinks the precautionary principle has been applied to the safety of the environment and the health and welfare of members of the Canadian Forces and the civilian population since the first spraying in 1956 up until the present.

I am wondering if he can comment on why only half the claims have been paid out and on the fairness of the date of the compensation. Currently only those who were still alive on February 6, 2006, are eligible to receive compensation for exposure to agent orange. Can he also comment on the fairness of eligible illnesses in relation to the United States? The Institute of Medicine is updated every two years. We have not included that information here in Canada. And can he comment on eligibility for veterans' health care benefits and on veterans' children with spina bifida and other birth defects?

Finally, what critical integrative analyses regarding agent orange, purple and white, such as longitudinal evaluation of cancer data, have been undertaken here in Canada and made available to the public?

Has the government, and this is really important, undertaken any studies to understand trans-generational effects?

• (2045)

Mr. Greg Kerr: Madam Chair, I was listening to the hon. member's comments, wide-ranging as they were.

The simplest answer on agent orange is that it took place decades ago and was not dealt with by previous governments. Most of the records, most of the files, most of the information was not there. When this government decided it was time to do something, the best it could do, the fairest thing it could do, was provide compensation based on the information that was available.

A lot of people did not have enough information to be included in the process, and that is why the review went on much longer than was first anticipated. The deadline was extended for well over a year, so that others could make sure that they got best information they could from the records.

There is all kinds of information, and we will continue to look at it. But the main reason these people were left out was that it was not dealt with for such a long time. The best that could be done was to provide a compensation package based on the documents that were available. That was the best possible answer to help those people at the time.

By the way, like many other decisions, this is the only government that provided a compensation package.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Madam Chair, the hon. parliamentary secretary from the great province of Nova Scotia is absolutely right. The Conservatives did deal with agent orange, but they said, in opposition, that over 300,000 would be covered, and just over 3,000 got the coverage.

The hon. parliamentary secretary for Veterans Affairs does a good job on the veterans affairs committee representing Conservative interests, and I agree that he and I work quite well together on these issues. We try to reach agreement where we can and disagree when we cannot, but he knows as well as I do that one of the biggest problems facing veterans when they go to the appeal board, or when they face the government, is the benefit-of-the-doubt clause.

He just said that many files were no longer there, thus the government could only do what it could do when it came to agent orange. But we ought to do more to apply the benefit-of-the-doubt clause, which more or less means that the tie goes to the runner. It has often happened that a veteran, RCMP member, or a military family member calls the 1-866 number looking for help and submits medical information from his or her doctor that says there may be evidence that the injury or the illness in question is related to his or her service. It is that word "may" on which many appeals have been denied.

He knows that this is a problem and in my more than 13 years of working on behalf of veterans, RCMP members, and their families, I have yet to see the benefit-of-the-doubt clause applied, though it is enshrined in legislation.

With great respect to the Parliamentary Secretary to the Minister of Veterans Affairs, who I believe does a very good job, when will this benefit-of-the-doubt clause be revamped so that when members of the veterans community, including RCMP members, call in, they will actually be believed by the Veterans Review and Appeal Board and have their cases adjudicated in a speedy and timely manner?

Mr. Greg Kerr: Madam Chair, I was receiving some excellent advice.

I do not want to go back into the voting record. I am shocked at some of the things that were voted against, but I am trusting that if we do this, he will vote for it.

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The point being made is a good one, and it has shown up in the reviews of this past year. We have all met veterans who have spent a lot of time trying to get answers from the appeal process. It is not about the individuals or those trying to deal with this. It is the process itself that has to be revisited, the whole way that it is dealt with, because it is a very time-consuming process.

However, I know that if we clarify it, if we make it clearer that the end result is the veteran and the benefit vote goes to the veteran, it will be something we will need everybody in the House to support. It is an important initiative, and I trust that if we get to that point, all members of the House will support it.

• (2050)

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Madam Chair, we heard from the other side, “Do not remember what happened in the past. You are the government now, do something about it”. Liberals are running from their record, but they cannot help themselves when they stand in the House and talk about how great the Liberal Party is and how Canada exists because of the Liberal Party. What they do not say is that the military remembers the decade of darkness that they brought on.

The equipment that the men and women have in Canada today has helped save lives in Afghanistan. This government invested in the military, while Liberals took away from it. They took away veterans' benefits and veterans independence programs. They did not address agent orange. Now they stand and say, “You have to do something about this because you are the government”.

It is about time some people were able to stand in this place and say, “We screwed up. We did not do it. We need to work with you to be better”.

Some hon. members: Oh, oh!

The Deputy Chair: Order, please. I would like to give the hon. parliamentary secretary the opportunity to give a brief response.

Mr. Greg Kerr: Madam Chair, I assume he is not referring to the decade of darkness that the Liberals now find themselves in. That is not what he is suggesting.

It is fair to say that many of the initiatives that are now in place have come about during the mandate of the Conservative Government of Canada. We know there is a lot left to be done; there is no question about that. But do we need leadership from the Liberal Party? Absolutely not.

The results of its reductions many years ago took us years to reinstate and give back to veterans. We are moving forward. We have a lot of work left to do and a lot of challenges to overcome, but we intend to keep moving in the right direction.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Madam Chair, I hope that the debate will remain civilized and that we can all calm down.

I am pleased to have the opportunity to speak this evening and I would like to thank the NDP for proposing this take-note debate on the impact of the veterans charter and what happens to veterans when they return from combat.

I wanted to speak today because I was involved in a petition signed by 6,000 people requesting a return to the lifetime monthly payment for injured service people. In talking to people who have been through that and families dealing with the reality of the lump sum payment, I discovered that it is not enough to meet the needs of injured service people.

The fate of our veterans is related to water contamination in Shannon, an issue I worked on for several months. A petition with 27,000 signatures called for compensation for veterans, service people and residents who lived on the Valcartier base and who were contaminated by TCE-tainted water for many years. If I have time later, I will talk about the impact of the Conservative government's lack of concern. Apparently, the Liberal government did not care either because the situation went on for several years. The water was tainted in the 1940s and 1950s.

I tabled in the House a petition signed by 6,000 people calling on the government to change the charter and reinstate compensation in the form of a monthly payment for injured service people. The new charter was adopted in 2006. We voted for that charter because we thought it would improve things for people injured in combat. We have since found out that the amount was too small and left too many people facing a bleak future with neither financial nor psychological resources.

The Minister of Veterans Affairs said that the lump sum payments range from \$56,000 to \$267,000, the latter being the maximum compensation payable. But what can a 20- or 30-year-old person who has lost both legs, who receives \$267,000, who has no other source of income and who has to ensure his or her survival do? The burden usually falls on that person's parents. I met several of these people this past year.

I initiated this petition after meeting with Francine Matteau, a constituent of mine from Quebec City. Ms. Matteau's son injured both of his legs in 2007 when he was serving in Afghanistan. He had to have nine surgeries. He has constant pain in his ankles, and one leg is shorter than the other. His ankles are practically immobile. He has lost control, mobility and strength in both of his legs. He has difficulties holding a full-time job and no longer meets the army's requirements. If he had been wounded before the adoption of the new charter, he would have received \$5,400 per month, instead of a lump sum payment of \$100,000. In addition, we need to look at how we assess the injuries caused by a landmine in combat.

For someone who is 20, 21 or 22, who is returning seriously wounded and can no longer work, that is definitely not enough. That is what the majority of people I spoke to said. Elphège Renaud, the president of the Association des anciens combattants du Royal 22e Régiment de Valcartier is another example. He met 19 soldiers and told me that they were severely disabled. Most of them were penniless after having received the lump sum payment.

Government Orders

Earlier, much was said about the veterans' ombudsman, Patrick B. Stogran. He has also spoken out about this situation, and has called for the reinstatement of the monthly pension to prevent injured soldiers and their families from falling below the poverty line.

● (2055)

We do not understand why the mandate of the ombudsman, who cares about veterans, was not renewed. The Minister of Veterans Affairs said that we should not expect an ombudsman's mandate to be automatically renewed. However, a three-year mandate as ombudsman is very short, when we want to uncover a system's weaknesses.

They are saying they are going to make changes and that they will be making announcements in the coming days, but we can still look at the impact of certain programs and measures.

Their refusal to renew the ombudsman's mandate proves that they are not sensitive to the urgency of the situation for several people who have been injured in combat. That is another Conservative habit. When they are told the truth, when someone dares to speak up and present reports, the Conservatives either hide them, or they completely ignore them.

Tonight's take note debate was not called by the Conservative Party, but rather by the NDP. The Bloc Québécois supported tonight's debate. We can see the Conservative Party's bad faith regarding how it really feels about improving the lives of our veterans.

Whoever replaces Mr. Stogran will have to redo everything he did over the past three years. If Mr. Stogran had been in the position for 20 years, we might understand why his contract was not renewed, but after just three years, something is not right.

Moving toward lump sum compensation means that Canada is refusing to recognize veterans and those coming home from Afghanistan with injuries. The government does not want to recognize them. If it had really wanted to, it would have left the ombudsman in his position—as he was for some time—so he could continue to further the cause of injured veterans and those with psychological needs, by offering them much more treatment than what is currently being offered.

It has been said that proof is required that the psychological injuries are work related. There is always a doubt. CFB Valcartier is very close to my riding. I have heard stories about painful and difficult situations, where people are left to fend for themselves because they are suffering from post traumatic stress disorder.

The veterans' ombudsman is concerned that Afghanistan will become our Vietnam if nothing is done. The Minister of Veterans Affairs said earlier that he will soon be announcing a few additional measures. Will these measures be sufficiently flexible, or less flexible? The former ombudsman could have looked into this, but I do not believe it was one of the minister's priorities.

Again according to Mr. Stogran, the adoption of the new veterans charter created two classes of veterans: those who served in the second world war and in the Korean War, and all the rest. I know what I am talking about because I am the daughter of a veteran. My father never received a pension for the injuries he got in combat

when he served in Italy and in Normandy. I was very young at the time, but I remember taking a stand to show that my father had real injuries that caused him difficulties at the end of his life. He was denied compensation.

A debate like the one we are having this evening is beneficial and may encourage the minister to do something about the need to take better care of veterans. I can tell that he is sensitive to this issue. I know that he would like to improve certain conditions and life in general for veterans returning from combat.

● (2100)

We celebrate their bravery when they leave, but we have to do more than just commend them for their bravery. We have to take care of soldiers who return with multiple injuries and we have to take care of their families and their children.

Hon. Jean-Pierre Blackburn: Mr. Chair, I would like to explain again to the hon. member for Québec, which is close to the Valcartier base, a few aspects that have not yet been fully understood.

If someone comes back from Afghanistan with serious injuries and is in a rehabilitation program, he will receive at least \$58,000 a year. The second part on top of that is a lump sum payment to compensate for the injuries and suffering that this person has gone through. That lump sum payment will be added to the \$58,000 that the person receives annually. When we conducted our survey, 69% of veterans were happy to receive a lump sum payment. Thirty-one per cent said no, and that is when we decided to improve things and offer other options. That is what we will be presenting to parliamentarians and to our veterans.

Given that we have listened to what veterans have told us, that we are listening to their needs and that we are trying to improve things, can the government count on the member's support when it introduces its new bill?

● (2105)

Ms. Christiane Gagnon: Mr. Chair, we will definitely examine what the Minister of Veterans Affairs has to offer. I would ask him to consider why so many concerned people told the committee that we had to reverse the decision and go back to monthly payments rather than providing a lump sum payment.

When they return to Canada, not all injured veterans qualify for the minimum of \$58,000 mentioned by the minister. When people familiar with the issues sign a petition, we realize that the way in which the injured are compensated is not all that matters. I know that Australia did the same thing. It had a charter that was similar to ours. It backtracked because it realized that the charter did not meet the needs.

We will examine the follow-up process that will take place over the next few months and years to determine if the new measures are of greater benefit to veterans. We must also consider mental health problems. As asked earlier, will they clear up the doubts and prove that these problems are directly related to military work in the theatre of operations?

Government Orders

Today, we are listening to the Conservative Party to determine what it has to offer. However, we must bear in mind that there are still shortcomings, as mentioned throughout this evening's debate. I would invite the minister to be very open-minded and to not think that these new measures are the ultimate solution for those who have been injured. We will be following this very closely.

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Chair, the member may know, and certainly the minister should know, about the 700 Canadian military personnel who participated in almost 30 nuclear weapons trials in the South Pacific between 1946 and 1963. The soldiers participated as test subjects so military officials could determine the results of nuclear blasts. Many of the atomic veterans have experienced serious long-time health difficulties and diseases as a result of their exposure.

As well, 200 Canadian Forces personnel helped with decontamination efforts and cleanup of the Chalk River nuclear plant in Ontario, following two reactor accidents in 1952 and 1958.

In 2008 the Conservatives promised an *ex gratia* payment of \$24,000 for the atomic veterans. The *ex gratia* payment was not nearly enough for veterans struggling with high medical bills and illnesses that resulted from exposure to these nuclear weapons trials and cleanup. As well, the atomic veterans are in the process of launching a class action suit against the government.

What I would like to get from somebody, either on the government side or from the member, is an update for the House on the status of these veterans.

[*Translation*]

Ms. Christiane Gagnon: Mr. Chair, it is rather sad to see the lack of responsibility being taken for our veterans and our soldiers. Earlier, I mentioned the contamination of the water in Shannon. The Department of National Defence knew that the water had been contaminated. Several decades went by and no one told the citizens and soldiers who kept drinking that contaminated water. This is similar to the agent orange situation. One of my cousins did not know that he had been in contact with such dangerous substances.

In the end, families are left to provide better support for our veterans, while we are abandoning them. We should cut down on a bit of the fanfare when they leave and we wish them all the glory in the world for Canada, especially since our involvement in Afghanistan. We pull out all the stops when they leave, but we must think about their return. Regardless of the seriousness of their injuries, when soldiers return from combat, they are never the same person. I am thinking of my father who, I am sure, was never the same man when he returned.

• (2110)

[*English*]

Hon. Judy Sgro (York West, Lib.): Mr. Chair, I am pleased my hon. colleague is joining in our debate this evening. One of the issues that continues to be of great concern to all of us is the issue of homelessness when it comes to veterans. It was recently reported in the *Catholic Register* about a new mission of the Good Shepherd in Toronto. It specifically looked to see if there were any veterans there.

In one afternoon alone, there were eight homeless veterans there, unaware of the fact that there were resources they could access.

What is the responsibility of the government and what else could the government do to make a difference in the lives of many of these veterans, especially the ones who clearly have nowhere to live? No housing is being built anywhere in our country right now that would house people like this who would have special needs or recognizing their contribution to Canada when it comes to veterans. I would be interested to hear my colleague's comments are on that.

[*Translation*]

Ms. Christiane Gagnon: Mr. Chair, that is another dimension of the issue. When they come back, they face many problems, many specific conditions. How can we help them better? There is another example of the helplessness of a veteran who comes back, who is confronted by every trauma experienced during combat, who is facing his physical and psychological conditions and who finds himself on the street. There is no question that those who return to the community after having been in combat need special status.

I was a bit emotional earlier. When my father came back from the war, he was suffering psychologically. He made it through, but he had to be strong to be able to live through everything he experienced during the war. There is a reason that those who served in the second world war—I never knew anyone who had fought in the 1914-1918 war—did not dare talk about how traumatic it was. There was practically a code of silence about what happened. They had to live with the horrors they saw on the battlefield and with what really happened.

I hope that all of the dimensions highlighted for the minister tonight will help him remember, the next time he is proposing new measures, that this human dimension is something that those returning from the front have to live with.

[*English*]

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Chair, I personally want to thank the hon. member for her father. I was born in Holland. My parents were liberated by people like her father and thousands of others. I personally want to thank her father and all those veterans out there who helped liberate the Netherlands during World War II.

[*Translation*]

Ms. Christiane Gagnon: Mr. Chair, I thank my NDP colleague for the kind words.

Next week is Veterans Week and we will be celebrating Remembrance Day. At that time, we always remember all those who have served our country, who have been proud to serve and, at the same time, who are mortified to be returning.

[*English*]

Mr. Ben Lobb (Huron—Bruce, CPC): Mr. Chair, it is a pleasure to be here tonight. I might add that as a member of the Veterans Affairs committee since first being elected in 2008, I certainly do consider it an honour and privilege to serve on such a distinguished committee.

Government Orders

I appreciate the opportunity to join what is a very interesting and important debate tonight about how this country cares for and supports its men and women in uniform, its veterans and their families.

I also welcome the chance to reassure Canadians that our Conservative government is committed to ensuring that these remarkable men and women have the support they need when they need it. That is why our government's record over five years has been one of action, real, meaningful, enduring and decisive action.

In fact, as the Minister of Veterans Affairs and some of my colleagues have already pointed out, our support for veterans includes a recent announcement to invest more than \$2 billion enhancing the new veterans charter. This new funding will truly help relieve the hardships faced by our men and women with catastrophic injuries and it will help ensure that ill and injured veterans have adequate monthly incomes.

At the same time, our government's new five-year \$52.5 million legacy of care program will help reduce the stress and burden on the families and close friends of these injured veterans. We have also announced changes to better support and assist veterans with ALS, better known as Lou Gehrig's disease.

All these efforts will help make a lasting difference. They will help ensure that veterans get the right care at the right time. That is why the new veterans charter has always been about getting the best results for our veterans and their families. I want to stress: veterans and their families because that is the one key feature of the new veterans charter. It recognizes the importance of the family to a veteran's overall well-being.

This comes as no surprise. We hear a lot from veterans, whether it is on the street or in committee, and whether they have been injured or not. They will tell us that it is their loved ones who are the unsung heroes, the husbands and wives who are with them every step of the way with their service. Fathers and mothers, friends and family are always standing by them through thick and thin. We must never forget this nor should we forget that service to one's country takes an equally heavy toll on family members.

That is most true, unfortunately, when tragedy strikes; when one of our men or women return from service broken in either body or soul. Soldiers' families suffer just as deeply. They experience many of the same fears, emotions and anxiety that our injured men and women do. What is perhaps most remarkable is that during those darkest days after an injury or illness, it is still the family that usually lights the way back for our wounded men and women.

Our government understands this and that is why we are supporting families in their ability to nurture, comfort and offer hope. They are the ones who can truly help make our wounded men and women whole again.

As we debate what Canada is doing for our veterans, it is worth taking a moment to look at what we are doing for our military families and remind all Canadians listening tonight about the many programs and benefits already available for our veterans' families. We can see this best with the comprehensive approach we are taking with our rehabilitation programs and how we make it a priority to include the family in the development of individual care plans.

It is crucial that the spouse, parents and children are full partners in a veteran's recovery. They are in it together. They are a critical support system and they need to know what their loved ones are going through, how they are progressing and how the family can help. At the same time, our families also need to know that there is help for them. They need their own supports.

The military family resource centres are at the top of the list and so is the network of family peer support councillors. We have heard from family members who say that it was life-changing to have someone to turn to who has experienced or is experiencing helping an injured loved one. We cannot overstate the importance of having someone to talk to who has already walked in their shoes.

● (2115)

We have also expanded access to our mental health services so that family members can get the same emotional support and help that our veterans receive. We recognized this emerging need back in 2007, when we invested by doubling Veterans Affairs Canada's network of OSI clinics. The foresight is paying off.

For example, our OSI clinics are breaking important new ground by developing pilot projects for veterans' children. In places like Edmonton and Fredericton, we are trying innovative new ways to help children develop coping mechanisms. Our health care professionals are teaching these children practical skills for dealing with their feelings, their fears and the stress of an injured mother or father.

The early results are encouraging. In fact, a new program geared to youth between the ages of 12 and 16 was so successful at our Fredericton clinic that it has been running it again this fall.

In short, the message is clear. Programs like these are crucial to what we are trying to accomplish. The same is true with our pastoral outreach services and our new 24-hour crisis hotline. These programs help families find the strength they need. These programs help families regain their balance and, in doing so, families are able to make better use of the other services we provide, programs such as career counselling, vocational assistance and job placement.

When a veteran is unable to return to work, we extend vocational programs to the spouse. In this way, the husband or wife of the severely injured veteran can get the training he or she needs to find work and help support the family financially.

Last month our government went even further in its assistance to families. It unveiled a five year, \$52.5 million legacy of care program that offers real tangible help in the daily lives of our injured veterans and their families.

Government Orders

For example, we are making sure spouses, survivors and any dependent children have earlier access to programs for pursuing or upgrading post-secondary education or vocational training.

We have introduced the Canadian Forces attendant care benefit which will provide up to \$100 a day to a family member or close friend who gives up a job to be at the side of an injured Canadian Forces member.

We are providing essential support services to ease the burden on family members as they help our injured men and women recover at any of the seven specialized CF rehab centres. These services include caregiver respite, child care and the delivery of medical supplies and even groceries.

As well, we have also increase front-line staff at Veterans Affairs to provide even better, personalized one-on-one care and attention to our injured veterans. By having our client service teams and service providers handling many of the administrative details and much of the paperwork, our veterans and their families are able to focus their time and energy on what really matters the most: getting better.

These measures are all part of our commitment to providing complete and total care to the men and women who need it. We should think about what it difference it must make to have something as simple as groceries delivered to a family when an injured veteran requires almost around the clock care, or just having some help picking up a prescription. Imagine how important caregiver respite is in such stressful situations. Imagine the relief of having help with child care.

That is the true meaning of being there for our men and women. This is how we can truly make a difference for these brave families. They deserve that, make no doubt about it, and they have earned that.

Our government is here for veterans and we are here for Canada.

• (2120)

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Chair, I appreciate the member's message that we must be there for our men and women.

Soon after the start of the Afghanistan and Iraq wars in 2002, researchers found that mild traumatic brain injury episodes were self-reported by 12% to 20% of American military members returned from deployment. Most patients who suffer from MTBI recover completely within three months. However, a small minority report persistent non-specific symptoms that can be disabling.

Blast weapons cause injury as a result of supersonic waves of intense air pressure and a variety of other mechanisms, including blunt force. Severe blast energy exposure can cause multiple injuries, including blast lung, ruptured tympanic membranes and transient cardio-respiratory effects. Evidence from animal research, case reports and clinical experience show that lower primary energy might cause isolated brain injury.

What action would the member ask the minister to take to address the issue of MTBI, particularly as there is a link with dementia.

• (2125)

Mr. Ben Lobb: Mr. Chair, I would like the member to know that the Canadian Forces are on the project. They are developing best practices for this and we look forward to their work as we move ahead.

On the subject of veterans' families and what we provide them, I would like to share with the group here tonight something that I was able to experience in September. It was an honour and a privilege to present a commendation, through the minister, which I appreciated him allowing me to do, to Joseph Chic Simonato in Collingwood. Mr. Simonato is an active veteran in his community of Collingwood. He had done extensive research, he work with the museum and he established the Wall of Honour, a beautiful tribute to veterans in the Collingwood area. In one of his last days, he received a Veterans Affairs medal, 1 of about 500. To see his wife Mary Lou, his daughter and his brother there, it was truly moving. Mr. Simonato suffered from ALS and was able to punch his message into his keypad so we could see what he was saying.

When we talk about a true veteran and Canadian, Mr. Simonato is one. He was well served by Veterans Affairs. He served to honour the memory of those veterans who served before him. He left a lasting legacy. I would like to thank the minister tonight for that privilege because it was truly a moving moment for his family.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Chair, my hon. colleague is on the veterans affairs committee and I believe does a truly wonderful job representing his party and, most important, his constituents.

He talked about the increases that the government is making but, either through neglect or maybe it was not written down for him, there is another increase that he forgot to mention. In fairness to the debate, I would like to allow him to elaborate a bit more.

In 2005, the only food bank in this country designated strictly for veterans was in the city of Calgary. One of the richest cities in our country has a food bank designated strictly for veterans and their families. Last Easter, the Prime Minister of this country was at a photo op, believe it or not, putting a can in a box for veterans and their families. In 2005, 58 veterans were using that facility. In 2010, last week, that same food bank now has over 200 people accessing it. These are all veterans and members of their families.

I know the hon. member is sincere about veterans issues. It is a shame and a sin that anybody needs to go to a food bank but when veterans, RCMP members and their families need to use food banks, we are all collectively failing on their issue.

I would like to ask the hon. member, who I have great respect for, what he plans to do to ensure that this stops almost immediately.

Mr. Ben Lobb: Mr. Chair, I know the member recently shaved his moustache off, and he has a whole new look. I could hardly recognize him today in committee. I am growing my moustache and I know he is as well. We will see how far mine gets along.

Government Orders

The member knows full well the issue with our homeless vets, and he can politicize it if he likes. We have outreach. The Department of Veterans Affairs and the CF do their very best. I do not think it does this debate any good to politicize it like he has.

From hearing from people, we know that sometimes veterans are not interested in any help. They are going to do it on their own and that is their choice.

I would like to also comment on some great things we have done as well.

I think back to my time on the human resources committee last spring when we brought in employment insurance benefits for those who had children while on duty. That was a tremendous commitment to family. We have taken many steps for families. That is a fitting tribute to serving members. It also demonstrates that this government is willing to listen to individuals. The individual just happened to be a member of our forces. He testified from Afghanistan when he gave his testimony before committee.

This government has its ear to the ground and it is looking to make improvements.

When I was first elected and was able to sit on this committee, we were in the midst of a study—

• (2130)

The Assistant Deputy Chair: Order, please. Questions and comments, the hon. Minister of National Defence.

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Chair, this debate has been very substantive and for the most part non-partisan.

One of the most important things we can do for our veterans is recognizing their service and immortalizing them in a way that ensures future generations are informed about the enormous contributions that really helped with the very building of our country, from Vimy Ridge to the accomplishments that were made by Canadian soldiers during the second world war, Korea, Kapyong and beyond, right up to the current conflict in Afghanistan and the existing 14 missions that are going on around the world.

One of the more impressive programs that we have ongoing in the country is a program being conducted by students through the heritage department, with sponsorship and co-operation from the Department of Veterans Affairs. It allows veterans to tell their stories on video so they will be forever preserved for future education. Would the hon. member comment on that?

We had genuine war heroes in my community, like R.B. Cameron, and existing veterans like J.J. Grant, Admiral Murray and others, who did so much for the Canadian Navy in its 100th centennial year.

All of these great stories are being preserved for the future on CD and video so we can ensure the education and the understanding that people have in places like the Netherlands. Their stories are being preserved so we can ensure that Canadian history is preserved from the mouths of veterans to the ears of future generations of Canadians.

Mr. Ben Lobb: Mr. Chair, everything the minister has said is true. It is important to have those stories captured on video.

In my riding of Huron—Bruce there are so many opportunities for our legions to make the cenotaphs beautiful monuments and tributes and keep them up to date. It is truly heartwarming to go into communities and see them in such great shape after so many years.

Jim Rutledge, a constituent of mine in Goderich, wrote a great book called *The Men of Huron: A Book of Honor And Remembrance 1939-1946*. It is a great book. The former minister of veterans affairs has a copy in his office. The book was funded in part by Veterans Affairs so the memories and pictures of our World War II vets could be captured in book as well. In fact, he is embarking on a book for World War I vets.

These types of things are important to the fabric of our country.

Hon. Judy Sgro (York West, Lib.): Mr. Chair, I am pleased to have the opportunity tonight to engage in this debate. I am also grateful that all parties took the opportunity today, in advance of Remembrance Day coming, to pay tribute to the men and women who put their lives at risk every day for each and every one of us. It is a chance to ask the questions that we want to ask and try to get some answers from the government.

For many when the word “veteran” is used, we envision a parade of grey haired men, proudly marching past the cenotaph, remembering the horrors of a war long since over. While Canada does celebrate the heroic deeds of veterans from past conflicts, the new and sad reality is that must also accept that, for the first time in many years, we are seeing the return of combat veterans in their 20s and their 30s, combat veterans who in many cases face a range of complex and difficult medical, social and psychological battles that they will need to contend with for decades to come.

Today, the definition of “veteran” is changing dramatically and the needs and expectations of that group are far different than they were in the past.

Our understanding of the physical and psychological rigours of war is only one factor in those changing expectations. For example, post traumatic stress disorder is now known to be a serious and debilitating condition. Years ago no one would begin to even suggest what that was. Today it is recognized as a very serious condition.

In the past shell shock was essentially dismissed by medical practitioners, whereas now we understand that treatment and care are necessary if someone is suffering from PTSD is to return to a productive and happy life in society. It is also understood that a failure to treat PTSD will also have a profound and lasting impact on the family of a veteran.

Government Orders

If a 25-year-old Afghan war veteran with PTSD does not have access to immediate and effective care, he or she could be faced with 50 to 60 years of psychological challenges ahead, marital breakdown, domestic violence or worse; that a 25-year-old veteran may do the unthinkable and end his life before the mechanisms of government have moved in to offer help. Either way the loss of human potential, the hurt experienced by families and the betrayal of a trust should not be ignored.

If we are not ready to deal with these new realities, then what exactly are our soldiers fighting for? Put another way, when Canada asks our soldiers to be there for us, we need to ensure that we will be ready to stand with our soldiers when they need that consideration returned. I believe that all of us as parliamentarians, all of us as Canadians are doing our very best to try to ensure that this is exactly what is happening, that we are there for them as they were there for us.

It has been said that the greatest obstacle on any battlefield is often the road to home, and I find that a very sad statement that is often used. We have witnessed this in the past and now unfortunately we are seeing it again. Canada's first contingents of regular Canadian troops arrived in Afghanistan in January 2002. Since then, thousands of our young men and women have served in some of the most horrific and trying battle conditions seen in years.

Since 2002, over 152 members of the Canadian Forces have been killed, serving in the Afghan mission protecting us. Four Canadian civilians have also been killed, including one diplomat, one journalist and two aid workers.

In addition to the actual loss of life, Canada's newest returning heroes are facing a host of medical and psychological challenges: PTSD, heightened rates of suicide, marital breakdown, homelessness and even according to some studies higher rates of diseases such as ALS. Unfortunately this is the new reality faced by Canadian veterans.

● (2135)

As the former critic for veterans affairs, currently as the vice-chair of the veterans committee, and as an MP who thinks our war heroes deserve better, as I believe everyone does, I am here today to say that the current government is simply not ready and to ask this question. Would any government be really ready to deal with some of these tragic events that we see unfolding?

The current government has been quick to deploy and keen to arm, but very slow and lethargic to prepare for the human consequences of its actions and policies. Defence policy cannot exist within a vacuum. To be holistic and effective, defence policy must include an effective and perpetual strategy with respect to our veterans and to their families.

Because of the war in Afghanistan, Canada is now facing a new generation of veterans, something that the Conservatives are ill-equipped to handle, try as they might.

Despite the fact that hundreds and even thousands of new veterans are emerging, the Conservative government has failed to enact comprehensive new programming to help serve and manage the next generation of needs, again, try as it might.

While the issues of veterans are numerous and complex, specifically, I would urge immediate action on the following. The gold digger clause should be eliminated from the Canadian Forces Superannuation Act, a clause that many of us have talked about, heard about. It is time we actually took some action on that issue. The veterans independence program should be enhanced, an excellent program promised by the Prime Minister a few elections ago, almost five years ago, that everybody would have access to the veterans independence program. A degree of people have it, but not all, as was promised. Also, the survivor's pension amount should be increased, which we may hear more about from the minister this evening. This is all in addition to disability, income settlement and medical support.

National media headlines, though, like "Veterans wanted dead, not alive, ombudsman charges" and "Canada's treatment of war veterans 'a national embarrassment,'" tell a story of tragic failure on the part of the government.

Just this past July, the *Toronto Star* ran the story of John Sheardon. According to the article, Mr. Sheardon is an 85-year-old former bomber pilot. Today, he is suffering from Alzheimer's and recovering from a broken hip. Despite his distinguished service to Canada, Mr. Sheardon was left to languish in hospital, facing a wait of up to 18 months for a bed in a veterans' long-term home in Ottawa. This is at a time when the current government is taking steps to close veterans' facilities like the great Ste. Anne's in Montreal, which the veterans committee had an opportunity to tour. We were very impressed with the facility and the great care that went to the veterans who were there, but unfortunately it appears to be closing down. How is all of that sound policy?

The government claims that it is being responsive to the needs of our veterans, but I would suspect that Mr. Sheardon would feel otherwise.

Then there is the sad story told by Sheila Fynes. Mrs. Fynes, who is the mother of Corporal Stuart Langridge, came to Ottawa last week to ask for an apology for the way the department handled her son's illness before his death, as well as for how it treated him and their family afterward.

Her son had been diagnosed with severe depression and post-traumatic stress disorder and struggled with alcohol and substance abuse upon his return from a six-month tour in Afghanistan in 2005. Despite several failed suicide attempts, help never did arrive in time and this brave Canadian hero hung himself in his barracks in 2008.

To his credit, the Chief of the Defence Staff offered an apology. However, the larger issues remain for all of us to more effectively deal with.

Our veterans are crying out for help and the government is ignoring the problems presented to it. I believe it is poor planning and irresponsible policy, in spite of the fact of all of its efforts.

Government Orders

Sean Bruyca also thinks that this is irresponsible. Sean had his personal and private medical information released by departmental officials.

Again, the individual veterans became the pawns moved about at the whim of the government.

It is time that politics took a back seat and let us do what is right. It is time for the Minister of Veterans Affairs and the Prime Minister to admit they are ill-equipped, regardless of how many times they try, to deal with the challenges presented by a new generation of veterans.

I know there is a willingness on this side of the House to do whatever is needed to make a right out of a wrong. All we are waiting for is a willing partner on the other side of the House.

● (2140)

[*Translation*]

Hon. Jean-Pierre Blackburn: Mr. Chair, I thank the hon. member for her speech.

I would like to talk about Ste. Anne's Hospital. We have a hospital to care for our veterans who need long-term care. It is the last hospital still under federal jurisdiction. We must bear in mind that most traditional veterans have an average age of approximately 86. Consequently, these individuals can go to that hospital. However, since they are declining rapidly in number—at present, over 1,700 traditional veterans die every month—there is less need for that hospital, which is why we would like the Quebec government to assume responsibility for it. If it wishes, we would make the offer. Thus, the hospital could be fully used and we could ensure that competent staff is kept to run it. Indeed, if the number of patients decreases considerably, there will be fewer staff members and they are likely to leave.

What are we doing? First of all, we are giving our veterans absolute priority. If we ever have to choose between a civilian and a veteran, priority is always given to the veteran. Second, service will continue being offered in both official languages. Of course, this will be done while respecting our collective agreements and quality of care.

I think it is important to ensure that people can use the facility. We must bear in mind that modern veterans are not old enough to go to that kind of hospital. Modern veterans need services close to where they live. I would like to remind the hon. member of that fact. Perhaps she would like to comment on my remarks.

● (2145)

[*English*]

Hon. Judy Sgro: Mr. Chair, I want to first thank the minister for taking fast action on many of these files since he has become the Minister of Veterans Affairs. All of us can be very critical but at the same time we have to acknowledge when work has been done, such as the minister's fast action in dealing with a few of the issues that have come up as a result of the files of people such as Mr. Bruyca being shared and others.

I go back to people such as Mr. Sheardown, who cannot get a bed in the local hospital. The Ste. Anne's facility was very nice because it was a unique facility. It was a facility that was all about veterans.

In St. John's, Newfoundland, there was the case of an individual who had Alzheimer's. He was a veteran and there was no way to get him into a veterans' hospital or somewhere where he would feel more at home, a place such as Ste. Anne's.

Ste. Anne's is a very special facility. If more and more civilians start to go there, then people like Mr. Sheardown and others who really would like to be in the Ste. Anne's facility, with the uniqueness of a facility like that, will not be able to go there. It would have been much more helpful for him to have been in a centre like that than where he ultimately ended up, which was in a regular hospital treated like everyone else. After all, in a bed everybody looks the same. People do not realize that that particular man had put his life on the line for all of us.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Chair, the minister himself just said that those beds should be available for veterans and he is absolutely right. The problem is that the long-term hospital beds at Camp Hill, Ste. Anne's, the Perley, Colonel Belcher, and other hospitals across the country are only for those World War II and Korean overseas veterans who have disability concerns with the DVA. World War II or Korean War veterans without a DVA claim cannot get those beds. That is problem number one.

Number two is that many of our modern day veterans are now in their seventies. There is a gentleman in Musquodoboit Harbour who is in his late sixties and has severe dementia. He cannot get long-term care because his dementia is not related to military service. This is part of the problem.

As well, the hon. Minister of National Defence would know of the Janet Maybee case. Mr. Maybee was put in Camp Hill Hospital. He had been married to his spouse for over 60 years and was near the end of his life, but his spouse was not permitted to be in the hospital with him because the hospital does not allow a spouse to be in the same room as the veteran. It does not cover that. She had to be in another facility. They died apart from each other. There was a similar case in Ontario.

We have been asking frequently for the government to recognize this problem and to allow aging veterans and their spouses to be in the same room together. Most important, modern day veterans should be allowed to have access to short-term and long-term facilities that are paid for by the federal government.

● (2150)

Hon. Judy Sgro: Mr. Chair, I always try to understand all sides of an issue.

I suppose if I were the minister I could very clearly make a case for a variety of things. When it comes to the veterans, there are far too many rules and there needs to be far more flexibility.

If it is more suitable for a veteran to be looked after in a facility such as Ste. Anne's and he wants to have his wife beside him, why should he not be allowed to do that? It is the inflexibility which I think is the problem. I am certain it is a problem for the minister as well, because bureaucrats run the system and they do not want to make any changes. It is a real battle to make those changes.

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We should get rid of such a rigid approach to things and become far more flexible in dealing with veterans issues. What is it that is going to make a veteran more content and happier during his last few years, as a result of his contribution to our country?

We should be looking at how many of those rules can be changed in order to put the veteran first, not necessarily the bureaucracy that we continue to be controlled by.

Hon. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Chair, there has been some good debate tonight.

However, to listen to my hon. colleague across the way, one would think that only Liberals had hearts and brains, and that try as we might, we could not get it done because somehow we are just not capable of caring or capable of thinking. I will not even bother going into how offensive that is.

I do want to ask the member a question. With respect to the gold digger clause, I happen to agree and would love to do something about that. However, if it were that easy, why was it not done sometime between 1993 and 2006? There is something about the harsh reality of unlimited albeit legitimate demands and the reality of limited resources.

I would also like to ask the member about the veterans independence program. She basically said that we had not done enough in the VIP when we promised to enhance it. I would like to ask the member if getting over 100,000 clients in the VIP is not at least some little bit of progress for people with little hearts and little brains as we seem to have on this side of the House?

Hon. Judy Sgro: Mr. Chair, no one should suggest that the member does not have a heart or is not caring. He may not always care the way I would like him to, but I do not think that anyone would suggest the member does not have a heart or does not care. It is just that the member's priorities are a bit different.

When it comes to the veterans independence program, I recognize it is up to 100,000 clients. The commitment was meant to cover a lot more people than 100,000. Because it is a great program that serves a lot of people who are part of our veterans community, we want to see that it gets expanded.

I certainly applaud the 100,000 clients, but we want to see it increased to far more.

Hon. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Chair, it is an honour to take part in what is truly an important debate. I hope that I can clear up some of the misconceptions that still linger around the new veterans charter.

While I would like to discuss the improvements we are making to the new charter, Canadians first deserve the reassurance that our government truly does understand and respects our responsibility to our nation's finest heroes. Being there for these courageous Canadians is not only our duty, but it is our deepest desire. We are proud of what these brave men and women have accomplished for Canada and we are determined to help repay our nation's debt to them.

That is precisely why our government has announced more than \$2 billion in new investments to improve the existing support our ill

and injured veterans receive from their country. Those were not whipped up on the back of a cigarette carton or a napkin in response to somebody's press conference. Those were measures that had been in the works for many months.

This \$2 billion and the other announcements we made over the past several weeks reflect our government's commitment to making sure our Canadian Forces personnel, our veterans and their families have the support they need when they need it.

These new measures also reflect how we are listening to our veterans. We readily acknowledge they have some legitimate concerns and we are responding to them in real and meaningful ways. One of the key features of the new veterans charter is the disability award, or lump sum payment as it is better known. The disability award does not replace any pensions whatsoever.

What is often forgotten is that the disability award is only one part of the financial assistance that we provide to injured and ill Canadian Forces personnel and veterans. In fact, the sole intent of the disability award is to recognize and compensate for the non-economic impact, pain and suffering of an injury or illness suffered in the line of duty.

There is also ongoing or long-term financial support to recognize the economic impact of being wounded in the line of duty. The most common one is the earnings lost benefit. It ensures that veterans receive up to 75% of their pre-release salary.

While I know the names of these other benefits do not mean much to most members, it is important to remember that there are monthly income benefits in the new veterans charter, including the permanent impairment allowance, the Canadian Forces income supplement, as well as a one-time supplementary retirement benefit paid out when a veteran turns 65 years of age. These benefits are in addition to the disability award. Again, it is important to keep that in mind, just as I think it is worth remembering that the first priority of the new veterans charter is to promote wellness for both our veterans and their families. By focusing on the health and well-being of our veterans, by developing rehabilitation programs tailored to their individual needs and by providing similar support to their families, we can really make a difference in their lives. We can help them open new doors. We can help them build a new future full of promise.

That is something a disability pension cannot do. In fact, I have always thought there was something fundamentally wrong with maintaining a system of disability pensions that encouraged our increasingly younger veterans to focus the rest of their lives on being disabled.

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The new veterans charter turns all of this around by providing immediate and significant financial help, which is then followed by comprehensive rehabilitation services and ongoing financial support. That is why the disability award is so important. It is easier for injured men and women to focus on their rehabilitation if they do not have to worry about how they are going to make ends meet each month. Some veterans even tell us that the disability award offers a measure of closure so that they can start moving forward emotionally. It helps them begin their transition to civilian life faster and to reach their goals for the best recovery possible.

What we have found after almost five years however is that there are still some gaps in the new charter and we are moving quickly to fill them in. In particular, the \$2 billion in funding I mentioned will help relieve the hardships faced by our men and women with catastrophic injuries. It will make sure that ill and injured veterans have an adequate monthly income.

The Minister of Veterans Affairs recently explained how these new measures will work. I would like to repeat a few of his key points because they continue to get lost in some of the sound and fury in this chamber.

First, for veterans who have suffered serious injuries and cannot work, we are going to provide them with an additional \$1,000 a month. This will be above and beyond their earnings lost benefit and the permanent impairment allowance that already provides them up to another \$1,609 per month.

Furthermore, access to a monthly allowance for seriously injured veterans will be expanded. This should help extend eligibility to more than 3,500 additional veterans over the next five years. As well, the earnings lost benefit will be increased so that every recipient's income is at least \$40,000 a year, regardless of what the person was earning in the military. This measure will benefit more than 2,300 low income veterans over the next five years.

If all of these measures are combined together, it means that our most seriously injured and ill veterans will receive a minimum of \$58,000 a year for the rest of their lives. That is in addition to, in many cases, more than \$500,000 in lump sum payments.

• (2155)

We fully realize that no amount of money can compensate for a life-altering disability. One of the truly remarkable things about our men and women in uniform is that they have always been able to risk everything to serve our country. We as a nation can make sure that we too are prepared to do everything we can to support these men and women when they need us.

The new veterans charter should be a living document. It should be able to adapt to changing conditions. In fact, adapt is what we have done. We have heard many measures tonight. We have adapted in many ways to recognize the new veteran, the young veterans from Afghanistan, with things like doubling the number of mental health professionals, and opening joint personnel support units and operational stress injury clinics. I had the pleasure of helping open one of those in Edmonton recently. We have adapted with things like opening the CAREN systems in Ottawa, and in a couple of months, in Edmonton.

We can never do enough. I acknowledge that and I think everybody acknowledges it. We would all like to do more. We are facing an era of unlimited legitimate demands, but limited resources. It is going to be a matter of priority, and we are putting priority where it matters the most.

Will the glass ever be full in this circumstance? Probably not. This is one of those areas where we are always going to be chasing perfection. Will we ever get there? Probably not, but we will never stop trying, because we care and we have brains on this side of the House and on all sides of the House. We are all in this together. There is no question about that. There is no "this side" or "that side" to the issue.

With over 750,000 veterans, it is an absolutely enormous job that Veterans Affairs does. By and large, they do it very well. With so many clients, some people are going to fall through the cracks. It is regrettable, it should never happen, but the reality is that it does. With that many clients, it is almost inevitable.

The important thing is that if a ball is dropped we try hard to pick it up on the first bounce. Do we always do that? No, but we try very hard, because we have an obligation to these folks. However, we can never get to the level that we would like to.

I am proud of being a veteran. I am not a veteran of a foreign war, but a veteran of 30 years, and I know many veterans, many personal friends of mine, who are extremely well served. I know a couple who do not feel so well served, and we try to help them every day.

I am sure all members of this House have people coming to their constituency offices to tell stories about things that have not worked. I know we all try hard to assist those veterans, those people in need, because that is what we do. That is what any government does. That is what any member of Parliament does and will continue to do.

On November 6, there will be some folks visiting my office. I have talked to them and I will be there waiting for them. They will be singing *O Canada* and saying a few things outside. I will join them in singing *O Canada* and then we will go inside, have some coffee and doughnuts, and talk about the issues. We are going to talk about the legitimate complaints and concerns that they have. I will try to explain to them what we have been trying to do.

Are we perfect? No, no government is, but every government on either side of the floor will always try. I know the Liberals tried and I do not deny that. We are trying and they should not deny it.

It is an imperfect world. There are limited resources for everything. We are trying to put the priorities in place where it matters the most. I think we do a pretty good job. We can always do better and we will always try to.

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I got to know Master Corporal Paul Franklin very well. He is a veteran who lost both legs above the knee in January 2006. I met him on January 4, 2006. He went through a tremendous rehabilitation process that was extremely difficult. He has been around the world and looked at other countries like Australia, the U.S., and the U.K. He told me, and said publicly many times, that nobody does a better job with injured soldiers than Canada.

Does that mean it is perfect? Absolutely not. Does that mean it can get better? Absolutely, it does. In Paul's words, and he ought to know more about it than just about anybody else, "Canada does a great job".

We will always try to make a great job even better, because that is our obligation to these people and we will never let them down.

● (2200)

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Chair, I first want to thank the hon. member not only for his 30 years of service to the armed forces but also for his service as a member of Parliament. Yes, indeed, he is a proud veteran not just of this country but also of the House of Commons and he should be congratulated for his service to Canada.

He is right when he says that no government is perfect and no government has ever gotten it right. However, I want to clarify something he said. He is right about there being only 760,000 veterans in the country, but DVA only has a client base of around 215,000 to 220,000, which means that roughly 540,000 veterans and/or their families and RCMP members are not covered under DVA.

He himself is a veteran and I assume he does not receive any DVA benefits, so he would not be considered a DVA client. Yes, there are that many veterans and RCMP members and their families in the country, but only roughly one-third of them actually qualify under DVA.

He knows and I know, and as a Conservative he would probably appreciate this better than I would, the Gordian knot that was in DVA in terms of veterans applying for benefits, being denied, denied again, getting a legal advocate and going to the Veterans Review and Appeal Board. Does he not think that is a cumbersome process in the way veterans should be treated?

If the benefit of the doubt should surely be applied, should it not be applied earlier in the benefit application process so that veterans do not have to go through two to six years of appeal processes in order to be adjudicated in a fair and proper manner?

● (2205)

Hon. Laurie Hawn: Mr. Chair, we are always going to try to make things more streamlined and effective.

With regard to his comment about the 500,000 or so veterans out there who are not DVA clients, I am a veteran and I do not need to be a DVA client. I am just fine. The majority of veterans out there probably are just fine and do not need the services of DVA. We need to concentrate on the people who do. We need to give them the services they need and, where the services fall short, we need to make them better.

It was by somebody that everybody who comes back from Afghanistan must have PTSD. That is simply not true. In fact, statistically about 20% come back with some form of PTSD. There is a program by a young warrant officer that was just started called "It's okay to be okay". Right now people come back and we say that they must have PTSD because they were there. We put our arms around them, as we should, and we ask them how terrible it was. They say, "No, we did our job". It is okay to be okay. That kind of thing distracts us sometimes from getting service to the people who need it most and we will always try to get it to the people who need it most.

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Chair, I want to begin by lauding my colleague from Edmonton Centre for both his military service and for bringing that practical common sense approach every day to the House of Commons in the work that he does, both as a very active constituency representative and as parliamentary secretary, and applying that in a way that makes a real difference.

He outlined in his remarks in a remarkably concise and factual way many of the improvements that we have seen brought to bear as a government with respect to the challenges that exist. He also gave fair commentary on the areas on which we need to improve and further focus our actions.

One of the comments he made reminds me that many of the members of the Canadian Forces today want to continue their service. In fact, in spite of being injured, in some cases grievously injured, they want to continue their service in uniform. I know that is true because I have spoken to a number of those members.

He mentioned Master Corporal Paul Franklin. Master Corporal Jody Mitic is another. Both of those gentlemen continue to inspire many by their continued service. In the case of Master Corporal Jody Mitic, he is associated with and shows leadership in the soldier on program. There are similar programs in other countries where there are active contributions by those who have in fact suffered grievous injury.

This has been an improved action on the part of our government that we continue to embrace those who want to act as trainers, who provide their practical experience and share it with others and who can continue to serve in the Canadian Forces today. In addition to all of the new programs and benefits for veterans and those who choose to retire or pursue another career, having a career in the Canadian Forces in spite of injury is something that this government has also made improvements to and will continue to look for a way forward.

Hon. Laurie Hawn: Mr. Chair, I want to thank the hon. minister for his comments; it goes back to one of the things I mentioned. We are focused on getting people their lives back. We are focused on rehabilitation. We are focused on giving them a new future, whether it is a future with some civilian training outside or a future within the Canadian Forces. The minister mentioned a couple of people we know well. We have a captain serving in Afghanistan who has only one leg. Here is another example of a guy who did not let his injury hold him back from continuing his career.

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The whole focus of the new veterans charter, the whole focus of what we are trying to do with veterans' issues, is to give people the ability, the incentive, the encouragement, and the resources to get back to another career. Ideally, of course, we would like to see those who want to stay within the Canadian Forces continue to make the kind of contribution that we value so much.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Chair, I was hoping the member could update me on two issues.

The first issue deals with the 700 Canadian military personnel who participated in almost 30 nuclear weapons trials in the United States and the South Pacific between 1946 and 1963. The soldiers participated as test subjects, so that military officials could determine the results of the nuclear blasts on them. Many of these atomic veterans have experienced serious, long-term health difficulties and diseases.

In addition, 200 Canadian Forces personnel helped with the decontamination efforts and cleanup of the Chalk River nuclear plant in Ontario, following the reactor accidents in 1952 and 1958. In 2008 the Conservatives promised an *ex gratia* payment of \$24,000 to these atomic veterans. The *ex gratia* payment is not really a large amount for people with big medical bills and illnesses. I would like to ask the member to give us an update on the status of these veterans. If he cannot do it tonight, perhaps he could send it over in future days.

The other question I had concerns agent orange. I would like an update on that question as well. While in opposition, the Conservatives pushed for a full public inquiry and a full compensation package for veterans and civilians exposed to agent orange at CFB Gagetown from 1956 to 1984. By the way, that is just one year before John Diefenbaker became prime minister. The current minister, in opposition, made some statements about the government acting immediately, compensating all victims, and moving towards an independent public inquiry. He said that in June 2005.

Since the Conservatives have come to government, however, only a small number of people have received the payments, the compensation of, I believe, \$20,000, and there is still no public inquiry.

I would ask the member if he could update the House on those two issues. I know he does not have a lot of time to do it right now, but if he could follow up in writing at a future date, that would be fine.

• (2210)

Hon. Laurie Hawn: Mr. Chair, I am glad the hon. member left me with a few seconds to point out that this stuff started half a century ago. In the last half century, only one government has done anything about this.

Some people may be focused on public inquiries, I do not know why. We actually took action. We are the only government in the last 50 years that has done anything about this. That shows that we do care. It shows that we take action while others talk about things.

It is never enough. I acknowledge that. Things were done in the 1950s that we did not understand then. That is certainly not our fault. It is not anybody's fault. The simple fact is that we have heard a lot of talk over the last 50 years about doing something. The only

government that has done anything is this government, and we are proud of it.

Mr. Jack Harris (St. John's East, NDP): Mr. Chair, I want to thank the government for agreeing to hold this debate at the request put forward, because it is an extremely important issue for all Canadians, not just for veterans. All Canadians have an interest and a concern about what is happening to the people who fight for this country, serve this country, risk their lives for this country and come home expecting to be treated with respect and dignity and rely on the Government of Canada to provide those services.

First of all, let me say that I want to thank the Minister of Veterans Affairs who has sat through each and every word of this debate tonight, and that is not always the case, I understand, with debates like this. He is listening carefully to everything that is being said, some of it not so complimentary of his government. However, the fact that he is listening provides some hope that changes will continue to be made.

I want to agree with one thing the previous speaker said, that yes, progress is being made. I do not think there is any doubt about that. Progress is being made in the last couple of years in terms of recognition of the full effects of PTSD resulting from activity in serving overseas, the psychological injuries of service. It is important that these injuries be recognized, understood and in fact given equal weight when it comes to dealing with benefits and recognition for service and the sacrifices that were made.

A good example of what needs to be done comes from the case of Corporal Langridge that was brought before the House last week. This came here out of necessity because he was not properly dealt with and his family was not properly dealt with after he returned from Afghanistan and suffered from post-traumatic stress disorder. He ended up, as is known now, committing suicide on the Canadian Forces base in Edmonton, and his family had to go through a very difficult time to try to get some understanding and justice, and they ended up coming here to Ottawa to do that.

I understand that decisions have been made since his mother came here. She met with the minister and with the Chief of the Defence Staff, and some issues are being resolved.

It is important, I think, that we recognize that this individual whose death occurred as a result of his psychological injuries in Afghanistan is a casualty of war just like other individuals who return with injuries that cause their death.

We had a very unfortunate and sad circumstance. Brian Pinksen from Newfoundland and Labrador was injured in Afghanistan and died this summer as a result of his injuries. These sacrifices ought to be honoured in the same way.

We had another comment, and I will not indicate the member who said it because it is an unfortunate comment in relation to a person who has been fighting very hard for veterans since he was appointed. That is Colonel Pat Stogran. It has been suggested that the responses and the things that have happened in the last little while have not been as a result of somebody's press conference. I want to say this about Colonel Pat Stogran and his work as the ombudsman for veterans. He has done remarkable work in drawing to the attention of the Canadian public and the government the deficiencies that exist in the program for veterans in this country.

I do not think anyone in the House or anyone in this country who knows anything about it would say that there are no deficiencies in the way veterans' programs have been delivered in Canada. I think that is a given.

• (2215)

I do not claim to be an expert on veterans affairs, but when I hear the stories I have heard over the last two years, some of them brought to light by Colonel Stogran as the ombudsman, which was his job to do and when I saw the way he was treated by the government in terms of not renewing his work and his appointment so he could continue his work and the unfortunate way he was treated when he appeared before the veterans affairs committee by members of the government, I was shocked.

He was appointed by the government, to its credit, a colonel who had been a commanding officer in Afghanistan. He had served his country for many years. He understood veterans and their needs and drew attention to the problems. He complained he was not given the tools, information and co-operation he needed to do his job. I found the way he was treated with some kind of disdain by the sitting members of the government on that committee was horrendous.

When we hear that veterans are going to food banks in increasing numbers, as my colleague, the member for Sackville—Eastern Shore, pointed out, that is very disturbing.

We have some terrific examples of positive things that are being done. In some cases, they are being done by the veterans themselves, by way of example. I think Master Corporal Jody Mitic's name was mentioned here tonight. I want to also add Corporal Andrew Knisley's name.

These two veterans, who claim to have three arms and one leg between them, having been injured in Afghanistan and suffered amputations, participated in a motor car race in Newfoundland and Labrador this September, called "Targa Newfoundland". Their manager, retired Major-General Lewis MacKenzie, who has some interest in car racing himself, offered to manage this team. They went to Newfoundland and Labrador and were sponsored by Canada's Acura dealers and Honda Canada.

They participated in this rally, raising money for the Soldier On campaign. They demonstrated, through their actions, their courage, determination and their willingness to soldier on.

It was very interesting and inspiring to hear them talk on the radio in interviews and on television in our province in September about what drove them to do that, why they wanted to keep active and why they felt so strongly about it. It was also about those who had been inspired by their courage and actions to not see themselves as being

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injured for life, but in fact trying to make a life for themselves despite their injuries. I think it was extremely positive.

A lot of work needs to be done to improve the lot of veterans in the country. We would not be having the demonstration on November 6, this Saturday, if it were not for the concerns that exist across the country. Veterans and supporters of veterans have worked together to organize it. This is unprecedented in our country.

What is happening now is that people are realizing the government, while it prepared for a war in Afghanistan, did not prepare for the consequences of that war. The consequences are far stronger, far larger and much longer lasting than were imagined. These costs were not taken into consideration with the other costs of participating in this war.

Many things need to be done and many improvements need to be made. Much consideration needs to be given to the ideas that have been brought forward by Pat Stogran to the complaints that have been brought forward, legitimately, ones that have to be dealt with, and more improvements have to be made.

I hope I will have a few more minutes in questions and comments to elaborate on some of these issues.

• (2220)

[*Translation*]

Hon. Jean-Pierre Blackburn: Mr. Chair, I would like to begin by thanking all of the members who participated in this evening's debate. I believe that the issue of services to veterans deserved this debate. I listened carefully to their suggestions.

Of course, many good suggestions can be valid and worthwhile. But at the same time, the Minister of Veterans Affairs has to deal with priorities. We have implemented various measures to ensure that seriously injured soldiers returning from Afghanistan will no longer have financial problems. That is why we will provide various types of support, such as the \$58,000 minimum payment for these veterans, which I mentioned, along with the options we will offer in connection with the lump sum payment.

The other point I would like to address is the question members raised about the ombudsman, Mr. Stogran. I would like to thank him because it is not easy for an ombudsman to start a new job in a brand-new position within a department. In fact, it can be extremely difficult. But at the same time, the suggestions and comments he offered were constructive, and we found them useful, together with our own thoughts and analyses, in making changes and improvements to the veterans charter. I would like to thank him for his help and I believe that the person taking over from him will be able to make further progress.

This week, November 11, is Remembrance Day, a day that I hope to share with all Canadians. How will they remember our veterans? What will they do to support our veterans?

Once again, I would like to thank all of the members for their excellent suggestions.

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• (2225)

[English]

Mr. Jack Harris: Mr. Chair, I know there are a lot of people across this country who will be showing an interest in the events of Saturday, November 6, and I am hoping that the minister will make a statement similar to that of the Minister of National Defence with respect to his employees who raised the concern that they have been told not to attend this demonstration and show their concerns that may be raised. I hope he can provide the kind of assurance that the Minister of National Defence did to military personnel in suggesting that it was perfectly all right for them to exercise their freedom by attending this demonstration. I would like the minister to do that same thing.

The minister also, earlier tonight, talked about the distinction between traditional veterans and current veterans. We have DVA pavilions, for example, one in St. John's, Newfoundland that was part of the old General Hospital. It is only available to Korean or World War II veterans. We have peacekeeping veterans, some of whom are in need of the kind of care that is provided by these DVA pavilions, but it is not available to them.

We talk about the dwindling number of veterans going to Ste. Anne's Hospital. If the veterans were entitled to get the services that are provided, the access to these hospitals and to these DVA pavilions, then they would be used and veterans would not have to go elsewhere or do without the kind of service they actually need.

My colleague from Sackville—Eastern Shore mentioned some individual cases. We had a serious one in St. John's, Newfoundland this summer where a person with Alzheimer's ended up in a facility that was inadequate for the kind of expectations that his family had for a veteran who served his country.

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Chair, more than 800 food hampers will be delivered to needy veterans and their families in Calgary alone this year. Homeless people do not have the documents needed to support their claims and this lack of documentation causes problems when they are in crisis and need immediate help, as supporting documentation is needed to qualify for help from Veterans Affairs Canada. This system puts homeless veterans at a real disadvantage.

Could the hon. member comment on whether a national strategy is needed to deal with homeless veterans?

Mr. Jack Harris: Mr. Chair, that is one of the areas that makes a lot of people feel sad to know that veterans are unable to have adequate housing in this country.

We need a national housing strategy, period. Obviously veterans are a very important client group that would need to be addressed, but we are in desperate need of a national housing strategy in this country.

We did have one. In fact, we had one up until the mid-1990s and were recognized worldwide as being a leader in national housing policy. So that is something that has been lost. I will not mention what party was in power at the time.

Mr. Jim Maloway: You can. Go ahead.

Mr. Jack Harris: I can? I thought we were being non-political here tonight.

Obviously we do need a national strategy to look after housing for homeless veterans and for anybody in Canada who needs affordable housing.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Chair, I want to pay tribute to the veterans affairs minister for being here for the entire debate tonight.

A person in Ontario wants to remind all of us that it takes six years for members of Parliament to get a pension but that it takes older members of the military 20 years to get a pension and 25 years for new members which is clawed back until the age of 65 or when they become disabled.

My question is for the hon. member for St. John's East who is the defence critic for our party.

A gentleman in my riding served 31.5 years in the military and is being 3(b) released, which means that he is being medically released. He paid into the EI system for 31.5 years so he thought he would be able to collect EI sick benefits. Unfortunately, he was told that even though he paid employment insurance benefits for 31.5 years, because he would be in receipt of an annuity he could not collect employment insurance sick benefits even though he was being medically released from the military.

In the final minutes of this debate I would like to thank everyone for their comments. I would like to give my hon. colleague from St. John's East the opportunity to say how wrong it is that someone who has paid into a program for 31.5 years and is medically released from his job cannot collect EI sick benefits.

• (2230)

Mr. Jack Harris: Mr. Chair, it would be very difficult for me to say as eloquently as my colleague how wrong that is. He has spoken very passionately about this in the past. I fully agree with him that this should not be allowed to happen to someone who has paid for 30 years into the EI program.

The Assistant Deputy Chair: It being 10:30 p.m., pursuant to Standing Order 53.1, the committee will rise and I will leave the chair.

(Government Business No. 7 reported)

The Acting Speaker (Mr. Barry Devolin): Accordingly, the House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 10:30 p.m.)

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