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OFFICIAL REPORT  
(HANSARD)

**Monday, February 28, 2011**

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**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Monday, February 28, 2011

The House met at 11 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

• (1100)  
[English]

### LIBYA

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, pursuant to section 7 of the Special Economic Measures Act and section 4 of the United Nations Act I have the honour to table, in both official languages, copies of an order in council and regulations implementing the United Nations resolution on Libya and taking special economic measures which are in regard to the sanctions against Libya and Moammar Gadhafi formerly announced on February 27, 2011 by the Prime Minister.

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## PRIVATE MEMBERS' BUSINESS

[English]

### FIRST NATIONS FINANCIAL TRANSPARENCY ACT

The House resumed from November 25 consideration of the motion that Bill C-575, An Act respecting the accountability and enhanced financial transparency of elected officials of First Nations communities, be read the second time and referred to a committee.

**Mr. Bruce Stanton (Simcoe North, CPC):** Mr. Speaker, it is a great delight to have this opportunity to express my wholehearted support for Bill C-575, the first nations financial transparency act.

The reason for my support of this bill is quite simple. It is time that the Parliament of Canada embed in the law of the land the right that all Canadians now enjoy, and all members of first nations should enjoy, and that is the right to know how much their elected representatives cost in terms of carrying out their public business.

Bill C-575 would secure this fundamental right of men and women of first nations communities in a perfectly straightforward way. The bill would require first nations governments to include a schedule of remuneration in its annual audited financial statement. Each schedule would provide detailed information on the salaries

and reimbursement of expenses paid by a first nation to its chiefs and councils.

• (1105)  
[Translation]

The bill further requires every first nation to make its schedule of remuneration publicly available within 120 days after March 31 in each calendar year. If any first nation fails to make public its schedule, the Minister of Indian Affairs and Northern Development will have full legal authority to make it public.

[English]

All Canadians believe strongly in the right to know how much their elected representatives earn. I am convinced that the same can be said of first nations people. Our shared conviction alone should be more than enough reason for all of us to support Bill C-575.

Yet, that reason alone does not tell the whole story of this bill. Let us consider the practical benefits that would be generated when this principle is embedded in law. Three practical things come to mind: transparency, accountability and effectiveness.

Bill C-575 would help first nations governments become more transparent by having mandatory reporting requirements. All first nations governments, each and every year, would be required to make public detailed information on the salaries and reimbursement of expenses paid to chiefs and councillors without exception. Bill C-575 would mandate that this information be easily accessed by first nations communities. Transparency does not come much more straightforward than that.

[Translation]

And yet some of our colleagues and some leaders of first nation governments have said that Bill C-575 is unnecessary because many of these governments already make this information available to people who ask for it. Their stance leads me to wonder if these critics truly understand the meaning of political transparency.

[English]

Political transparency is not about governments merely being willing to share information. Genuine political transparency involves governments actually giving men and women the tools they need to see that information for themselves. That is transparency in its fullest. That is exactly what this bill would deliver.

*Private Members' Business*

The bill would also make first nations governments more accountable. We know accountability is another fundamental principle of Canadian political life. Canadians recognize that knowing how much their representatives make in salary and reimbursement of expenses lies at the very heart of political accountability. After all, how is it that Canadians can hold their elected representatives accountable for their actions if they do not have pertinent financial information at their fingertips? By requiring first nations governments to disclose detailed information on remuneration of expenses and salaries of their elected officials, this bill would make those elected officials more accountable to the people they serve.

I am pleased to see that the Assembly of First Nations agrees with the very principles of this bill. The AFN recently passed an important resolution at its special chiefs assembly in December. The resolution pledges that first nations governments should maintain what the AFN calls transparent and accountable decision-making structures.

I do need to point out that the first nations have always had the ability to make that information available in public. Regrettably, a considerable number choose not to. The AFN resolution merely asserts that, essentially, it is a good idea that first nations chiefs and councils might want to do this, but it is certainly not binding. We do not believe that an issue as important as this should rely only on a non-binding resolution. The path that the bill sets out is an effective, binding, and transparent way to ensure this information is available to the public.

[Translation]

Bill C-575 provides first nation governments with an ideal way to follow through on the AFN's intent—greater transparency and accountability. The bill provides these governments with a clear and consistent standard they can abide by, and that all men and women of first nation communities can expect their governments to honour. That kind of standard is a perfect example of political accountability.

• (1110)

[English]

I would like to take this opportunity to thank the hon. member for Saskatoon—Rosetown—Biggar for spurring the House to take constructive action to bring greater transparency, accountability and effectiveness to first nations governments. In that same spirit of constructive action, I want not only to express my wholehearted support for but also for the principle of this bill. I have one brief suggestion that she and the House might consider to improve it.

[Translation]

This suggestion is not completely my own. In response to a question posed by the honourable member for Saskatoon—Rosetown—Biggar on November 22, the Minister of Indian Affairs and Northern Development stated that we should expand the coverage of Bill C-575 to include all sources of income earned by first nation chiefs and councillors—not just income that comes from funds transferred to first nation communities by the federal government.

[English]

I fully agree with the minister's idea and let me explain why. A small part of the funds that are collected for each first nation every

year is an unconditional grant designated as band support funding. This money is designated to help communities pay the salaries of elected officials and non-elected administrators, and to offset the normal operating costs associated with running a band office. Yet, many first nations communities also derive revenue from other sources, such as band-owned businesses and through arrangements with other governments. Revenues from these sources may also be used to cover the salaries and expenses of first nations officials.

Accordingly, we should make sure that Bill C-575 compels each first nations government to detail in its schedule of remuneration all salaries, honoraria, and reimbursement of expenses paid to its chiefs and councillors directly or indirectly through the band office.

I urge all of my colleagues who serve on the Standing Committee on Aboriginal Affairs and Northern Development to consider this amendment, and even more fervently, of course, I urge members of the House who have joined us here this morning to adopt Bill C-575 at second reading.

It is time to pass the bill. It is time for all first nations governments to become even more transparent, accountable and effective.

[Translation]

It is time to embed in the law of the land a right that all members of first nation communities should enjoy.

[English]

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, I am pleased to speak to this bill.

My colleague opposite very effectively chairs the Standing Committee on Aboriginal Affairs and Northern Development, but I was very surprised at his remarks. I know him to have an understanding of first nations issues. I know he has an understanding of the importance of the duty to consult. I know he understands the importance of collaboration and consultation. I know he understands the real meaning of transparency. He used words such as to “compel all first nations governments”. When I heard him say that, I thought to myself that with respect to transparency for Canadians and for parliamentarians to do their work, we cannot compel the Conservative government to provide documents, so why is one group singled out? I am quite struck by the irony of it.

I want to make clear at the outset that Liberals stand for transparency. We certainly stand for accountability in all governments, including first nations governments. We will fight for accountability and transparency with respect, with collaboration and in consultation with those affected. We will do it by being critical of this bill and asking the tough questions that need to be asked. There is nothing wrong with affirming and standing up for the principles of accountability and transparency.

I want to compare this bill with the Kelowna accord which, as members of the House know, was not honoured by the Conservative government.

*Private Members' Business*

The Kelowna accord represented 18 months of negotiation, collaboration and consultation. It was a high-water mark for the Government of Canada and aboriginal people, not just first nations, but Métis, aboriginal women and Inuit.

The process was as important as the outcome. Under the Kelowna accord, there was an elaborate, wholesome accountability for a results framework. It was broad based and comprehensive. It was not simply about reporting a number, but about how to deliver results for a community and for the people who live in that community. The most important aspect of the Kelowna accord was that it was mutual. It was not one-sided at the federal government level and it did not compel. It included a real collaboration between aboriginal and non-aboriginal people alike.

The recommendations coming out of the Kelowna accord included the establishment of a first nations auditor general and an independent body funded to oversee the accountability framework. The accountability framework was there. It was arrived at by aboriginal people working together with government through a process to determine how it would be done.

What I find extraordinary about this bill is that the paternalistic and maternalistic attitude of members opposite has come forward once again. There seems to be no respect for the Declaration on the Rights of Indigenous Peoples, which the government belatedly agreed to. The bill defies the principles of reconciliation that we heard the government speak to in the House many months ago.

As the sponsor of the bill has stated, much of what is in the bill is already being done. A financial statement approved by a chartered accountant is being done with a contribution by INAC. Generally accepted accounting principles are applied and there is an auditor.

Regarding transparency, the Minister of Indian Affairs and Northern Development has the power, and did in 2005, to make sure that disclosure is there for first nations and anyone else.

• (1115)

It is not fair to imply that none of that is being done or that it cannot be done even under the existing protocol program.

Therefore, the question is: why has the Minister of Indian Affairs and Northern Development not been compelled to have this done under his own authority under the act? Why is it a private member's bill and not a government bill? Why is this being done through the back door and not the front door?

The government and members opposite know full well that the government has a legal duty to consult with aboriginal people on issues that affect their rights and treaties. It is clear this consultation has not happened. Again we have heard the word "compel". We have heard that it is mandatory for transparency.

I would reiterate that what is mandatory for transparency is also mandatory for transparency in this House. Again, is this bill compliant with the UN Declaration on the Rights of Indigenous Peoples? I think not. Does the government truly believe in the right of self-government? I think not.

This appears to be an attempt to brand all first nations chiefs and councillors as somewhat corrupt. It is making an insinuation about

the nature of first nations leadership and governance. It perpetuates myths and stereotypes that communities right across this country have been working hard to overcome.

There needs to be a different approach, one of collaboration and consultation. There should be a need to support substantive issues surrounding transparency, issues related to housing, water, education and health in first nations communities.

Many groups have commented on this bill. The Quebec native women's association stated in a press release that Bill C-575 "seems to be motivated by a prejudicial and racist view of aboriginal peoples as 'living off society', by implying that the federal funds coming from 'good taxpayers' money' granted to aboriginal chiefs and councillors are ill spent.

The association went on to say that the minister's support for the bill is a violation of his duty to consult and the UN Declaration on the Rights of Indigenous Peoples.

The Auditor General has spoken about fiscally responsible aboriginal organizations and communities. She has spoken about the onerous reporting requirements of first nations communities and says that there is in fact 98% compliance with all of the reporting requirements for first nations people.

Fiscal relationships between first nation governments and the federal government ought to be akin to intergovernmental transfers rather than typical grants and contributions as depicted in Bill C-575.

Transparency and accountability are necessary, there is no question. They are necessary in this House as well as outside the House. They are necessary in all levels of government. However, compelling a mandatory accountability and compelling mandatory disclosure is not the way to deal with Canada's first nations people.

The Liberals support transparency and accountability, but I reiterate that it must be done in collaboration and in consultation. Members opposite know that.

• (1120)

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I rise today on behalf of my constituents in Winnipeg Centre not only to speak against this bill but to reject it. I will use my 10 minutes to condemn this bill and the very assumptions that led to the bill coming before the House of Commons today. I find the bill to be an extension of the Eurocentric, colonial, paternalistic and offensive assumptions that underlie the government's policies toward first nations people.

*Private Members' Business*

This bill finds its roots and origins in the racist assumptions that all first nations are either corrupt or incompetent and I reject both of those assumptions. In fact, I feel sorry for the member for Saskatoon—Rosetown—Biggar because she is a hapless dupe who has been designated to put forward a bill that the government was too cowardly to bring forward itself. If the government wanted to try to make the case that all first nations are incompetent or corrupt, the government itself should have the guts to say it to the House of Commons instead of using the back door and some new rookie hapless dupe in rural Saskatchewan. That is what I find offensive.

If the member had done a bit of research, she would know that the Auditor General of Canada said that first nations in fact are over-audited. They are handicapped by audits. They are almost crippled and paralyzed by the number of routine audits they have to do. There are 168 audits per year to five different government departments. How many is that? If we do the math, it is three or four times a week that paperwork has to be submitted.

In spite of this, 96% of all first nations in the country submit their audits on time, without comment or criticism from the auditor. Of the remainder, 27 out of 633 first nations, the auditors commented that of the 27 first nations that either failed to file 1 of their 168 returns on time, or made a mathematical error, or had a problem with their accounting, only 11 were put under third party management by the Government of Canada. Those are the statistics.

If the Government of Canada wants to do something about the appalling social conditions of our first nations people and if it wants the House of Commons to be seized with first nations issues, why are we bogged down with some nuisance little mischief bill that is pandering to a racist minority that dwells under the assumption that all first nations are either corrupt or incompetent? That is what we should be questioning today.

The Minister of Indian Affairs and Northern Development should be renamed. He should be called the minister for managing poverty, because that is what his job entails: robbing Peter to pay Paul. He moves around the same little inadequate pool of money that is supposed to provide for the basic needs of nearly a million people, some \$6 billion in total for the needs of a million people.

Our entire armed forces comprises 68,000 people and what is the budget? There is a \$32 billion budget for 50,000 people versus \$6 billion for a million people to provide housing, schools, education, health care and basic needs. That is the root of the problem. The problem is not about accountability or governance. The problem is not about insignificant things like the number of audits that are submitted on time. The problem is chronic long-term poverty.

I put it to the House that the problem of the social condition of the first nations people has its origins in the Indian Act, an offensive document of oppression, unworthy of any western democracy. That is the root of the problem. The problem is not the meddling of one rookie MP who thinks she is going to put forward a private member's bill with a racist assumption that all first nations are incompetent or, even worse, corrupt. The Indian Act is the root of the problem.

If the government wanted to solve the appalling third world social conditions that our first nations are forced to live under, the government would tear up the Indian Act and would provide a

meaningful share of the land and resources that first nations were entitled to under their treaties. If the government took 10% of the money it spends in court fighting first nations for their legitimate rights and applied it to a share of the land and resources, then first nations could get on with some economic development.

I wonder if any member of Parliament has ever read the Indian Act. I wonder if any member knows that first nations are not even allowed to cut down a single tree on their land without the express permission of the Minister of Indian Affairs and Northern Development.

● (1125)

I wonder if the members know that if gold or oil is discovered on a first nations reserve, the residents are not entitled to it. The only thing they are expressly entitled to in the Indian Act is gravel, sand, mud and soil. If one can carve out a living by selling gravel, mud, sand and soil on a reserve, granted, one then has a legitimate way to make a living by hauling gravel or having a quarry. That, they are allowed to do.

However, if it has to do with fisheries, it is not allowed; with forestry, it is not allowed; with mining, it is not allowed. If they discover gold and pearls and rubies on their reserve, it is not theirs. So what can be expected?

I sat in this House of Commons at the last fumbling, clumsy attempt to try to imply that aboriginal people's poverty is because of lack of governance or corruption or incompetence. It was called the first nations governance act. Again, it was a smoke screen to try to pretend that the root of the problem was not chronic long-term poverty and all of its predictable social consequences, and that it was not the complete refusal to share the wealth of the land and resources guaranteed to first nations under treaty. However, this is not an assumption on my part; the evidence is that every time an aboriginal group does finally make it to the Supreme Court after 30 years, they win. They win every time.

Until the 1960s, a lawyer was not allowed to represent Indians in court. How were they supposed to fight their court cases? One was not allowed to take money from an Indian to pursue a land claim. It was expressly forbidden by the law society. So when these 30- and 40-year land claims finally get to court, the plaintiffs win because they are right. Whether in the Marshall case, the Sparrow case or in Delgamuukw, whatever the case, first nations plaintiffs win and the government loses.

Yet instead of acknowledging that reality, that those treaties mean something, that the treaties are two sided and that we are all treaty people and that I, for instance, am a participant of that treaty, the government denies it. Those treaties are legal and binding, and they are right. There would not be the third world social conditions here if we honoured the treaties and did not wait for 30- and 40- and 50-year court cases. However, the Department of Justice has floors of lawyers who do nothing but say “no” to aboriginal people and drag stuff through the courts. That is what the government spends its money on.

Does the government think there is any advantage to having a permanent underclass in our society? Does it think that is an economy? That is a false economy. It is an offensive economy and the social cost is prevalent and obvious in the streets of Winnipeg and in any other major centre, and certainly on first nations reserves that are denied the right.

I carry the feather. I was given the honour of a blanket ceremony and a spiritual name was given to me by the Assembly of First Nations for standing up and fighting the first nations governance act. With that honour comes an obligation that we will speak truth to power in this House of Commons. Every time there is an offensive piece of legislation that extends the paternalistic assumptions of the Indian Act, we will denounce it, we will condemn it and we will defeat it. That bill will not pass.

If the Government of Canada wants to talk about secrecy and accountability, it should look in the mirror because it is the Department of Indian Affairs and the Minister of Indian Affairs that are secretive and unaccountable.

Here I point to the Kapyong Barracks, the military base in the city of Winnipeg, as a classic example. Year after year, the treaty land entitlement of the first nations who have first option to purchase surplus government land has been systematically denied.

We just had another court case on Thursday of this week in Winnipeg, where the Government of Canada appealed another decision that it had lost, and thus guaranteed five more years in court going to the Supreme Court of Canada, where it will ultimately lose. But at least it is pandering to its base that says, “Stop giving those Indians so much stuff and let them pull themselves up by their bootstraps”. How do people pull themselves up by their bootstraps if they have no tools to use? How do people pull themselves up by their bootstraps if they cannot participate in economic development because they have no right to the land and resources under their feet, the very land and resources that were guaranteed to them under Treaties 1 through 7 in our prairie region, and all over the west coast with the Douglas treaties, et cetera?

The government is wrong: this bill is offensive and we condemn it. We should not just reject it; it should be tossed out of here with great ceremony because we will not tolerate it and will not stand for it.

• (1130)

**Mr. LaVar Payne (Medicine Hat, CPC):** Mr. Speaker, I am pleased to stand in my place and take part in this debate and voice my support for Bill C-575, the first nations financial transparency act. I support the bill because it would provide a common sense response to a clear need, that being the right of the men and women

### *Private Members' Business*

of first nation communities to have local governments that are completely transparent and accountable. More specifically, they have a right to know exactly how much the elected leaders of those local governments earn in salary and in reimbursed expenses. Nothing could be clearer than that.

Bill C-575 would require that the annual financial statements of each federally funded first nation include a schedule of remuneration, with each schedule providing detailed information on the salaries and reimbursed expenses paid by a first nation to its chief and councillors. Every first nation would be required to make this remuneration schedule publicly available within 120 days after March 31 each calendar year. If any first nation fails to make public its schedule, the Minister of Indian Affairs and Northern Development would have full legal authority to make it public.

Some of our colleagues have taken exception to this common sense approach. In their remarks, they have implied that Bill C-575 is an insult to first nation people because the hon. member for Saskatoon—Rosetown—Biggar did not develop the bill in close collaboration with first nations' leaders. They have stated that the bill is an abdication of leadership because it is a private member's bill and not one initiated by the government. They have asserted that the bill brands all first nations' elected officials as corrupt. In effect, they prefer to cloud the issue, to rekindle old quarrels, to change the subject and to keep first nation leaders' salaries secret.

I am convinced that I speak for the vast majority of Canadians when I say that I find absolutely nothing controversial, inflammatory or objectionable about Bill C-575. If anything is objectionable, it is the fact that some men and women of first nation communities have been deprived of the absolute right to know how much their elected leaders are paid. If anything is objectionable, it is the fact that we have waited this long to take this step to improve the transparency and accountability of first nation governments. After all, who among us could object to greater transparency and accountability in first nation governments?

We Canadians demand, and are continually taking steps to increase, transparency and accountability of governments at all levels throughout country, municipal, provincial, territorial and federal. We have laws in place throughout these jurisdictions to make the workings and decisions of governments, and the information used by them, more transparent to citizens. We have laws in place throughout these jurisdictions to put tools in the hands of citizens so they can access for themselves vital information used by governments. We have laws in place throughout those jurisdictions to make governments increasingly and more directly accountable to the men and women of the governments we serve.

We have taken these steps because we know, without question and without hesitation, the basic truth and fairness that underpin these laws. We know the truth and fairness of that in our minds. We also know the practical, real life value of laws that promote transparency and accountability of governments.

*Private Members' Business*

• (1135)

Laws that promote transparency and accountability lend greater credibility to the actions and decisions of governments. They strengthen the legal and moral authority of elected representatives. They encourage an atmosphere of trust and openness between governments and the governed. They also give Canadians the vital information they need to make informed decisions about their lives, their families, their futures. They lead to consistent government practices and procedures that in turn make the services governments provide more reliable and effective. Laws that promote transparency and accountability also help eliminate needless controversy and enable citizens and their governments to put the focus of public discussion where it belongs, on fundamental quality of life issues, such as housing, health care, education, economic development and jobs.

I want to take this opportunity to salute the first nation governments that have taken the steps outlined in Bill C-575 to promote transparency and accountability in their governments. Representatives of several first nation governments are on record stating that they are committed to making sure that the actions and decisions of their governments are transparent and financial information is made readily available to community members.

Just last month a strong example of a government taking steps to promote greater transparency and accountability was delivered by the Whitecap Dakota First Nation in Saskatchewan. Spurred by Bill C-575, the Whitecap Dakota First Nation chief, Darcy Bear, and the council have created an independent compensation commission that will set the pay for the chief and councillors.

Through their actions, chief Bear and his community councillors have shown that they support transparency and accountability of government and support making public audited financial statements that highlight their government's expenditure decisions and actions. Chief Bear has made it clear that he supports Bill C-575. He did so as he stood alongside the member for Saskatoon—Rosetown—Biggar.

Chief Bear supports the bill because he recognizes the practical value to his community of greater transparency and accountability. His actions and support for Bill C-575 acknowledge that greater transparency and accountability of government operations attract investors, spur economic development, create jobs, encourage trust in government and fuel the overall growth, optimism and success of his community. I can think of no more persuasive proof of the value of Bill C-575 than the views and support offered by Chief Bear and the members of the Whitecap Dakota First Nation.

I urge my colleagues to heed those views. I urge my colleagues to help bring about greater transparency and accountability in first nations government. I urge my colleagues to adopt Bill C-575.

• (1140)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I did not have a counter with me, but half of that speech had the words, “transparency, openness and accountability”.

I had the good fortune to be invited to be involved with an aboriginal bill to do with matrimonial real property rights. It was pursuant to a bill presented by the government. In preparation of that

bill, the government engaged a well-respected consultant. As I recall, over 80 recommendations were for the inclusion in the proposed bill. How many of those recommendations actually appeared in the bill? None. Why? Because the government did not bother to consult with first nations. It did not bother to ask what was important.

First nations communities right across the country were absolutely outraged for one simple reason: the government did not respect the long-standing principle of fair and open consultation prior to any legislation coming through. This showed itself in the fact that not only did the National Women's Aboriginal Commission but virtually every first nations community across the country signed up in support of defeating the bill for one reason: the lack of consultation.

One thing mentioned earlier by a speaker was that this seemed to be a government position which was being forced into the House through the mechanism of a private member's bill. The government does not want to put forward a bill that somehow champions openness, transparency and accountability. There is nobody in this chamber or country who would credit the government with being open, transparent and accountable. There are just far too many examples.

The very first bill the Conservative government brought in January 2006 was the Federal Accountability Act. Where is that now? We have had example after example of failure to be open, accountable and transparent. The member said in his speech that if we were open, transparent and accountable, it would promote trust in government.

When we consider the way this has come forward, the government itself is not open, transparent or accountable, but it demands that of first nations on matters which are their business. The point is it is their business.

As an example, on February 25, the Parliamentary Budget Officer came out with a 16 page report on a motion that the finance committee brought here in a committee report, and a matter of privilege, that the government had refused to provide the information members of Parliament needed to do their jobs. That is exactly what the Parliamentary Budget Officer concluded: the costing of justice bills; the costing of the F-35s; the costing of the operational expense reductions; the projections on corporate taxes; and the projections on the cost of corporate tax cuts.

When we put these together with the CIDA and KAIROS issue, the minister cannot even rise in this place and speak to that issue because she has been told not to speak. She has been told not to be open, or transparent or accountable to the House of Commons.

*Private Members' Business*

●(1145)

How dare the government put forth a bill where it demands openness, transparency and accountability of first nations when it cannot demonstrate openness, accountability and transparency itself. That is the shame. The shame is not only the failure to consult but to demean first nations by not consulting.

The bill on matrimonial property rights never did get passed. It is a very serious issue. The government should bring it back after consultation. Even when it gets the best experts giving it recommendations, it ignores them totally. Did it consult on this? No. It somehow wants to paint all first nations with the same brush. Some chief is getting paid \$100,000 or \$200,000 a year.

This cannot be dealt with on a one-off basis. This is a very important issue. The relationship of first nations and the Government of Canada is trashed because of the government's reputation and its failure to consult, to be open, to be transparent and to be accountable. It cannot propose this bill as a private member's bill. It really is unfortunate.

There is another case that I was speaking to someone about this morning regarding the Toronto Port Authority. The House leader, the industry minister and the foreign affairs minister were all at one time a transport minister in cabinet. During that period, three of the board of directors of the Toronto Port Authority wrote a letter to those three ministers, along with the Minister of Finance, who is the political minister for Ontario, stating several violations of the bylaws of the Toronto Port Authority. How many of those directors got a response from any one of those ministers about that legal letter regarding the violations that they had breached their duty to operate the port authority in a fashion conducive to the public interest? None. Not one of those ministers responded to that letter. I will find out why they do not want to be open, transparent or accountable.

The government cannot have it both ways. If it is serious about bills like this, it is important for us to deal with first nations in an honest way, by consulting and understanding the issues and the problems. If it is an issue of disclosure, we can deal with that. However, when it brings it forth by way of private member's business, it is because it does not want to deal with it. It does not have the respect within first nations. We know that. It has been that way since 2006. All the work that was done has gone totally right downhill.

I remember talking to the member for Yukon. He is very much supportive of the position that this bill has to be defeated because it is an insult to first nations.

I have spoken to our critic, the member for Labrador, when we worked on the matrimonial property rights bill. We had so many meetings. We were making such good progress. However, a bill like this puts us back further than when the government started. This is the problem we are addressing.

I call on all hon. members to reflect very carefully on what has happened here and what has happened not only with this bill but with the failure of the government to respect the rights, freedoms and the privileges of parliamentarians to have information, to have consultation and to allow us to take our best shot.

Let us look at Afghan detainee documents. That is another issue. The Speaker had to rule that we had the right. We know we have the right. Who is delaying it? It is the Conservative government. This is the issue in the House today. It is the issue that we will have every day in this chamber until the government decides, once and for all, that it must be open, transparent and accountable if wants to continue to be the government.

●(1150)

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I am glad to carry on this debate, making some of the very good points my colleague just made.

First, the reason the government's aboriginal agenda, and in fact the justice agenda, is in such shambles and disaster is because of a lack of consultation, as my colleague said. This is not coming from us; it is coming from Canadians. We hear from them in committee. Meeting after meeting, when we go to look at a bill in committee, we have the experts come forward. When asked if they have been consulted, the answer has been no. When asked if the stakeholders have been consulted, the answer has been no.

It is no wonder legislation comes forward in a terrible manner, since the consultation has not been done. People are often more aggrieved about the lack of consultation and partnership than they are about what is in the bill. That explains the disaster in the justice file as well.

With respect to the first nations bills, it is another type of environment. In Canada we have a government to government to government relationship with first nations, aboriginal governments, provincial governments and municipal governments. That is obviously not being respected when government members speak to the bill and defend the fact that the consultation is not a government-to-relationship, where it tells another government what to do with something within its jurisdiction, without any discussion. It is not the way to build goodwill.

I would also like to commend the chair of the aboriginal committee who does an excellent job and who understands some of these things about respect for first nations government and for their views on issues that will affect them. First nations governments do not tell us how to run government and we should not tell them what to do without consultation and without a respectful government-to-government relationship.

It is very ironic, as my colleague said, that we have government members defending a bill asking another government for accountability when the government itself is under fire as the least open, least transparent and least accountable government in Canadian history.

*Private Members' Business*

My colleague asked why this was a private member's bill. The reason is there is only allowed to be a couple of speakers on a private member's bill. If this were a government bill, dozens of speakers in the House would complaining about the lack of accountability, the lack of transparency and the lack of openness of the government, which this opportunity provides. Then it has the nerve to suggest that another government should be more accountable.

My colleague mentioned a number of examples. Today we have a crisis in Parliament, which will be continuing this week. The government will not even let ministers defend themselves. It is not open enough to allow a minister to answer questions.

We had a constitutional crisis earlier this year, brought forward by the member for Scarborough—Rouge River. Once again, the government has refused to let Canadians and parliamentarians, who are supposed to run the country, see documents in order to be accountable. How can it ask other governments to be accountable when it gets into crises for lacking accountability? The government should take some time to look in the mirror.

What about the simple fact that the Prime Minister will not even table the list of people who funded his leadership campaign today?

I have a great example of a lack of accountability of the government. It is related to the very simple fact of cabinet meetings and cabinet committee meetings. For all previous governments, whichever political party, traditionally cabinet meetings were held every week in the cabinet office right above us. Then there would be cabinet committee meetings. Some of the ministers would talk to the press after meetings. The prime minister would often talk to the press. That is part of an open and fair government, being accountable and transparent to the media.

• (1155)

What did the Conservative government do when it came into power? It suddenly hid its cabinet meetings and cabinet committee meetings.

**An hon. member:** Secrets.

**Hon. Larry Bagnell:** Secrets. People from other countries would laugh if they thought the ministers and the Prime Minister of the great democracy of Canada had to have secret meetings so the press could not find them and they would not have to speak to the press afterward.

I put in an access to information request asking where the meetings were being held. It was a very simple question about an accountable and democratic government. I asked if it was having meetings in government-paid Parliament buildings and if not, where. It was a very simple question. It actually refused to answer that question. This is a big issue for the government. It cannot tell anyone where it is having cabinet meetings or cabinet committee meetings.

Is it not absurd that ministers and the Prime Minister are so scared that they are hiding their meetings from Canadians but want other governments to be more accountable? There was a request for a review of that ruling and they are still refusing to say where they meet. How can people who are so secretive and unaccountable actually suggest that other governments should be more accountable?

There is the lack of accountability in the committee system, which I am sure members opposite have experienced themselves. The very good members on the other side are possibly a little uncomfortable themselves with some of the tactics that have been forced upon them. There is the dirty tactics book, including lack of accountability, that they can use in committee meetings. Certain members on the other side have filibustered entire meetings. At the Standing Committee on Justice and Human Rights, the chair walked out of three or four meetings in a row just so members could not debate a scandal involving the government.

I will close by saying that it is very ironic that government members ask other governments to be accountable when a vote will be held tonight about the lack of accountability of the Conservative government because it will not produce papers to Parliament. Government members should think twice about asking other governments to be accountable when they are not the least bit accountable themselves.

**The Acting Speaker (Mr. Barry Devolin):** Resuming debate with her right of reply, the hon. member for Saskatoon—Rosetown—Biggar.

**Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC):** Mr. Speaker, I am pleased as a member of Parliament for the opportunity to introduce a private member's bill and to speak again to Bill C-575. I would also like to thank those of my colleagues who have expressed support for my bill.

This is a straightforward bill. By supporting it, members of Parliament will be confirming their commitment to transparency and accountability for all Canadians.

There are aboriginal Canadians who do not know what their band chiefs receive from the reserve through their salaries and expenses. These concerned individuals are either afraid to ask, have asked and been met with resistance, or have been refused outright. First nations band members should not have to ask for this information. It should be publicly available, just like it is for all other elected officials across our country.

Some members have argued that the bill would increase the burden of reporting for first nations. This is false. What the bill will do is make figures that are already audited publicly available. To those members of Parliament who have opposed this bill, I ask: Who are they representing?

Chief Darcy Bear of the Whitecap Dakota First Nation has led his band from a 70% unemployment rate to a 4% unemployment rate. In his words: "Full disclosure has long been our practice at Whitecap, which is why I fully support Mrs. Block's private member's bill. Our prudent, ethical, business-like approach has been vital to achieving that dramatic turnaround. How can you attract banks and business partners into your community without being accountable and transparent to your own members? You can't."

I ask again of members opposite who are they helping by opposing the bill? It certainly is not the first nations band members who want their communities to prosper. It certainly is not the band chiefs and councils who want to be accountable to their people.

One of the many letters I received from members of first nations across the country put it very well: "I am in total support of the passing of the bill...The only support to kill the bill is from the leadership who do not favour the figures to be made available to band members as well as to the 'mainstream' public at large...I am very happy you are doing this for the average band member of the first nations lands."

Some chiefs have expressed dismay at the speculation about their salaries and that there are unfair generalizations being made about their income. They claim that figures released in an access to information request to INAC are inaccurate and inflated. Passing Bill C-575 would put an end to the secrecy and the speculation.

In summary, this has been a longstanding issue for first nations community members seeking this information. I strongly believe in the principles of transparency and accountability. I also believe that first nations, like all Canadians, deserve transparency and accountability from their elected officials.

Again, there are numerous examples of disclosure for elected officials across our country. This bill will allow first nations to ensure that public funds flowing to their elected officials for salaries and expenses are publicly disclosed.

There is strong support among first nation community members for Bill C-575. To those members of Parliament who have up until now opposed the bill, I encourage them to re-examine their priorities and reflect on why they are here.

I ask all members to support this legislation. Let us get this bill into committee, hear from witnesses, amend it if necessary and show our support for first nations, their leaders, their band members and all Canadian taxpayers.

• (1200)

[*Translation*]

**The Acting Speaker (Mr. Barry Devolin):** The question is on the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mr. Barry Devolin):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Mr. Barry Devolin):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Barry Devolin):** In my opinion the yeas have it.

*And five or more members having risen:*

*Privilege*

[*English*]

**The Acting Speaker (Mr. Barry Devolin):** Pursuant to Standing Order 93 the division stands deferred until Wednesday, March 2, immediately before the time provided for private members' business.

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**PRIVILEGE**

STANDING COMMITTEE ON FINANCE

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I would like to respond to the point of privilege raised on Monday, February 7 by the hon. member for Kings—Hants in what he contended is a matter of privilege.

The member based his complaint on the 10th report of the Standing Committee on Finance which was tabled in the House a few minutes before the member rose with his grievance.

The 10th report indicates that the standing committee has attempted to secure certain documents or electronic files and that the response has been that, in the format requested, these documents are cabinet confidences relating to the secret deliberations of the cabinet and not normally made public.

The hon. member for Kings—Hants notes one instance where a previous government has released what he contends are identical documents. However, this is in dispute by this government based on information provided by those in the Department of Finance who have confidential access to both the previous and current documents. So there would appear to be a dispute as to the facts in this instance.

The Standing Committee on Finance has never asked the House to order the production of these documents and it does not do so in the 10th report.

The committee has reported that there is a dispute over documents. One side contends the documents fall into the category of cabinet secrets, which by convention are not produced. The member, by citing the one instance of prior disclosure, admits that these have been considered cabinet confidences, but that is an argument for another place and another time.

At the moment there is no House order for the production of specific documents and therefore it is my submission that there is no prima facie case to be considered.

However, the government is not insensitive to inquiries for information and in that regard on Thursday, February 17 at page 8324 of *House of Commons Debates* the leader of the government in the House of Commons rose and tabled the information contained in the documents which the member for Kings—Hants sought in his motion and through the 10th report of the Standing Committee on Finance. This preserves the confidentiality required around documents which are classified as cabinet confidences yet meets the request by the member for Kings—Hants for specific data contained within the documents which by its nature is not a cabinet confidence.

*Government Orders*

Based on the argument laid out above and based on the fact that the government has willingly provided the information requested in the motion, I believe that there is not a prima facie case of privilege before you, Mr. Speaker.

●(1205)

**The Acting Speaker (Mr. Barry Devolin):** The Chair thanks the hon. parliamentary secretary for his comments. The Speaker will return to the House at the appropriate time with his ruling on this matter.

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## GOVERNMENT ORDERS

[English]

### STRENGTHENING AVIATION SECURITY ACT

The House resumed from February 18 consideration of the motion that Bill C-42, An Act to amend the Aeronautics Act, be read the third time and passed.

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Mr. Speaker, I am pleased to have this opportunity to speak to Bill C-42, An Act to amend the Aeronautics Act.

I can sum up Bill C-42 by saying it should be defeated. It is nothing more than data mining by foreign security services, primarily the United States, and is an unwarranted invasion of the privacy of Canadians.

Bill C-42 would amend the Aeronautics Act to allow for an exemption for airlines from the Personal Information Protection and Electronic Documents Act; thereby, permitting them to transmit to the United States department of homeland security personal information about airline passengers.

The U.S. department of homeland security could then run this information through a number of databases to determine if the travellers should be prevented from entering U.S. airspace. If the U.S. department of homeland security determines a person may be allowed into United States airspace, then the airline is given permission to issue a boarding pass. This is the process set up under the United States secure flight program which mandates that only those the U.S. department of homeland security allows may enter into U.S. airspace, regardless if those individuals are landing in the United States or not.

While the Conservatives like to point to name, gender and date of birth as being the only items of information required, the secure flight final rules state that airlines must also provide the following information if they possess it: redress number or known traveller number; passport information; itinerary information; reservation control number; record sequence number; record type; passenger update indicator; and traveller reference number.

All of these information elements are part of the air travel system for ensuring passengers move efficiently in their travels. It is information the airline would automatically possess.

Unfortunately, it is sufficient information to allow the department of homeland security to data mine the travel reservation systems used by all airlines as these databases are physically located in the

United States and the U.S. patriot act requires that they be available to U.S. security agencies, without a warrant.

Included in this information are known medical conditions of passengers, who is travelling with the specific person, and even what they ate on the airline if they ordered a special meal.

Previous to Bill C-42, this information was passed to the U.S. department of homeland security only for passengers travelling to the United States. Through a non-binding diplomatic note, Canada had secured an exemption from secure flight for domestic flights.

As almost all flights within, to and from Canada pass through United States airspace, Bill C-42 would essentially allow the United States department of homeland security to determine who may enter and leave Canada by air.

Bill C-42 would also allow airlines to send personal information of passengers to foreign security services. What information would be forwarded is determined by requirements laid out in secret agreements with other countries. Details of these agreements have not been released.

However, it is known that Canada has signed or is negotiating agreements with the European Union, Mexico, Brazil, Argentina, Chile, Panama, the Dominican Republic, and the United States.

Details of the agreement between the European Union and the United States, for the same information transfer, are troubling. That agreement allows the information collected to be retained by the United States for up to 40 years.

Under the secure flight final rule, the retention period for Canadians is seven days if no match is found in the data; seven years for a potential match; and 99 years for confirmed matches.

As I have already indicated, this information may be forwarded to the security service of a third nation without the consent or notification of the other signatory: the passenger.

The secure flight final rule also stipulates that no person may know what information is being held about them by the United States and may not correct that information if there are errors.

The United States already has such an agreement with the European Union. Under that agreement, the United States may unilaterally amend the agreement as long as it advises the EU of the change. There has already been one amendment whereby all documents held by the EU concerning the joint U.S.-EU agreement shall not be publicly released for 10 years.

●(1210)

This would preclude any access to information requests. In essence, Bill C-42 provides too much access to private information without any protection. As I have stated, it will allow data mining of Canadians' personal information by foreign security services.

*Government Orders*

The Conservative government seems to be inordinately influenced by what it seems to believe is a danger, that unless Canadians agree with the bill, the United States could close its airspace to Canadian aircraft. While this threat may result in pressure to pass the bill, it is very unlikely the United States would carry through with that threat. Still, Bill C-42 is being spun by the government as necessary for fighting terrorism. There is no example of how this data mining has caught a single terrorist or any other criminal.

The bill is an unacceptable invasion of the privacy of Canadians by foreign security forces. I have heard from many constituents who are very concerned that such an intrusion is an unacceptable invasion of their privacy and undermines their sense of personal security.

I believe Maher Arar is an example of how this type of information can be misused. Canadians remember Maher Arar, a 34-year-old Canadian wireless technology consultant who was born in Syria and came to Canada with his family at age 17. Maher became a Canadian citizen in 1991.

On September 26, 2002, while in transit at New York's JFK airport en route to Montreal, Mr. Arar was detained by U.S. officials, and on the basis of information provided by the Royal Canadian Mounted Police, he was interrogated about alleged links to al-Qaeda. Twelve days later, he was chained, shackled, and flown to Syria where he was imprisoned in a tiny cell for 10 months. During his captivity he was beaten, tortured and forced to make a false confession. Due to the unrelenting efforts of his wife, Monia Mazigh, and the help of Alexa McDonough, he was eventually returned to Canada in October 2003.

In January 2004, under pressure from Canadian human rights organizations, the Government of Canada announced a commission of inquiry into the actions of Canadian officials. In 2006, Justice Dennis O'Connor cleared Maher Arar of all terrorism allegations, stating that he was able to state categorically that there was no evidence to indicate that Mr. Arar had committed any offence or that his activities constituted a threat to the security of Canada.

The authorities at JFK identified Maher as knowing a person being investigated by the RCMP, but failed to further investigate the degree of this acquaintance. They made assumptions which were unjustified and they took action which would have been unjustified even if Maher Arar had been guilty of serious crimes.

Despite an apology and financial settlement from the Government of Canada in 2007, U.S. authorities refuse to accept Mr. Arar is innocent and he remains on the American no-fly list. Clearly, this is a terrifying example of how information can be skewed, misinterpreted and misused.

Many people have commented on the agreement being considered by the Government of Canada in regard to the proposed amendments to the Aeronautics Act. Ms. Chantal Bernier, assistant privacy commissioner in the Office of the Privacy Commissioner of Canada told the Standing Committee on Transport, Communities and Infrastructure in May 2010:

—privacy and security do not have to be at odds. In fact, they must be integrated. And they converge. They converge in this fashion: privacy commands that we collect as little information as possible, in a minimal approach, and as well in the effectiveness of security, in the sense that its effectiveness rests upon collecting only the information that is relevant...the right to privacy is a fundamental right

that cannot be infringed upon, unless it is demonstrably necessary for the public good. It follows, then, that the collection of personal information can only occur when it is proven necessary, and it must be proportionate to that necessity...that necessity must be assessed on an ongoing basis by verifying that the collection of personal information is indeed effective and necessary in relation to the identified necessity. Finally, it must also be demonstrated that there are no less privacy-intrusive measures available to reach the same goal.

• (1215)

Comments to the transport committee by Edward Hasbrouck of Liberty Coalition, a U.S.-based civil liberties group, are chilling. Mr. Hasbrouck stated:

Unlike the case in Canada, where someone denied travel is given formal notice of that decision and has rights to appeal it, those no-fly orders in the U.S. are entirely extrajudicial. No one in the U.S. has yet obtained court review by any U.S. court of a no-fly order. It is U.S. government policy not even to admit that they have issued such an order, and that includes those denying passage on flights overflying the U.S. that were not scheduled to land. Former Secretary of Homeland Security Michael Chertoff is on the public record as saying that he believed that no-fly decisions should not be subject to judicial review, and the current U.S. administration has done nothing to repudiate that perspective.

While the consequences for anyone are very serious, including for those U.S. citizens trapped abroad who are currently unable to return home because they are not allowed to fly and have no other way to get back to the U.S., they are perhaps most draconian for refugees and asylum seekers. You should be very clear that the enactment of Bill C-42 would grant to the U.S. government de facto veto power over the ability of virtually anyone to obtain sanctuary in Canada—

This sounds very much like the case of Dawood Hepplewhite, a British man stranded in Toronto after being denied permission to fly home. His name is on the U.S. no-fly list. Mr. Hasbrouck went on to talk about how the data collected is used. He indicated:

These data are also used for purposes of surveillance of travellers. It is not the case that the information is simply used to make a onetime decision about whether to let you fly. All of your PNRs, even if you are not deemed suspicious and are allowed to fly, will be added to the lifetime travel history and compilation of data already being kept about you as part of the automated targeting system.

Dr. Mark Salter, associate professor, school of political studies at the University of Ottawa, told the committee:

Governments want this information so that they can build profiles of not just risky passengers but safe passengers as well. Research clearly demonstrates that in the United States and the U.K., government agencies are trying to collect as much data about travellers as possible. Government agencies such as the U.K. Border Agency try to develop very sophisticated algorithms that predict not which individuals are dangerous, but what kinds of itineraries are dangerous.

What worries me about this particular legislation is that the data not only go to the destination country but may go to all states that the airline might fly over. That, I feel, is the significant change that this legislation brings, and it worries me a great deal.

Flights that use the polar routes from Vancouver to Hong Kong would have to go over Russia and China. Are we suggesting that they are reasonable destinations for the passenger data of Canadian citizens? Flights that go to Colombia or Brazil must overfly any number of Latin American countries. Flights to Dubai must overfly most European countries and some Middle Eastern countries. Is the Government of Canada confident that the destination for their data can provide adequate protection? Are Air Canada and other air providers confident of that as well?

### *Government Orders*

I understand that one of the reasons for this legislation is to get around the requirements of PIPEDA for Air Canada to provide such data. What worries me is that neither the government nor other agencies have put protection in place for data that will now go abroad.

I think it is dangerous to sacrifice our privacy and our freedoms for the dream of zero risk or perfect security. This particular measure does not provide additional security for the aviation sector, and it places an additional burden on Canadian citizens who are flying...the use of this commercial data, because it is created by airlines for their use, poses clear risks to privacy and no clear benefit. There is no reciprocity among any of the other countries. We are simply making Canadians more vulnerable to the security services of other nations, and we are doing so for countries that may not have the same robust privacy legislation or commitment that we have in Canada.

Canadians' data should not be hostage to the most paranoid regime that an air company chooses to fly over. The proposed change to these data protection regulations to include overflight states dramatically increases the vulnerability of Canadians' data while offering no means of redress or appeal.

We can assume that citizens know when they travel to a particular country that they are consenting. They know they go through a visa process and a border process, so they know their data is being evaluated. However, Canadians would have no way of knowing which of the countries they flew over would get their data, what would happen to their data, or how to appeal the use of that data.

● (1220)

The proposed changes to the Aeronautics Act are dangerous indeed without any clear benefit to Canadians.

Nathalie Des Rosiers, general counsel of Canadian Civil Liberties Association, told the committee that there is an expectation of privacy protection by the charter. This bill would not meet a section 1 challenge because it has no limitations. It does not adequately protect the problems that may arise with the disclosure of information and so on.

The first point is that there is a constitutional vulnerability that should be looked at before we go too much further. There is no requirement in Bill C-42 or in the regulations of the U.S. Transportation Safety Act for safeguards to protect the information. There is no safeguard that the TSA will not pass information to other government agencies, such as law enforcement or immigration. There is no safeguard that the TSA will not pass this information to third countries. We know this has been a particularly difficult issue for some Canadians, Maher Arar being a case in point. There is no guarantee the TSA will not use the information for profiling Canadians to put them on its watch list or no-fly list.

Ms. Des Rosiers also reminded the committee that in the United States the no-fly list is under constitutional review. It has been challenged because there are too many false positives arising. The process has a described Kafkaesque quality in the way it does not allow people to know whether they are on it, how to get off it, and what evidence is on it.

That is the danger. The danger is that Canadian passengers will be put at risk of being stuck somewhere with no possibility of flying home. There is no guarantee that an innocent Canadian could not be mistakenly placed on the list. There is no guarantee that innocent Canadians mistakenly placed on the list will not be prevented from flying to or from or being detained in the U.S. or elsewhere without due process.

I have absolutely no confidence that surrendering information about Canadians to the U.S. Department of Homeland Security is either safe or wise. Disclosure to the U.S. Department of Homeland Security of personal information on passengers travelling to certain

destinations, particularly Cuba, could lead to unpleasant consequences. For example, this information could be used to identify Canadian companies that do business with Cuba or to penalize travellers who have visited Cuba by consequently refusing them entry into the U.S.

How will Canada ensure that the U.S. will not use the secure flight program to apply its Helms-Burton act which imposes penalties on foreign companies doing business with Cuba? Canadians and Canadian companies have had a long-standing and very positive relationship with Cuba. Millions of Canadians have visited Cuba, and I am sure would like to continue to visit Cuba.

Over and over we have heard the warnings from reputable experts and indeed the voices of concerned Canadians. Surely the government will listen to these warnings. We need to defeat Bill C-42. Canadians deserve better than the lacklustre leadership and absence of due diligence from the government. How can anyone trust a government, its ministers and a Prime Minister so willing to jeopardize their privacy and security?

In the words of our Privacy Commissioner, "the Canadian government has a duty to protect the privacy and civil rights of its citizens". It is time the government understood that and did its duty.

● (1225)

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, I listened with great interest to the member for London—Fanshawe. She gave an excellent comprehensive speech on all of the reasons that Bill C-42 is deeply flawed and should not be supported by anybody in this House.

I know the member has been listening to the debates in the House for months now. One of the issues that arose last summer was the government summarily decided that this country was no longer going to have a long form census.

We know from social service agencies and other levels of government that the information that is gleaned from the census is absolutely imperative to the planning work that these organizations do. What did the federal Conservative government say in response to that? It said that we cannot have a long form census because it is unbelievably invasive into the private lives of Canadians.

If it was so invasive to ask Canadians how many bedrooms they have in their homes, how can the government possibly support Bill C-42 which, as the member so clearly outlined, is much more intrusive? It tries to access very personal information, including health information, from Canadian citizens.

Perhaps the member for London—Fanshawe would like to talk about the census on the one hand and Bill C-42 on the other.

*Government Orders*

**Ms. Irene Mathysen:** Mr. Speaker, my hon. colleague from Hamilton Mountain has made a very salient point in regard to the government's plans to eliminate the long form census. As she indicated, the government's decision is based on the notion that it is just too personal to reveal how many bedrooms or bathrooms might be in someone's household. By the same token, apparently it is not too private or too personal to reveal health information, travel plans, itineraries and the names of travel companions to the U.S. Department of Homeland Security.

The question in regard to the census is a very important one. One of the key issues we have with the changes to the long form census is the removal of questions about unpaid work. The committee for the status of women has done many extensive studies into issues relating to women and employment insurance, women in regard to maternity leave. Very often a young woman, particularly one who has her own business such as a small cleaning business, may not be able to access maternity leave if her second child is born too quickly after her first child, and as we know, sometimes these things do happen. In addition, the kind of unpaid work that women do is very important to understanding the policies and programs that women need.

The elimination of the long form census says to me very clearly that the government is not interested in programs and policies that would help women.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP):** Mr. Speaker, my colleague is absolutely right. There are serious concerns about this legislation.

At committee the International Civil Liberties Monitoring Group said that after running a risk assessment for each passenger using data-mining technology, homeland security in turn issues a boarding pass result to the airline. The result instructs the airline to issue a boarding pass, deny permission to travel, or issue an enhanced screening requirement. These regulations give the U.S. access to a whole subset of information on air passengers who are not entering the U.S., but are merely overflying its airspace.

As we look at this government bill, I wonder if the member could think about how this connects to the security and prosperity partnership agreement that was turned down by Parliament. I wonder whether she sees this as an attempt by the government to subvert the will of Parliament again. In moving this forward, the government is trying to bring back pieces of the security and prosperity partnership agreement. Could she comment on that?

• (1230)

**Ms. Irene Mathysen:** Mr. Speaker, my colleague has raised many points and I hope to touch on all of them.

Certainly, the so-called security and prosperity partnership was anything but secure and offered anything but prosperity. This whole notion that we are just one big happy family on the North American continent most definitely is shown to be less than accurate when we consider how we differ from the Americans.

We have, or we should have, an entirely different view about privacy and the security of the person. We most certainly have a different view of those elements without our nations that we need to be concerned about. I use the first and second Iraq wars as examples. There was a great deal of pressure from the United States for Canada

to become involved in those wars. Fortunately, we had the sanity and the sagacity to avoid both of them.

The SPP, as the member indicated, was turned down not just by the Parliament of Canada but by the people of this country. They wanted to know their government was standing firm in terms of our security and that it was not willing to divulge anything in regard to personal information or the control it has over Canada's borders and decision making.

The issuing of boarding passes and homeland security being able to give a thumbs up or thumbs down on any passenger should make the blood of every Canadian boil. How dare it? Who is homeland security that it can tell a Canadian citizen if he or she may or may not fly? I find that to be profoundly disturbing.

**Mrs. Carol Hughes:** Mr. Speaker, I am sure my colleague has a few more things to say on this subject and I will give her that opportunity.

This is exactly what she indicated. Every Canadian's blood should boil over this issue because it is really intrusive. Imagine three travellers being told at an airport that one of them is unable to board the flight. That has happened.

Perhaps the member would like to make a comment with respect to our colleague from Winnipeg who is on the no-fly list. How does one get off the no-fly list? We know he is not a terrorist. Why is he on the list?

This bill would actually make it worse.

Perhaps my colleague would like to comment with respect to whether someone could win a charter challenge on this.

**Ms. Irene Mathysen:** Mr. Speaker, the whole issue of a charter challenge is salient to this argument. If the government is foolish enough to try to push through Bill C-42, I would hope that there would be a number of charter challenges.

As I indicated in my remarks, if a person is on the no-fly list or the U.S. Department of Homeland Security does not like the person or has misinformation about the person, the person has no way of determining what the information is and whether or not it is accurate.

In the case of my colleague from Winnipeg, I suppose there are those who would say it is just as well he be kept out of the United States. Many Americans might view it that way. However, it is his right to travel. It is his right to have that access. The fact that he has a name very similar to probably millions of others who fly should not mean that he be detained or denied and his privileges taken away.

*Government Orders*

I was thinking about the reaction of Americans themselves to the security in airports in the United States. Last Thanksgiving a number of Americans decided that they had had enough of full body scans and the disrespect they felt they were receiving at the hands of their government. As I indicated in my speech, all of these excessive measures do not seem to have increased security. The American passengers revolted. Perhaps it is time for Canadians to stand up to a revolting bill that serves no positive purpose.

● (1235)

**Mr. Glenn Thibeault (Sudbury, NDP):** Mr. Speaker, I am pleased to rise in the House today to speak to Bill C-42, An Act to amend the Aeronautics Act. This act seeks to create an exception from the application of another statute, the Personal Information Protection and Electronic Documents Act, PIPEDA, for operators of aircraft.

In our opinion, this bill should be defeated, as it is nothing more than data mining by foreign security services, primarily of the United States. It is an unwarranted invasion of the privacy of Canadians. This invasion of privacy is backed up with the threat that U.S. airspace will be closed to Canadian aircraft unless this bill is passed.

Currently, the Aeronautics Act exempts airlines from PIPEDA's restrictions on disclosing personal information without consent when the laws of a foreign country require disclosure of information about anyone onboard a flight landing there. Accordingly, passenger information for any Canadian flight that will land in a foreign state, whether or not the flight originates in Canada, can be disclosed to a foreign government without restriction by the air carrier. Such disclosure would not require the consent of the passengers or the triggering of normal exceptions in PIPEDA.

Bill C-42 amends this section to expand its ambit. It would now apply not only with respect to foreign states in which the flight is landing, but also to any foreign states the flight would travel over. Accordingly, whether or not the foreign state that a flight lands in requires the disclosure of any personal information, an air carrier, under this bill, would be able to provide disclosure without consent if the laws of a foreign state on the flight path required it.

The U.S. secure flight program already has Canadian airlines passing on passenger information, including full names, date of birth, gender and, if available, passport numbers and itineraries to the U.S. government 72 hours prior to departure of the flights scheduled to land there.

Now the U.S. government is attempting to expand this approach by making the program international through the implementation of mandatory reporting requirements, which would see the disclosure of sensitive personal information on all flights passing through designated U.S. airspace. Therefore, Bill C-42 is an attempt to placate these American security concerns related to foreign individuals flying over United States airspace.

Let me make this clear. It means that under the new provisions of Bill C-42, Canadian citizens would be subject to the disclosure of their personal information on all flights passing over the U.S. on the way from Canada to a third country, such as a planeland of Canadians heading to Mexico, Cuba or Jamaica. I could rhyme off many places that Canadians fly to in the winter months.

Moreover, according to Roch Tassé of the International Civil Liberties Monitoring Group:

The Americans will have a veto on every passenger that gets on a plane in Canada, even if they are not going to set foot on American soil.

Mr. Tassé added:

What will happen if Canada invites the ambassador from a country such as Cuba?

Although the government has apparently negotiated an exemption for domestic Canadian flights that enter U.S. airspace, the expanded disclosure of the personal information of citizens to foreign governments is troubling, especially considering that the creation and maintenance of the U.S. no-fly list has been described overwhelmingly as a disaster.

For instance, reports have indicated that children and even infants have been mistakenly included on the no-fly list. Of course, the most famous case is that of the late U.S. Senator Ted Kennedy, who was declared a terrorist due to incorrect information being included on the no-fly list. In Canada, the Arar case should serve as a warning as to how the sharing of incorrect data can lead to horrifying results.

● (1240)

With this in mind, how are Canadians going to be assured that their personal information will be kept confidential?

Furthermore, how are Canadians going to be assured that this information will be used in the prescribed manner?

Although there appears to be an agreement in place with the U.S. stipulating that any information collected that is unrelated to terrorism will be erased after seven days, what assurances do we have that these measures will be taken in a timely and efficient manner? If the maintenance of the no-fly list is any indication, there is a significant chance of the confidential personal information of Canadians being mismanaged.

That is the truly worrying issue here. This information has the potential of being held for years and being used for purposes other than what it was first provided for.

The government will tell Canadians that it is taking steps to ensure that the information handed over will only be kept for a few days. The reality is that once this information is handed over, we will have no control over it. The only way that we can ensure that the privacy of Canadians is protected is to stop this information grab by the U.S. and other countries. We must strongly assert our conviction that although security is a primary concern when regulating the aviation industry and those who have access to flights, this does not mean that security concerns trump the privacy rights of Canadians.

The New Democrats understand the need to balance privacy and security concerns in order to protect individuals from security threats while ensuring that individual liberties are not infringed in the process. However, the broadening in scope of the disclosure of personal information fails to properly meet this balance.

Why should Canadians believe that this expansion of information sharing with foreign governments is in the best interests of Canada and Canadians, especially considering the mismanagement of the collected information that has been prevalent under the U.S. no-fly list?

What will Canadians get in exchange for this gross violation of their privacy? Not much. They may get a slightly shorter waiting time to board an aircraft. However, there will also be an increased risk that their confidential personal information will be mismanaged, which, in the past, has often been the reality.

Why is the government willing to engage in the collection and dissemination of personal information in this instance when it was more than willing to dismantle the mandatory long form census on the basis of its supposedly intrusive collection of personal information?

The reality gap posed by the government needs to be exposed. Why are there grossly different standards for the collection and dissemination of personal information? The government cannot have its cake and eat it too in this case. Either it agrees with the collection and dissemination of confidential personal information or it does not. Which is it?

I would like to quote my colleague from the Western Arctic, our critic for transport and infrastructure, who stated:

On the face of it, this bill seems pretty simple. It seems it is just changing a couple of lines in the Aeronautics Act. However, this bill has many more ramifications. What we have seen from the government is a failure to address the ramifications prior to putting the bill forward...

Canadians will give up their information, but they will give up more than their information....

We heard testimony about the passenger name record. Most of the information accessible to Canadians will be transferred. It will not simply be names and passport numbers and dates of birth; we will be giving the United States the opportunity to examine the full passenger name record. This is a very serious business, because it brings in much more information. We have heard many examples in the media over the past months of individuals whose information has been used in a manner that has caused them to have difficulty when trying to enter the United States. We have set up a system that can create much discord among passengers who are travelling over the United States.

● (1245)

In August 2007 the European Commission released an opinion on the EU and U.S. agreement for the processing and transferring of personal information by air carriers to the U.S. Department of Homeland Security.

The opinion compared the 2007 agreement with others. The opinion found that the agreement's safeguards for private information were weaker than in other types of agreements and, specifically, that the amount of information transferred was increasing and that the DHS, the Department of Homeland Security, might use sensitive information that had been excluded by previous agreements. It also found that the transfer of information to foreign agencies was made easier and was no longer subject to the previous protection safeguards. Information would be kept for at least 15 years in some cases. In other cases, it was found that information was kept for 40 years.

This opinion also found that the new agreement contained an increased number of exemptions from the safeguarding and protecting of personal information, safeguards that could be waived

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at the discretion of the United States. The European commission stated, “—the new agreement does not strike the right balance to uphold the fundamental rights of citizens as regards data protection”.

As I mentioned earlier, Roch Tassé of the International Civil Liberties Monitoring Group has said, “The Americans will have a veto on every passenger that gets on a plane in Canada, even if they are not going to set foot—” on any state or any part of the United States.

The Air Transport Association of Canada, ATAC, made its grievances known to the American Department of Homeland Security last December. Its critique was that the submission of Canadian passenger details by Canadian airlines violated Canada's laws on the protection of personal information and electronic documentation, as well as the aeronautics laws.

With the passage of Bill C-42, the handing over of this private information will no longer violate Canadian law. The only way to ensure that we can protect Canadians' personal information is to stop this information grab by the United States.

It is the opinion of New Democrats that this bill should be defeated, as it is nothing more than data mining by security services, primarily of the United States, and is an unwarranted invasion of Canadians' privacy. This invasion of privacy is backed up with the threat that U.S. airspace will be closed to Canadians who want to travel abroad by simply passing over, not going into, the United States.

● (1250)

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, this issue links to the ongoing work by the government on a perimeter security deal. Quite clearly these issues are related.

The Liberal Party has come out very strongly against the sharing of information that may or may not be within the perimeter security deal, yet at the same time it is voting for this bill. The Liberal members want to have their cake and eat it too.

I want to know how my hon. colleague feels about this particular direction the Liberal Party is taking on this. It feels strongly that we should not be sharing information willy-nilly with the United States under the overflight provisions, yet when it comes to something like this where we could probably have negotiated a better deal on the overflight provisions, and still probably could, why is the Liberal Party behaving in this fashion?

**Mr. Glenn Thibeault:** Mr. Speaker, I truly wish I had a crystal ball so I could give my hon. colleague an answer, because there have been many times when we have scrutinized for some of those decisions.

However, it comes down to the fact that we are here right now to try to defend and protect the rights of Canadian passengers and their personal information. I hope the Liberal Party will see the light and vote against this legislation, because it truly is worrisome to think about the potential impact of such personal information being out there for 10 years or, as I said in my speech, the evidence that such information has been kept for 40 years.

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We will continue to stand here and talk about the implications of this bill for Canadians and their personal information. We will let the public know through this debate and other ways that we are against this type of legislation.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, very few people in this place, or in the country for that matter, would disagree with the hypothesis that we have to do everything possible to protect the rights and privacy of Canadians in all matters and that we have to look at the exceptions in a reasoned fashion.

We know that every country has the right to protect its own airspace and land space and to require certain information if people want to go there. To broadly deal with this as if it is a total violation of the privacy rights of Canadians may be a stretch.

Would the member confirm for the House his understanding about what information would actually have to be disclosed as part of the requirements that the U.S. has laid out in its statement?

**Mr. Glenn Thibeault:** Mr. Speaker, the member is correct in the sense that we are having this discussion to ensure we find ways of protecting the information that is going to be provided.

From my understanding as to what the bill would be allowing foreign security services and governments to gather relates to more than just date of birth, passport numbers and itineraries. It would relate to health status, health card numbers and all the things which could have an impact on what people do not want foreign countries to know about them.

The importance of keeping this information within our own country, which is our right, is what we are debating now. I am sure all colleagues in the House want to ensure that the information of Canadians is protected.

• (1255)

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP):** Mr. Speaker, I listened intently to the conversation that has taken place, the speech by my colleague and the question posed. When Liberals were speaking to the bill, one would think they were opposed to the bill. They were saying it imposed on the private information of people, yet they are saying they are going to support it. This is the type of flip-flop we have heard from the Liberals and on the government side.

If we look at this legislation, we have to look at what the European Commission said in 1998. It said that in order to do something like this, there would need to be six key principles that would have to be included: the purpose limitation principle; the information quality and proportionality principle; the transparency principle; the security principle; the right to access rectification and opposition principle; and a restriction on onward transfers principle. We see none of that in the bill.

In defence of the bill, the public safety minister's office said that it had to do this to ensure that Canadians did not face any undue delays in travel plans. We have seen what undue delays in travel plans do. Maybe my colleague could comment on this. When people book flights to Cancun or Cuba, they may have to call the United States to see if they can fly. Does he think it is right for people to have to ask the U.S. for permission to take a trip?

**Mr. Glenn Thibeault:** Mr. Speaker, it is appalling to think that a worker in my great riding in Sudbury, who saves enough money to take himself, his spouse and his family on trip somewhere, would have to call the United States to see if they can go. We have certain rights and freedoms in Canada that would allow us to consider that going on a trip is not something where we would need permission from the United States.

The airport in my great of riding Sudbury is one that my hon. colleague from Algoma—Manitoulin—Kapuskasing and I are often in. We have a couple of great companies that are now establishing themselves at the Sudbury airport. Sunwing, for example, is starting to come to Sudbury more often. It is great to see international carriers, Canadian-based but going abroad, coming to my community in northern Ontario. That creates jobs and economic development.

If Sunwing starts to lose passengers who cannot take these flights to Mexico or Cuba because they would be flying over the United States, we will start to see job losses in northern Ontario. We have been seeing them over and over again, unfortunately, because the government's decisions when it comes to the Investment Canada Act and what has happened in some of our resource-based industries.

We are starting to see other industries come to northern Ontario, and that is great. However, if Sunwing is an example of what needs to be done to ensure we have development, then we need to encourage that travel. This bill is counter to that. Fewer and fewer people will be able to fly to Mexico or Cuba, let alone the job losses, with not as many people flying.

I think we can encourage more people to fly, by ensuring that we are still protecting the airline industry with the right regulations, not the wrong regulations. This seems to be something that is very similar. Everything is reactive, nothing proactive. The opportunity to look at proactive legislation rather than looking at the reactive side would do a lot more for protecting Canadians and Canadian identity.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I am pleased to add some comments on Bill C-42. I think there is some information which would have been clarified by the committee had members looked at the committee testimony dealing with international rights and the rights of countries to protect their sovereign airspace and land.

Substantively, this is a furtherance of the wish of the Americans to respond to the terrorist threats upon the U.S. They are our neighbour and our largest trading partner. However, the intent of the U.S. clearly is not directed at Canada in terms of interfering with Canada, but rather protecting their sovereign space.

It is easy to give a speech in this place on privacy rights. One speaker just said that the Americans would have our health card and health care information. That is not actually the case. In fact, the Privacy Commissioner was before committee and laid out the disclosure, and it is basic disclosure.

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We have had evidence that this kind of information is provided when we cross the border in automobiles. We have to provide our passports. That opens up any file on times of travel. The Americans keep records. There is probably a fair bit of information on people who travel to the United States, much more than people who fly over it.

The bill is very straightforward. It requires Canada to provide information about people flying either to the United States or over the United States.

The testimony at committee was not 100% onside. Some people argued on the privacy issue. However, when it got down to it, there was no disagreement whatsoever on a sovereign country protecting itself and prescribing certain conditions and requirements to enter its airspace. That is not in dispute. The question really becomes this. To what extent is the information necessary for that sovereign country, whatever it be, to protect itself?

In reviewing some of the discussion at committee, I heard and read that they were looking for an appropriate balance between protecting our security, while protecting the civil liberties and privacy rights of Canadians. I think that is where the committee landed.

As I said, the international law recognizes a state's right to regulate aircraft entering its territory. The United States has the Chicago convention to which Canada is a signatory. It requires our compliance with the regulation that states that the laws and regulations of each contracting state is related to the admission, or departure from its territory, of aircraft engage in international air navigation or to the operation and navigation of such aircraft while within its territory. We are already signatories to that agreement.

The issue now is to the point where there is kind of an understanding and acceptance of the sovereign right of Canada to have certain information requirements for people visiting Canada in a variety of situations, whether it be people arriving without documents or some problem like that. There are all kinds of examples where Canada requires information from those wanting to get into this country and, without it, they are detained and work is be done to establish why they are here.

● (1300)

Some of the other discussions at committee had to do with such things as if we did not pass this bill and in fact we refuse to provide the information then aircraft flying from Canada to some country other than the United States, but travelling over it, would not be able to do that. It would not be given permission to enter U.S. airspace. The consequences of that could be enormous. The number of aircraft that fly over U.S. airspace but do not land in the U.S. is enormous. The economic cost and impact of something as simplistic as fuel costs, the time involved and inconvenience would be devastating not only to an airline but certainly to its customers and the country.

These arguments and the bogeyman approach to legislation regarding the protection of privacy rights of Canadians because secret information about them will be provided and it will be used for nasty things really cannot be taken seriously. We are a signatory. We have a responsibility to support the requirements of the U.S., which has a very significant and legitimate reason to protect its

airspace, its country and its people. We expect nothing less from Canada.

I believe early in February the Minister of Public Safety said:

For our part, we have worked closely with the Americans to ensure this is implemented in a way that recognizes our security interests and the privacy concerns of Canadians.

Now it is up to the Liberal-led coalition to stop playing politics and support this needed bill.

That is the political part of it, but the operational part is working with and having a balanced approach to respecting sovereignty rights. If anybody votes against this, it had better not be because he or she wants to ignore the sovereign rights of any country. That is not a starter. The only argument there could be is with regard to what information is there.

When appearing before the Standing Committee on Transport, Infrastructure and Communities, the Privacy Commissioner made it very clear that although it is an issue of concern this in fact is not a violation of Canadian privacy rights under PIPEDA, the Personal Information Protection and Electronic Documents Act.

I believe there is an understanding. I must admit that Canadians obviously would respond to the issue of perhaps disclosing certain information. However, in the normal course they are told that if they want to go to Mexico and fly over the U.S. they have to give their name, address, passport number, et cetera. That is something that we do. In fact, the disclosure that Canadians make in the normal course in terms of transacting their day-to-day lives is much more broad. Many people have given their Visa number to a supplier to buy something over the Internet. What protection do they have if that supplier continues to process charges against their cards until they are caught? It can happen.

Having been the former chair of the Access to Information, Privacy and Ethics Committee, I have heard many of these arguments. The Privacy Commissioner has a stellar record of acting swiftly and strongly with regard to the privacy rights of Canadians, most recently with regard to the lax provisions under Facebook, and has worked collaboratively internationally to ensure that we protect those rights.

● (1305)

However, when we have someone with the experience, the expertise and the earned respect of our Privacy Commissioner saying that the disclosure required under Bill C-42, and considering the sovereign right of the United States to protect its property, it is not unreasonable disclosure. In fact, it is disclosure that is necessary.

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I heard the debate at second reading. I looked at some of the testimony at committee and although I have heard both sides of the story, it is not enough for members to use simple rhetoric to say that they have to protect the privacy rights of Canadians and therefore they are voting against the bill. What they are really saying is that they will not pass the bill. They want Canadians to say, "Let us stand up to the United States, not give it the information, and we are prepared to spend the extra money to fly around the United States. By the way, if we ever want to go to the United States, we will not give them that information either".

The airlines will not stand for it. It cannot happen. It is not economical to operate an airline if it has to basically fly around continents. It is not a starter.

With regard to entering the United States, we have been looking for a range of opportunities to enhance greater cross-border activity and travel with the United States, not only for the general vacationing public or visiting for brief periods, but more important, for the economic impact. It is the economic side of the argument that is very important.

We cannot ignore the fact that this would have some serious economic implications. That was brought out very clearly at the committee hearings. Our transport critic tried to make the case that there are issues we can negotiate and deal with. I do not think anyone has provided the comprehensive list because I do not believe it exists as to the specific disclosures that will be required, but I would say that it would be minimal, compared to what some members have suggested. There is absolutely no security information in knowing somebody's health card number. It really is astounding that people say the Americans will get this.

I heard the argument in one of the speeches that if the United States is to have this information, it could go to a database to get it and there are linkages. People do business abroad and also have medical treatment there. There are computer records with people's information and that is why it is very important that we be part of the solution, not part of the problem. But in this regard, it is very clear that the appropriate step is to continue to work for a balanced approach to providing the information necessary, to respect the sovereign right of the United States to restrict travel over its airspace without having an opportunity to vet who might be on the plane.

That is a security issue. It is not matter that security trumps privacy rights, but it is a legal obligation that we have pursuant to agreements that we have already signed with the United States. Virtually every country around the world has the same requirements that airlines will not be able to travel in their airspace without having the authorization to satisfy whatever conditions are required.

It is not easy. It would be so simple to explain how our privacy rights have to be protected, but at what cost? Are we talking about privacy rights in the extreme or are we talking about a person's name, address, telephone number and passport number, all of which are generally available. When people enter the United States, they have to fill out a card which asks if they are taking large sums of money, if they have any fruits or vegetables, if they have any firearms, what hotel they are staying at and the phone number where they can be reached. We already do that naturally, yet that is a lot of

information. It is a lot more than is being asked for with regard to Bill C-42.

• (1310)

Where is the discussion about all that disclosure? It is because if we want to land in the United States that is the information it requires. We understand that because it is its right to ask for it, otherwise, we are not getting in. I appreciate the comments of some members, but to somehow argue that privacy rights are being infringed upon is a false conclusion and it is sustained by the testimony of the Privacy Commissioner, Ms. Stoddart, before the Standing Committee on Transport, Infrastructure and Communities that this not a breach of the privacy privileges and rights of Canadians.

• (1315)

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP):** Mr. Speaker, this is interesting because the member just mentioned the fact that people already fill out the information, but they do it because they want to, not because they do not know they are actually doing it. If I want to order something on the Internet, it is my will to provide that information. If I am flying to the United States and I have to fill out a form, fine I will do it, but it is because I am actually agreeing to that.

However, if I am flying over the United States, why should the United States be privy to information that I do not even know it is getting, and it should not be getting? It is open season on private information as far as I am concerned. We do recognize the difference between someone who is willingly giving information and someone who knows absolutely nothing about the information that is being given. This is something that should be brought to hearings across the country, to talk to people about whether or not they want their private information given out.

Members on that side talk about how the census was not providing that information and we should keep it, and we agree that we should keep the long form census. But now we are going to give the United States more information. Maybe you could elaborate as well with respect to whether or not this information would not only be given to the United States, but what it can actually do with that, which is give it to other countries. Maybe you could elaborate on that.

**The Acting Speaker (Mr. Barry Devolin):** Order, please. I would just remind all hon. members to direct their comments and questions to the Chair rather than to another member of the chamber.

The hon. member for Mississauga South.

**Mr. Paul Szabo:** Mr. Speaker, I was hoping you were going to answer the question since the member laid out very clearly where she stands on it.

If I want to do it voluntarily, it is okay but if I do not want to give the information, then I am not going to give it. If people go to the U.S. border by car and the border patrol wants to see their passport and they respond they do not want to show it, what happens? They have to turn around and go back. There is a consequence of saying “I do not want”. We have a signed treaty with the United States with regard to disclosure. If we do not want to provide any information that may be required pursuant to Bill C-42, we have the right to say “no”, and take a plane that goes to the Maritimes or to Vancouver and then flies on, so we could still get there. It would not have to be disclosed because we would not be going over U.S. airspace. I am sure the member would appreciate that it is an impractical solution to her problem.

I would ask the member to inform herself and her colleagues about what specific information is being required and whether or not that information is already being readily given out any time we travel to the United States by land. It is already happening, but this is to do with where the aircraft is flying over.

I do not think anybody will ever forget 9/11. Certainly people in the U.S. will not. I remember being at the transport committee the year after it happened and officials in the U.S. cried when they tried to relate some of the stories of what they went through. This has really hurt the country and this is part of its sovereign safety. This is what the United States needs to get that comfort level, not only for government officials, but for the people of the United States.

I understand the member's point, but we cannot get there from here.

**Mrs. Carol Hughes:** Mr. Speaker, let me clarify this again because the member mentioned about going to the United States border.

Why would the United States have to have our information when we are flying over but not landing in the United States? That is the number one question.

The number two question is, does the member believe the United States would not allow these flights to land, or even to fly over the U.S., if it did not get the information? We are talking economics here. Does he really believe that all of these flights would no longer be able to fly into the United States or to fly over the U.S. on their way to other countries? The reality is we are looking at economics. Maybe he could explain to us the danger for the United States in not allowing Canadian flights to go there. That is the bottom line.

• (1320)

**Mr. Paul Szabo:** Mr. Speaker, the arguments are circular.

First, the member does not recognize, or will not admit, that the United States has the sovereign right to require certain conditions for entering its airspace. That includes either landing in the United States or just flying over it.

As a matter of fact, as I indicated in my comments, virtually every country in the world has similar restrictions on flying in its airspace. That is why we have to find the balance.

The U.S. ambassador has indicated very clearly that the Americans will work with Canadian officials to deal with the privacy concerns expressed. There will be limitations on the extent

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of information. The member raised the issue of how long the U.S. is going to keep the information. The Privacy Commissioner gave some guidance. It will be worked on. There will be a retention policy. On sharing information, there obviously are restrictions on that information getting out of the control of the United States for the purpose for which it was rendered.

I heard that discussions were still ongoing with regard to abandoning the requirement to provide information when a flight is just flying over the U.S. going from one destination in Canada to another destination in Canada.

Those are somewhat encouraging. We will have to wait to see.

I know that none of the members in this place have all of the information as to what specifically is going to be asked for, what is the retention policy and what are the other conditions under which the clearance of the aircraft will be given because these details are still being discussed.

The principle that cannot be discussed is whether or not the United States has the sovereign right to impose conditions when Canadian aircraft fly over its airspace.

**Mr. Bruce Hyer (Thunder Bay—Superior North, NDP):** Mr. Speaker, the Canadian Civil Liberties Association wrote that this bill is:

—a complete abdication to a 'foreign government' of Canada's duty to protect the privacy of Canadians, and a cessation of existing Canadian legal safeguards. This abdication and cessation of privacy protection is unacceptable and dangerous.

I cannot believe what I just heard from the hon. member.

Under the bill, U.S. carriers would not be giving us their passenger lists so we could make decisions about our security on flights that overfly Canada. This is ridiculously one-sided.

I can understand why we would try to pass a bill that would increase the security of Canadians and Canada, but this bill would not do that. Why other parties and members of this House are supporting this is mind-boggling. How can the hon. member support a bill that would not even require Americans to give us the same information they are asking from us?

**Mr. Paul Szabo:** Mr. Speaker, there are two questions.

The first question is about why the U.S. does not give the information to us when American aircraft fly in our airspace. The answer is simple. The Government of Canada has not requested it. That is pretty straightforward.

The second question addresses the Canadian Civil Liberties Association's assessment that this bill is a flagrant violation of privacy rights.

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That is not the case according to the Privacy Commissioner. However, if that were the case, then we would have the case of our privacy rights having to be protected in Canada, sovereign airspace having to be protected in the United States, and there being no reconciliation but to fly around the U.S.

There has to be a balance. We have to work on it. That is what has been happening. There have been serious discussions with the U.S. ambassador as to how to mitigate this and also how to educate the public about why and how, and the process that will be followed.

It seems to me they are looking for that balance. That is the only way to get around the member's problems.

• (1325)

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I appreciate the opportunity to make some comments on Bill C-42, An Act to amend the Aeronautics Act.

I want to begin by paying tribute to our transport critic, the member for Western Arctic, for bringing to the attention of this House the slippery slope represented in this bill and the potential for the erosion of some of the most fundamental rights and freedoms by which we define ourselves as Canadians.

Let me begin my remarks with two points. Canadians have a right to know what their government is doing with their money. They have a right to know about the government's policies and programs. Every step of the way Canadians have an absolute right to know. In fact, the right to know, freedom of information, is the very oxygen that democracy breathes. However, the inverse is not true.

The government does not have a right to know everything that its citizens are doing. That is one of the cornerstones of our democracy. That is one of the fundamental freedoms we enjoy in a western society and a western democracy. It is a slippery slope and I caution members of Parliament that we must be ever vigilant to ensure that even a subtle erosion of those fundamental rights and freedoms does not take place.

Any time there is legislation put before the House of Commons that threatens to erode those fundamental freedoms or threatens to fail to augment and expand other freedoms, such as the right to know, we have to stand up and denounce it. That is what I rise to do here today.

This government bill, Bill C-42, should be defeated. It should be denounced. It should be condemned. In fact, Canadians who care about our national sovereignty should gather together and protest the very introduction of this bill because representatives of the Government of Canada are negotiating away the very fundamental rights and freedoms by which we define ourselves as Canadians.

This bill should be defeated. It is nothing more than data-mining by foreign security services, primarily those of the United States. It is an unwarranted intrusion into the privacy of Canadians. Believe me, I am not overstating things when I say that the Government of the United States has no right to know when Canadians board an aircraft in this country, which is one of the things contemplated by this bill. It is an expansion of a great affront to Canadian sovereignty, that is, the American do-not-fly list.

I have some personal experience with that atrocious do-not-fly list in the United States. For a long time, even though I am a Canadian member of Parliament, I was unable to get a boarding pass to get on an airplane in this country to travel on a domestic flight from my home city of Winnipeg to my place of work, the House of Commons in Ottawa, even though the flight does not even go through American airspace.

This list is created, maintained and housed entirely in the United States. Canadians, like myself, even an elected member of Parliament, have no right to know how they got on that list. There is no avenue of recourse for grievances. There is no methodology to get off that list.

Yet, when I go to the airport in my home city of Winnipeg and check in with Air Canada to get on a domestic flight, the women who work at the check-in counter know me by name and when they enter my name into the registry of passengers for that flight, a big red flag comes up on their computer. They say, "I am sorry", member for the riding of Winnipeg Centre, "I cannot issue a boarding pass for you, because you are on this do-not-fly list."

Forty-five minutes passes while we phone the Department of Foreign Affairs. The people there cannot help. Then we have to phone this magic number in the United States, and the Americans do some research to see if this individual, me, is the same individual who is on their do-not-fly list.

I cannot board a plane in my own country. Canadians should be furious at that intrusion into our Canadian sovereignty. It is absurd.

• (1330)

This went on for years. I must have been stopped 30 or 40 times from getting on domestic flights until finally we had to misspell my name deliberately, which is fraudulent. That was the big recommendation, that I should book my flights under a different name and there would be no problem. That is the solution to the problem because there is no mechanism to convince the Americans to get the heck out of our business.

This is an extension of that absurd situation, except in this case the Aeronautics Act would be amended to allow airlines to send personal information of passengers to foreign security services, primarily in the United States. That information is laid out in secret agreements with other countries. We cannot find out what the secret agreements say, but we know the details of the agreement that exists between the United States and the European Union. We can assume that the details being negotiated in agreements with other countries, including Mexico, Brazil, Argentina, Chile, Panama, the Dominican Republic and the United States, are similar to the framework agreement between the United States and the European Union.

Some of the details of the agreement between the United States and the EU would make one's hair curl. For instance, the information forwarded would be the passenger name record, which would include the name of the travel agent used to book the vacation, credit card information, who the person is travelling with, the hotel the person will be staying at, other booking information such as tours or car rental and any medical conditions of the passenger. It is basic personal information up to and including a person's credit card information and personal health records.

*Government Orders*

We are not talking about people on flights landing in the United States. We are talking about domestic Canadian flights that may pass over the United States for about two minutes. There are little extensions of the Canada-U.S. border that dip down so that when flying from Montreal to Winnipeg a plane may fly over a bit of the United States en route.

Any of that information would be in the hands of the United States government, a foreign national government. Get this: It can keep that information for 40 years and, I suppose, use it against someone, possibly put the person's name on its infamous do-not-fly list. The information may be forwarded to the security services of a third nation without the consent or notification of the other signatory. The information could be traded like party favours among partner nations in the war on terrorism. A person's personal credit card information, who the person travels with and personal health records could be passed around. It is an abrogation of the duty of the Government of Canada to protect the right to privacy of its citizens.

Let me repeat the remarks I opened with. We, as Canadian citizens, have an absolute right to know what our government is doing with our money, policy, programs, et cetera. The government does not have an absolute right to know everything about Canadian citizens. We have an absolute fundamental right to privacy. It is in the Constitution. We have an officer of Parliament dedicated to protecting those rights. They cannot be negotiated away. One cannot negotiate one's way out of the Constitution and no one has a mandate to do it on our behalf.

The government enters into these arrangements and then tries to have them codified and ratified by Parliament through a bill such as this one. It has no right or mandate to trade away our constitutional rights to privacy, but this is what it has done. Why the other opposition parties cannot see this is beyond me.

We owe a debt of gratitude to my colleague, the member for Western Arctic, for blowing the whistle on this otherwise seemingly innocuous bill as it worked its way through the House of Commons and the transport committee. Fortunately, witnesses appeared before the transport committee on this bill and testified in no uncertain terms that this bill erodes and undermines the fundamental rights to privacy of Canadians.

• (1335)

The agreement signed between the United States and the EU, which we believe is the template model for agreements that will be signed with the other partner countries, goes on to say that no person may know what information is being held about them by the United States and may not correct that information if there are any errors. In other words, there is no avenue of recourse.

Again, it is a principle of natural justice that there should be a grievance procedure. There should be an avenue of recourse if mistakes are made about a person and where the veracity of the information being held could be challenged. However, the whole thing is done with such privacy and secrecy that individuals would have no way of knowing what their dossier says about them and what information is being handed around from nation to nation.

This is how horror stories like the Maher Arar situation came to light. This is the kind of nightmare experience that Canadians know

all too well from the front pages of the national news of our country year after year as we struggled to understand how such a thing could happen to a Canadian citizen when travelling innocuously within the secure zones of those who seek to make our world safer.

Terrible mistakes are and can be made. It gets to be a runaway freight train without the restraints of reason and logic. Without the underpinning of those fundamental freedoms upon which we built our country, then the war on terrorism does infringe on basic rights.

The other point of the agreement made between the European Union and the United States that we think may find its way into the international agreements with other partner countries, if it has not already, is that the United States may unilaterally amend the agreement as long as it advises the EU of the change. There has already been one amendment whereby all documents held by the EU concerning the agreement shall not be publicly released for 10 years. In other words, there is no access to information requests. That basic fundamental freedom that I introduced in the opening of my remarks of the absolute right to know what your government is doing does not apply apparently. This is a rights-free zone.

What we are contemplating in Bill C-42 ignores our right to know. It ignores what I argue is the very oxygen that democracy breathes. It ignores the fact that the sunlight is a disinfectant and when we shine the light of day on the behaviour and actions of government it automatically elevates its ethical standards. All those things are torn up and thrown out the window and with it Canadians' expectation of the right to privacy.

I just heard a member from the Liberal Party say that the Office of the Privacy Commissioner of Canada is not concerned with Bill C-42. He obviously was not at the transport committee meetings when it heard testimony on Bill C-42.

Jennifer Stoddart, the Privacy Commissioner, the officer of Parliament charged with the responsibility of upholding Canadians' fundamental right to privacy, in fact, said that Bill C-42 raises important questions about sovereignty. She said that the Canadian government has a duty to protect the privacy and civil rights of its citizens and it may not go to international forums and barter away those rights. The government cannot negotiate its way out of constitutional rights and privilege.

It is up to us. This House of Commons is the check and balance where we ensure that these erosions do not take place, that we do not embark down that slippery slope, that this is not the thin edge of the wedge in a wholesale abrogation of the duty of the government to uphold our constitutional rights in terms of privacy and freedoms.

It concerns us greatly that we are being asked to buy a pig in the poke to lay the framework for the implementation of this agreement without even knowing the details of the information trading regime that will be agreed to. For all we know it has already been signed off because the details have not been released.

*Government Orders*

• (1340)

As I did my research into this bill, I was reminded of how we are following the Americans down this dangerous road. We all know that the Americans were attacked. We all know that they have a legitimate right to make their nation more secure. Nobody is arguing that.

A government's first obligation is to ensure the safety and security of its citizens. We wish the Americans well with that and we want to co-operate with that. But we do not believe that the sharing of this information will lead to a safer world. We are also concerned when we throw those fundamental rights and freedoms over the side for the sake of expediency to implement security measures, that will become less secure in an environment without those basic freedoms.

Researching this bill reminded me of another national trend initiative. For 30 years, in their war on getting tough on crime, the Americans were deluded into thinking that longer prison sentences, tougher punishments, mandatory minimum sentences, and locking up a whole generation would make their streets safer. The reason I raise this in the context of Bill C-42 is because we now know, and the Americans have now realized, that they were wrong.

Leaders like Newt Gingrich, of the right wing Republican tough on crime movement, have published lead editorials in *The Washington Post* acknowledging that they were dead wrong. The Americans are spending billions of dollars on more prisons. They are stacking up prisoners like cordwood with longer prison sentences and their streets are no safer. They are bankrupting the coffers of their state legislatures and their federal government trying to house all of these prisoners.

The Americans have turned a corner. They are now saying that their money should be reinvested in crime prevention, drug rehabilitation, counselling, and services to keep people out of the criminal justice system. They are now saying that they should not be building more prisons to stack prisoners up.

At the same time, at this very same juncture, the Government of Canada is embarking down the road that has just been abandoned by its neo-conservative mentors in the United States.

The same reasoning applies to this bill. We do not have to go blithely down the road of the United States in what some believe is an over-reaction to its national security issues because it is not always right. The United States is our closest neighbour and our biggest trading partner. Sometimes friends have to tell friends when they are wrong.

In their zeal and their enthusiasm over national security the Americans are dead wrong in thinking they are making their country safer by undermining fundamental rights and freedoms of a western democracy. Democracy is a fragile and tenuous construct. It is held together by thin fabrics of rights and freedoms. As one by one those fabrics are strained and stressed, and worn, or even broken, that valuable construct of democracy is very vulnerable.

It is no surprise that there are only 20 federations in the world because democracy is such a difficult form of government to hold together. We have to be especially vigilant in a federation like Canada. We need to ensure that we never allow the fundamental

freedoms of the right to know what government is doing and the right to privacy for its citizens to be taken away. If anything, those fundamental elements of our democracy should be enhanced and strengthened by this House of Commons, not eroded and undermined by a reactionary piece of legislation that we believe will have adverse and contrary effects that are the polar opposite of the spirit and the intent of this legislation, which is to combat terrorism.

This bill should be defeated for a number of fundamental reasons.

• (1345)

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP):** Mr. Speaker, I would like to add something to the discussion. One of the testimonies was from Roch Tassé, the national coordinator for the International Civil Liberties Monitoring Group. He talked about the fact that this is not just about the personal information of Canadians, but the impact on businesses as well. He said:

Disclosure of personal information to the Department of Homeland Security on passengers travelling to certain destinations, particularly Cuba, could lead to unpleasant consequences. For example, this information could be used to identify Canadian companies that do business with Cuba or to penalize travellers who have visited Cuba by subsequently refusing them entry into the U.S. How will Canada ensure that the U.S. will not use the secure flight program to apply its Helms-Burton act, which imposes penalties on foreign companies doing business with Cuba?

I ask my colleague, given the fact that he has done quite a bit of research on it, is he concerned about that?

The other question I would ask him to answer, because I did not quite get an answer from our Liberal counterpart, is whether or not he believes that if this legislation is not passed, the United States would stop all flights from going over there, given that money goes into its economy when Canadian flights go into the United States?

**Mr. Pat Martin:** Mr. Speaker, let me begin with the hon. member's last point. It is true that in the classic pattern of gunboat diplomacy, the Americans are watching the Parliament of Canada with the implied threat that if we do not pass this legislation and therefore forfeit, surrender and undermine Canadians' right to privacy when travelling on airplanes that may go over even a little corner of the United States, that they will actually close American airspace to their best friend and largest trading partner in the world. This is an absurd situation. Again, we do not make good policy with a gun at our heads. This is something we should find intolerable as Canadians.

It reminds me of the gunboat diplomacy that I have personally experienced with the Devils Lake water boundary dispute where Lloyd Axworthy, Gary Doer, the premier of Manitoba and I went to Washington, urging the Americans to live up to the Boundary Waters Treaty and not talk about an inter-basin transfer of water that will contaminate the Red River and Lake Winnipeg with organisms, foreign invasive species, et cetera.

*Government Orders*

They simply looked at us and said, “You Canadians have to understand one thing. When it comes down to doing what is good for you and what is good for us, we are going to do what is good for us. Thanks for coming. Do not let the door hit you on your way out”.

That is the kind of relationship we seem to have and this government seems to negotiate on its knees. It does not negotiate from a position of strength, dignity or pride, or upholding the rights and privileges of Canadians. It negotiates on its knees, subject to threats by the American government that it will somehow close airspace—

**The Acting Speaker (Mr. Barry Devolin):** Questions and comments, the hon. member for Algoma—Manitoulin—Kapuskas-ing.

**Mrs. Carol Hughes:** Mr. Speaker, my colleague was not quite finished his thought and I am hoping he will finish the thought.

I see this over and over again. We have seen it in the House. The Bloc members were actually not supporting this legislation initially and all of a sudden they have changed their minds. This is because of lobbying by the big airline companies of the United States, I am sure.

The Bloc members have a self-interest. We thought they actually stood up for the rights of people. We think it is very sad that they are actually supporting this type of legislation.

Could my colleague explain a little bit more about the information that would be provided and how it would impact the privacy of Canadian citizens?

• (1350)

**Mr. Pat Martin:** Mr. Speaker, I thank my colleague for pointing that out. I am very concerned. In fact, I am afraid the underlying forces driving this legislation are not reason or logic or doing what is in the best interest of Canadians. The underlying pressures driving this legislation are unbelievably aggressive lobbying by well-connected Conservative lobbyists who just flip-flop through the revolving door, from the PMO to lobby firms and back again with their little wish list.

We all know Canadian lobbyists are undermining democracy. We are following the American model. One day Tim Powers and Geoff Norquay are the head of big lobby firms and the same day, or that night, they will be on TV being interviewed as Conservative Party strategists who have just walked out of the PMO with the Conservative Party line. No wonder we get legislation that is not in the best interest of Canadians shoved down our throats, under the threat of terrible consequences of not being able to fly over American airspace, when things are being driven by well-connected Conservative lobbyists undermining democracy.

In my view, and I maintain this, having lobbyists is like having bats in the attic. They cannot stand the light of day, are almost impossible to get rid of and if they are left there too long, they rot the timbers of the building.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, I was interested in the position taken by the member from Mississauga that we should not worry about this, we had not negotiated that part of it and that we should pass the legislation anyway.

We have seen the abuse by the Americans of their no-fly list and the number of errors, and this came out at committee. Their no-fly list is still permeated with errors that oftentimes have very negative consequences for the people who are the subject of those errors.

Could the member, who has been here for awhile, talk about the attitude of going ahead, doing this and then waiting to see what the outcome is going to be, as opposed to setting in place what the regulations should be, what the guidelines would be and what the absolute protection would be, in writing, in legislation, on both sides of the border?

**Mr. Pat Martin:** Mr. Speaker, as a lawyer, the member for Windsor—Tecumseh asks a very relevant question.

We have been asked to buy a pig in a poke. We have been asked to put in place the underlying principles and the framework of an agreement, the details of which we do not know. We would not buy a house without reading the fine print, but we have been asked to buy a pig in a poke and to trust the government that it would never enter into an arrangement that would be detrimental to the best interests of Canadians.

We have recent evidence, experience and empirical evidence from which to draw. There is the absurd situation of a do not fly list where a freely elected Canadian member of Parliament cannot get on an airplane in his own country because of a list being kept in Washington, DC. We have recent examples, like the case of Maher Arar, a Canadian citizen subject to the overzealous trading of information between countries, which caused an atrocity in that regard.

We do not know the details of the agreements being entered into with other countries. We do know the details of the one agreement that has been released, and that is between the United States and the European Union. In that case, every time people travel, the right to information they will have is their credit card information, who they are travelling with, what hotel they are staying at, other booking information such as tours or rental cars and any medical condition they may have.

Personal credit card information and personal health records will now be in the hands of another nation. Canadians' sovereign right to privacy is being compromised and undermined by this legislation. It should be condemned. We should be unanimous in our condemnation of a foreign nation intruding in our Canadian national sovereignty and the absolute obligations of the government to protect the sovereign and fundamental freedoms of privacy.

We have a right to know what the government is doing. It does not have an absolute right to know what we are doing.

• (1355)

**Mr. Bruce Hyer (Thunder Bay—Superior North, NDP):** Mr. Speaker, I am pleased to speak to Bill C-42 today. I am the tourism critic for the NDP. More important, I am a Canadian citizen who is concerned about this tremendous erosion of Canadian privacy and sovereignty. The bill has serious implications on Canadian travellers taking international flights over but not into the United States.

*Statements by Members*

The bill should be defeated. It is quite clearly nothing but data mining by the United States. I can understand why it would ask. I cannot understand why we would say yes, especially when it is not reciprocal. It is an unwarranted invasion of Canadians' privacy in many ways.

It is disturbing, but unfortunately not surprising, that the Conservative government would introduce such a bill. It might be reasonable to assume that foreign governments would want carriers to provide names and personal details for flights that would be landing on their soil. Unfortunately, Bill C-42 goes a ridiculous amount further. It would have airlines provide personal information. We heard the member from Winnipeg list many of the kinds of personal information that would be given to a country that travellers were just flying over.

Let us explore some of the implications of the bill. Apparently, a passenger leaving Canada on a vacation to Cuba, which many Canadians do although the Americans do not like it because they do not like Cuba and do not like us going to Cuba, could have their name, birthdate and over 30 other pieces of personal information subject to screening by the Department of U.S. Homeland Security. It would also be checking that information against various databases, including the infamous U.S. no-fly list. If people's names are on the American no-fly list, they will not get on that flight nor will they know the reason why. As well, it may not be just a one-time occurrence. Effectively, they may never be able to get off that U.S. no-fly list and may be banned from all flights leaving from Canada but flying over U.S. airspace for a very long time.

There are already examples of misuse. For example, there is the story of Hernando Ospina. He is a journalist for *Le Monde diplomatique*, whose Air France flight from Paris to Mexico was diverted to Martinique just because he wrote an article that was critical of U.S. foreign policy.

Another example is Paul-Émile Dupret. He is a Belgian researcher with the European Parliament. His flight from Europe to the World Social Forum in Brazil was diverted, not because he was a security threat but because he campaigned against the transfer of European travellers' information to U.S. authorities.

Who will be on the no-fly list after our speeches here today? Will members of the House of Commons end up on the U.S. no-fly list?

How can the government assure Canadians that this type of political misuse will not occur if Bill C-42 is passed? Apparently, the U.S. has told our government that it needs everyone's personal information so it can check it with its various lists of people who it does not want flying so there are less false matches and less problems. It is saying, "Let us clear your passengers for you." Our government is going along with this. Is this laziness? Are we really that desirous of letting someone else take over the security checks of our citizens flying to a third country via U.S. airspace? We will simply have to accept that they do not get to fly internationally anymore because we have given a foreign government a veto over Canadians travelling abroad.

I hope all the members of all the parties in the House come to their senses, vote against Bill C-42 and preserve Canadian rights and Canadian sovereignty.

• (1400)

**The Acting Speaker (Mr. Barry Devolin):** Order, please. The hon. member for Thunder Bay—Superior North will have 15 minutes remaining when the House returns to this matter.

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## STATEMENTS BY MEMBERS

[English]

### CONESTOGA COLLEGE

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Mr. Speaker, from investing in knowledge infrastructure to credits for tools for tradespeople, we are helping Canadians achieve their potential.

I often praise the University of Waterloo, and why not? UW hosts Canada's pre-eminent school of engineering and is the MIT of the north.

However, in the senior design competition at the 2011 Ontario engineering competition, it was not UW that took home top honours. It was Conestoga College. That is right. My constituent Ian Hillier of Petersburg, with Jamie Hobson, David Timmerman and Brian Montgomery-Wilson, won out over teams from universities and colleges across Ontario, including the University of Waterloo.

Our government invested to expand and improve Conestoga's engineering facilities. How long then will it be until UW stops calling itself the "MIT of the North" and instead uses the more prestigious phrase, "Conestoga College of Universities"?

I ask members of the House, especially the member for Kitchener—Waterloo, to join me in congratulating Conestoga College and its students for this honour.

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### ROY F. DICKIESON

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, I rise today to honour Roy F. Dickieson who passed away on February 17 at 91.

Roy was predeceased by his lifelong sweetheart Esther, after nearly 65 years of marriage. They had a family of six and, wow, 18 grandchildren and 18 great-grandchildren.

Living his lifetime in New Glasgow, P.E.I., Roy was a dedicated church and community member who truly loved and respected his fellow man. He was a founder of many organizations: New Glasgow 4-H, Central Queen Funeral Co-op and Farmers Helping Farmers, to name a few. His passion was dairy cattle, especially Holsteins. While building a productive herd, he was an avid spectator, participant and judge at cattle shows as far away as England. Roy offered his time and expertise, from coaching hockey and being local school trustee to various directorships. He touched many lives.

*Statements by Members*

Canada has lost a true role model. May we in the House extend our sympathies.

\* \* \*

[*Translation*]

**CLAUDETTE POIRIER**

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Mr. Speaker, I would like to publicly congratulate a painter from my riding, Claudette Poirier, who is the president of an organization called Arts visuels Roussillon.

She is a busy artist. Countless exhibitions have showcased her works, which are known for their softness and use of light. And this tireless, caring woman has undertaken or supported countless projects as well.

Ms. Poirier, who retired from the École Polytechnique, painted an incredible mural in 1999 that serves as a stirring tribute to the 13 victims of the unforgettable tragedy that took place there on December 6, 1989.

In December 2010, Ms. Poirier was chosen to be part of Canada's 12-member delegation at the annual exhibition organized by the Société Nationale des Beaux-Arts in Paris. This event, which is held at the Louvre, is one of the most prestigious international exhibitions of contemporary art. Ms. Poirier was able to exhibit her work and thus increase her visibility on the international stage.

I wish to thank and congratulate Claudette Poirier, a wonderful artist from Saint-Constant, who will now be known beyond our borders, where she will promote yet another marvellous aspect of Quebec culture.

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[*English*]

**ENERGY PRICES**

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP):** Mr. Speaker, gas prices hit \$1.30 this weekend in northern Ontario, based on speculation that unrest in Libya would disrupt oil supplies. Despite the fact that Libya produces less than 4% of the world's oil, prices have jumped more than 10% at the pumps.

For consumers, it is a one-way street with a hill that keeps getting steeper, especially in northern Ontario. The problem for consumers will not be limited to the price at the pumps. When energy prices go up, everything else follows. Food, travel and transportation will cost more and the cost of heating homes will go up, again.

For many of us who are reeling from the shock of just how much the HST is cutting into the bottom line, this is only salt in the wound. Every week I hear from more people who are stretched to the limit and, still, the government refuses to act on solid New Democrat proposals that would help consumers deal with the high cost of energy. Now, more than ever, it is imperative to reduce the tax on home heating. It is also time to implement a nationwide regulatory agency to monitor the price of oil and gas and to have an ombudsman to protect consumers.

● (1405)

**LEADER OF THE NEW DEMOCRATIC PARTY OF CANADA**

**Mr. Randy Hoback (Prince Albert, CPC):** Mr. Speaker, finding a family doctor continues to be a concern in my riding. I was therefore very pleased last week when the hon. Minister of Health announced federal funding to support the placement of more than 100 family medical residents in rural Canada.

Yet who was the first to complain of this much-needed investment? The members guessed it: the leader of the federal NDP.

Why was I not surprised when I heard of this criticism? This is the same NDP leader who voted against Canada's economic action plan. This is the same NDP leader who opposes our government's opening of agricultural markets through negotiated free trade deals. This is the same NDP leader who ordered his rural MPs to follow his lead and defeat a private member's bill to repeal the long gun registry.

It is obvious the leader of the NDP does not care about rural Saskatchewan. His criticism of rural Canada's need for doctors further proves that his party is out of touch. The NDP party can no longer claim to be the party of health care in Canada, but has become a party of extreme, out of touch special interest groups.

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**INTERNATIONAL RARE DISEASE DAY**

**Ms. Kirsty Duncan (Etobicoke North, Lib.):** Mr. Speaker, some 2.7 million Canadians are affected by 1 in 6,000 rare disorders, such as cystic fibrosis, sickle cell disease and thalassemia. Most rare disorders are difficult to diagnose and are chronic, degenerative, progressive and life-threatening.

Families who face rare disorders lack access to scientific knowledge of their disease and quality health care. They face difficulties and inequities in accessing treatment and care.

Sadly, Canada is one of the only developed countries without a policy for rare disorders. As a result, Canadian patients are frequently excluded from many clinical trials and often have delayed access to treatment. Moreover, Canadian patients cannot always access drugs available to patients elsewhere. Only a fraction of the drugs approved in Europe and the U.S. are brought to Canada.

On International Rare Disease Day, let us all commit to working together to develop a national policy for rare disorders.

*Statements by Members***CURLING**

**Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC):** Mr. Speaker, in my province of Saskatchewan, curling is much more than a sport and curling rinks much more than ice surfaces. Curling brings everyone of every age and every occupation together in the spirit of friendly competition. Simply put, curling is part of the fabric of Saskatchewan. That is why I am extremely proud to stand in the House today to congratulate a national champion from my great province.

Yesterday, in dramatic fashion, the pride of Kronau, skip Amber Holland; third Kim Schneider; second Tammy Schneider; lead Heather Kalenchuk; fifth Jolene Campbell; and coach Merv Fonger won Saskatchewan's first Scotties Tournament of Hearts since the legendary Sandra Schmirler won it all back in 1997.

After being down early, Holland's rink scored three in the sixth end to tie it up, and then, with all of Saskatchewan watching in anticipation, stole one in the tenth end to defeat the defending four-time champion, Team Canada and skip Jennifer Jones.

On behalf of everyone in the House, I offer my sincere congratulations to all of the teams who participated and to the new national champion, Team Saskatchewan.

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[*Translation*]**DENIS VILLENEUVE**

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, last night, the best foreign language Oscar eluded Denis Villeneuve and his film *Incendies*.

Nevertheless, simply being part of this select group of Oscar nominees is a testament to the quality of Mr. Villeneuve's film. The nomination definitely serves as an outstanding showcase and an opportunity to raise the international profile of the film itself, Denis Villeneuve and the entire Quebec film industry.

Indeed, not only did this nomination draw attention to our film industry, but it also establishes Mr. Villeneuve's reputation as a gifted, compassionate and sensitive director whose success lies in his attention to detail and his ability to bring complex, touching tragedies to the big screen.

We could not be more proud of Denis Villeneuve and *Incendies*. On behalf of my Bloc Québécois colleagues, I would like to wish him the best of luck for the rest of the awards season.

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[*English*]**PRIVATE THOMAS LAWLESS**

**Hon. Laurie Hawn (Edmonton Centre, CPC):** Mr. Speaker, last Thursday in Edmonton I had the honour of announcing the identity of a Canadian soldier whose remains had been discovered in France in 2003.

Through the combined magic of art and science, it was finally determined that the soldier was Private Thomas Lawless, who had made the ultimate sacrifice on the night of June 8, 1917, near Vimy Ridge.

Amazingly, the final clue was the oxygen molecules in his teeth which, through the use of stable isotopes, pinpointed his residential history to three locations in Ireland and Calgary.

Descendants of Private Lawless were at the announcement and the family was excited and grateful for this closure nearly a century after the fact.

Private Lawless is one of 28,000 Canadian soldiers lost without a trace in World War I, World War II and the Korean War, and his identification brings them all just a bit closer to us. They may be gone, but they are never forgotten.

Private Lawless will be buried with full military honours at La Chaudière Military Cemetery near Vimy Ridge on March 15, alongside his fallen comrades from the Loyal Edmonton Regiment.

May he finally rest in peace.

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● (1410)

**CURLING**

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, this past week, the roaring game of curling invaded Prince Edward Island at the Scotties Canadian Women's National Championships.

The field was extraordinary, featuring former Canadian and world champions, Olympic contenders and junior champions from across the country, ranging from the young but impressive Rachel Homan of Ontario to the stalwart and experienced Cathy Overton-Clapham of Manitoba.

In the end, though, it was Amber Holland from Kronau, Saskatchewan, in the heart of the Wascana constituency, who claimed the national title in a tight final game last night against four-time champion Jennifer Jones.

Amber is the first Saskatchewan woman to take this crown since 1997, when it was won by the late legendary Sandra Schmirler, who I am also proud to say is one of my constituents.

We congratulate Amber, Kim and Tammy Schneider, Heather Kalenchuk and coach Merv Fonger for a great victory. All of Canada wishes them every success at the world championships next month in Denmark.

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**2010 WINTER OLYMPICS**

**Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC):** Mr. Speaker, today we celebrate the one-year anniversary of the finale of the Vancouver 2010 winter Olympics and the benefits arising from those games, including the bringing to our shores of business, investment, tourism and overseas students.

Who will forget the men's gold medal hockey game, as Sidney Crosby took that memorable pass from Jarome Iginla to score in overtime? Who will forget the collaboration of our partners in hosting the most successful winter Olympics in history: VANOC; the Province of B.C.; and the municipalities of Vancouver and Richmond and, in my own riding, West Vancouver and Whistler?

*Statements by Members*

Who will forget the army of blue jacketed volunteers, including my wife Donna, who welcomed the world? Who will forget the police officers and bus drivers who came from across Canada to make the games such a heartwarming success? Who will ever forget our athletes who delivered the performances that made us all so proud?

A year later, with our government's continuing support, our athletes excel on the world stage and we Canadians are behind them all the way.

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**ASBESTOS**

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I rise today to recognize and pay tribute to Canadian filmmaker Kathleen Mullen for the Toronto premiere of her film *Breathtaking*, dedicated to her late father Richard Mullen, who died of mesothelioma, a cancer caused by asbestos.

She points out that asbestos is the greatest industrial killer the world has ever known and that more Canadians now die from asbestos than all other industrial causes combined. Yet the film points out that Canada remains one of the largest producers and exporters of asbestos in the world. Without question, we are exporting human misery on a monumental scale. Canada spends millions of dollars subsidizing the asbestos industry and blocking international efforts to curb its use. I call it “corporate welfare for corporate serial killers”.

Using the power of documentary filmmaking, Kathleen Mullen calls upon the Government of Canada to ban asbestos in all of its forms and to institute a just transition program for all asbestos workers and the communities they live in. She calls upon the government to end all subsidies of asbestos, both at home and abroad, and to stop blocking international conventions—

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

\* \* \*

[*Translation*]

**BLOC QUÉBÉCOIS**

**Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC):** Mr. Speaker, the ideological Bloc has made itself clear. If the government does not impose new taxes on Quebeckers and does not engage in costly spending, then the Bloc will try to trigger an unnecessary election. They are not acting in the interests of Quebeckers in the regions. They are only thinking of themselves and their friends among the urban elite.

The Conservative government has put the regional economy back on track and is staying the course.

While the Bloc was voting against infrastructure projects for Quebec and against minimum sentences for people who sell drugs near our schools, the Conservative government was taking action for all the regions in Quebec. We have supported the forestry sector, we are helping farmers, but above all, we have created economic opportunities for Quebeckers in their regions, with no support from the Bloc.

The choice is clear: Quebeckers in the regions have a choice between the Bloc, which wants to increase taxes and kill jobs, and a Conservative government whose priority is the economy and jobs for Quebeckers in every region.

\* \* \*

●(1415)

**DRUMMONDVILLE CUSTOMS OFFICE**

**Mr. Roger Pomerleau (Drummond, BQ):** Mr. Speaker, the unwarranted decision by the Minister of Public Safety to close the Drummondville customs office is being denounced by everyone: the elected officials of Drummondville, the Conférence régionale des élus, and the Drummondville economic development agency, which represents more than 700 public bodies and businesses.

Neither the minister nor representatives of the Canada Border Services Agency have yet been able to provide a credible argument to support this inexplicable decision. The minister did not even deign to answer the request for a meeting we made in January.

The Drummondville customs office is an employer that generates between \$500,000 and \$700,000 per month, in premises already leased by Service Canada.

Although the minister may refuse to speak to us, his parliamentary colleagues, it is his duty and responsibility to answer to the people of Drummond, who are telling him unequivocally that he has made a bad decision.

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**CANADA AT THE OSCARS**

**Mr. Pablo Rodriguez (Honoré-Mercier, Lib.):** Mr. Speaker, once again, many of our artists graced Hollywood's red carpet at the Oscars.

Although Denis Villeneuve's *Incendies* unfortunately did not win the Oscar for best foreign-language film, the fact remains that it is an absolutely extraordinary movie.

I also know that my colleague from Hull—Aylmer was very proud to see Dean DeBlois, who is originally from his riding, nominated for best animated feature film.

[*English*]

We also want to congratulate Craig Berkey, who was nominated twice for sound editing and mixing for *True Grit*.

[*Translation*]

Finally, Adrien Morot was nominated for best makeup for his work on *Barney's Version*. Clearly, we cannot win them all, but the presence of so many Canadians among the film industry's elite confirms the absolutely outstanding talent we have here in Canada, talent that promotes our culture throughout the world. Three cheers for our creators, our artists and Canadian talent and cinema!

*Oral Questions**[English]***GULF WAR ANNIVERSARY**

**Mr. LaVar Payne (Medicine Hat, CPC):** Mr. Speaker, today we mark the 20th anniversary of the ceasefire in the Persian Gulf war. Over 4,000 Canadian Forces personnel served as part of the international contingent that forced Iraq out of Kuwait.

After the war ended, our troops remained as part of the UN peacekeeping mission along the border, monitoring the demilitarized zones between the countries and investigating ceasefire violations and clearing land mines. Canadian warships participated in the operations of the multinational interception force and helped to enforce economic sanctions on Iraq after the Gulf war. CF-18 squadrons performed combat air patrol missions.

Although no Canadian Forces member died in the course of the Gulf war, serving in such dangerous places can have profound and lifelong effects.

These Canadians take their honoured places with their fellow service members from other conflicts, including today in Afghanistan, as people who proudly serve their country.

We must never forget their bravery and sacrifices.

Canada remembers.

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**ORAL QUESTIONS***[English]***POLITICAL FINANCING**

**Hon. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, last week four members of the Prime Minister's inner circle were accused of serious allegations in relation to Canada's election law. These are serious criminal charges and they carry with them jail time. At the same time, this is the result of years of investigation by Elections Canada and the public prosecutor.

The question for the Prime Minister and the government is, do they not understand that playing fast and loose with Canada's election law undermines Canadian democracy?

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, this is a five-year-old accounting dispute. Fortunately, the Federal Court has ruled in favour of the Conservative Party and against Elections Canada.

*[Translation]*

**Hon. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, this is not about accounting. Four of the Prime Minister's closest associates are accused of election fraud. It is linked directly to the Prime Minister's Office. This Prime Minister shut down parliament twice and is keeping a minister who mislead the House in his cabinet.

Are the Prime Minister and his government aware that they are undermining Canadian democracy?

● (1420)

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, I would like to thank the Hon. Leader of the Opposition for his question. This is a five year old dispute between us and Elections Canada. Fortunately, the Federal Court has already ruled in favour of the Conservative Party and against Elections Canada in this matter.

*[English]*

**Hon. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, the government is playing fast and loose with the facts. This is not a debate. The party opposite is facing criminal charges and jail time if it is convicted.

It forms part of a pattern. When the government faces tough questions, it shuts Parliament down. When a minister misleads the House, the Prime Minister actually gets up and applauds her. When Conservative Party operatives are faced with serious criminal charges, the government turns it into an argument with Elections Canada.

It is not an argument; this is an accusation of fraud. Why does the government not understand that this is undermining Canadian democracy?

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, allow me to correct my hon. friend. In fact, this is an administrative dispute that dates back five years. Fortunately, I would inform the Leader of the Opposition that the Federal Court has ruled in favour of the Conservative Party and against Elections Canada in this dispute.

*[Translation]*

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, what has happened to openness, transparency and accountability? This is unprecedented in Canada's history: criminal charges have been laid against two senators appointed by the Prime Minister himself. If these senators are convicted of election fraud, they could be thrown into jail.

How can the Prime Minister condone such schemes?

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, allow me to begin my correcting the hon. member. This is an administrative matter. This is a dispute between the Conservative Party and Elections Canada that has lasted for five years. Fortunately, the Federal Court has already ruled in favour of the Conservative Party and against Elections Canada in this matter.

*[English]*

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, is this an example of the Prime Minister making the rules?

*[Translation]*

The RCMP has even searched the Conservatives' offices. Unfortunately, taxpayers will have to pay a fortune to prove what we already know: the Conservatives cheated by committing election fraud.

*Oral Questions*

Why is the Prime Minister allowing this money to be wasted? What exactly does the Prime Minister mean when he says that he is accountable?

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, the hon. member opposite knows very well that this is an administrative dispute that has been going on for five years.

In addition, I can tell the hon. member that the Federal Court has fortunately ruled in favour of the Conservative Party and against Elections Canada in this matter.

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**FOREIGN AFFAIRS**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, I would first like to congratulate the Prime Minister for having acted quickly in freezing the assets of Libyan dictator, Moammar Gadhafi. However, we would like to know why he has not yet frozen the assets belonging to Tunisia's former dictator, Ben Ali, and his family, as we have been calling for for over a month now.

What is the government waiting for before it freezes the assets of the Ben Ali family, as it has just done for Gadhafi?

**Hon. Christian Paradis (Minister of Natural Resources, CPC):** Mr. Speaker, members of the Ben Ali regime are not welcome in Canada. Canada is ready and willing to use all the tools at its disposal, including working with the international community, to support democracy in Tunisia.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the government tells us that it is waiting and that steps have been taken to obtain documents from Tunisia. I still cannot believe that Gadhafi sent documents to the government to have his assets frozen.

How can it be that the government took action so quickly in the case of Gadhafi and Libya, but that it is complicit in the case of Ben Ali, Tunisia's former dictator? He will have had time to move his assets to tax havens. Why has the government not taken action and why is it still not taking action today?

• (1425)

**Hon. Christian Paradis (Minister of Natural Resources, CPC):** Mr. Speaker, no orders have been given, but the Canadian authorities are working closely with their international counterparts. Once the request is made, we will co-operate. We are more ready than ever to work with the Tunisian government to take all legal measures available to us concerning this issue.

**Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ):** Mr. Speaker, the evacuation of Quebeckers and Canadians stuck in Libya was characterized by the utmost amateurism and confusion. A full 24 hours after the United Kingdom and Turkey began evacuating their citizens, the Conservative government finally woke up and decided to provide assistance to its citizens. The government was so disorganized that the first plane came back empty.

How can the Minister of Foreign Affairs possibly justify this confusion and Canada's remarkable inability to provide assistance to its citizens?

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, we are very proud of the efforts of our diplomats and Canadian Forces members during this evacuation.

[*English*]

To date we have facilitated the evacuation of over 255 Canadians from the country. I want to commend the diplomats, the Canadian Forces members, particularly those in consular affairs, who worked around the clock in this effort.

In fact, we have deployed a C-17 Globemaster aircraft as well as two of our new C-130J Hercules aircraft. A team of Canadian Forces is now on the ground in Malta.

We continue to provide assistance to those who need it. We encourage Canadians who need further assistance to contact the Department of Foreign Affairs.

[*Translation*]

**Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ):** Mr. Speaker, does the minister not find it worrisome that at the precise moment when Canada was chartering a plane to evacuate Canadian citizens stuck in Libya, his department was advising those same citizens not to go to the airport?

How does the Minister of Foreign Affairs explain such disorganization? Does he realize that his wavering and incompetence put hundreds of citizens in danger?

[*English*]

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, sadly there were a number of Canadians who found themselves in the midst of a very terrifying and dangerous situation. We knew that violence was flaring up. That is why we had officials doing everything possible and working diligently and tirelessly to secure their evacuation.

As I mentioned, over 255 Canadians have made their way safely on aircraft and ships to Malta. We continue to work with the international community and our partners, particularly the British.

I spoke with the foreign minister of Malta this morning. They continue to co-operate fully. This is an international effort that will continue, and our efforts will continue as well.

\* \* \*

[*Translation*]

**POLITICAL FINANCING**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the Conservatives have been caught red-handed. The in and out scandal is a perfect example of one of the government's broken promises: the promise to do things differently and to put an end to partisan scandals in which money is slipped questionably from hand to hand.

The Prime Minister should do some housecleaning and he should begin by removing all the bagmen from the Senate. When will this major cleanup be done?

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, let me begin by thanking the honourable member for his question. This issue, an administrative dispute, has been going on for five years. Fortunately, the Federal Court has already ruled in favour of the Conservative Party and against Elections Canada on this issue.

*Oral Questions**[English]*

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, this in and out business is the epitome of the Conservative Party's hypocrisy when it comes to the whole issue of accountability, open government and broken promises.

It is time for the Prime Minister to take some responsibility. He cannot pretend to be tough on crime when he has his own minions out there wilfully breaking the very laws that are the underpinning of our democracy, which speak about fairness in election campaigns. It is another example of why so many Canadians think that Ottawa is broken.

When is the Prime Minister going to show some leadership and tell the senators who are fundraisers to get out of the Senate and get out of—

• (1430)

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

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Allow me to start, Mr. Speaker, by thanking my hon. colleague for his question.

This is a five-year-old accounting dispute. Fortunately, the Federal Court has already ruled in favour of the Conservative Party and against Elections Canada on this very question.

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**INTERNATIONAL CO-OPERATION**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, it is always a question of passing the buck and debating responsibility. That is what the Prime Minister is all about.

We have the case of a minister misleading the House, but for the Prime Minister, evading the truth and doctoring a document is a job well done. How about that? I do not think anybody is buying the government's feeble excuses.

Where is the accountability? Where is the leadership? When is the Prime Minister going to take some responsibility for the mistakes that are being made and replace the minister and restore KAIROS' funding?

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, it will not come as a surprise to the House or the member opposite that I do not share the characterizations that he made in his preamble.

The minister had a decision to make on whether she wanted to award a \$7 million grant to a particular non-governmental organization. She made a decision not to provide that funding, as she is entitled to properly do.

The minister has done an outstanding job in Africa. She has done an outstanding job in promoting the rights of women and children in Afghanistan. When the people of Haiti needed a friend, they certainly had one in the minister.

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** Mr. Speaker, we know that not one minister in the government is allowed to make a decision without the Prime Minister's approval. The Prime

Minister and his office pull the strings and his cabinet members are the puppets.

The minister responsible for CIDA has misled the House and misled Canadians about why she cut funding for KAIROS, and we all know why. She was ordered to do so.

Why can she not simply tell the truth and admit she was just following orders?

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I believe it was a former leader of the Liberal Party who said that MPs were a bunch of nobodies only 100 metres from this place.

The minister made a decision not to provide funding to a particular non-governmental organization, as is her right. She made a difficult decision. It was the right decision. She has made a great contribution to international development right around the world and she has a record all Canadians can be proud of.

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** Mr. Speaker, for months we have heard different excuses. First the funding did not meet CIDA's priorities. Soon after the Minister of Immigration went to Israel and said it was because KAIROS was anti-Semitic. Now we have seen the handwriting. We know that CIDA recommended the funding, but the decision was later reversed.

Who told the minister to cut the funding for KAIROS?

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, last December the minister appeared before the Standing Committee on Foreign Affairs and International Development. At that committee she said, I think some 11 times, that she was the one who made the decision not to provide the funding to this non-governmental organization.

I know it is a bit interesting for Liberals. Only Liberals would charge that someone got into a scandal by not giving a grant.

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, around the world people are craving democracy, they are craving transparency, and they are craving accountability. Canadians are no different. They have the same expectations and demands of their government.

I would like to ask the minister if she will simply answer a simple question. What happened in that two-month period between the decision by the two officials at CIDA to make the decision and her decision to put the "not" in? What happened in that two-month period, minister? Give us—

**The Speaker:** The hon. government House leader.

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Let us look at the facts, Mr. Speaker.

**Some hon. members:** Oh, oh!

**The Speaker:** Order, please. The hon. government House leader has the floor.

**Hon. John Baird:** Mr. Speaker, let us look at the facts. The officials made a recommendation. The minister has been very clear that in this government, elected officials, ministers, make decisions. The minister, after considering the advice of her department, made a decision not to provide support to this organization, as is her right.

*Oral Questions*

I personally believe and those of us on this side of the House honestly believe that it was the right decision. It was a courageous decision. It was the best decision for Canadian taxpayers.

• (1435)

[*Translation*]

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, in a true democracy, ministers responsible for making decisions are able to provide the reasons for their decisions and tell the truth to the House of Commons.

Why this shameful silence from the minister when we ask serious questions in the House of Commons?

[*English*]

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the minister has made a great contribution in providing assistance and doubling our aid to vulnerable people in Africa. Under the Prime Minister's leadership, she has provided a great amount of work with respect to the maternal and newborn health initiative and with respect to the cause of women in Afghanistan.

Let us look at what her own deputy minister said before committee:

The inclusion of the word “not” is just a simple reflection of what her decision was, and she has been clear. So that's quite normal.

That was said by her own deputy minister.

[*Translation*]

**Ms. Johanne Deschamps (Laurentides—Labelle, BQ):** Mr. Speaker, the Minister of International Cooperation has come up with many contradictory versions to try to justify the ideological cut her government imposed on KAIROS. The minister should know that if she wants to deny a grant request then she simply does not have to sign it. She does not need to falsify documents.

Now that the minister has had a week to think about her actions, will she explain to us why she falsified a document and tried to blame her officials?

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the minister has been very clear. Last year, she spoke before a committee of this House. She said 11 times that, as the minister, she was the one who made the decision not to provide funding to this non-governmental organization. We think it was the right decision. She has made a big difference in the lives of poor people around the world. She made a good decision for Canadian taxpayers.

**Ms. Johanne Deschamps (Laurentides—Labelle, BQ):** Mr. Speaker, it is all well and good for the Prime Minister to condone the actions of the Minister of International Cooperation, but the fact remains that she has lost the confidence of the House. Instead of holding on to her position, the minister should do the honourable thing and resign.

Will the minister have the decency to step down for trying to mislead the House?

**Hon. John Baird (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, not at all. The minister decided not to follow the advice of her department. From time to time, ministers

have to ignore advice and make decisions themselves. The minister made a decision and she was very clear. Last year—11 times before a committee of the House—she said the same thing that she said this year in the House. The minister made the right decision.

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**POLITICAL FINANCING**

**Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ):** Mr. Speaker, the charges laid by Elections Canada against four of the Prime Minister's key organizers prove that the Conservatives were prepared to go to any lengths to take power in 2006. With no regard for the Canada Elections Act and with the Prime Minister's blessing, they developed a strategy that made it possible for them to spend \$1 million more than the allowable limit.

Rather than undermining the authority of the Chief Electoral Officer, will the Prime Minister not admit that he himself approved this strategy designed to break the law, the Canada Elections Act?

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, I would like to thank the hon. member for her question.

This dispute between the Conservative Party and Elections Canada has been going on for five years. Fortunately, the Federal Court has already ruled in favour of the Conservative Party and against Elections Canada on this issue.

**Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ):** Mr. Speaker, the Conservatives took power in 2006 by trampling on the Canada Elections Act. It seems they will go to any lengths to stay in power. Friday, they participated in 80 simultaneous propaganda events to announce a total of \$250 million in funding.

Does the Prime Minister realize that his attempts to buy voters with their own money are reminiscent of Jean Chrétien's sponsorship program?

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, allegations are made in the House from time to time but comparing our party to the Liberals is going too far.

I would like to remind the honourable member that this dispute with Elections Canada has been going on for five years. Fortunately, the Federal Court has already ruled in favour of the Conservative Party and against Elections Canada.

\* \* \*

• (1440)

[*English*]

**PUBLIC SAFETY**

**Hon. Scott Brison (Kings—Hants, Lib.):** Mr. Speaker, on Friday the Parliamentary Budget Officer said that the government was still hiding the price tag of its legislation from this Parliament. He said that this cost information was “required for parliamentarians to fulfill fiduciary obligations under the Constitution”.

Why are the Conservatives stonewalling Parliament and taxpayers? Why will they not tell Canadians the true cost of their U.S.-style crime agenda? Why the secrecy?

*Oral Questions*

**Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, the Minister of Public Safety has been very clear on the costing of the various programs.

First of all, we think that when it comes to serious repeat violent crime, those offenders should be kept off the streets. The Liberals and the NDP disagree, but we think most Canadians agree with us on that.

As the Minister of Public Safety has consistently maintained, changes to the programs to allow for safer streets will be about \$2 billion over the next five years. That is far less than some of the wild numbers that we are hearing thrown around opposite.

**Hon. Scott Brison (Kings—Hants, Lib.):** Mr. Speaker, I guess the Conservatives need the new prisons to put the Conservative fundraisers in, but beyond that, why are the Conservatives soft on Conservative crime?

The reality is, the Conservatives are fudging the numbers and hiding the true cost of their U.S.-style crime agenda. Back before the Prime Minister began his full frontal attacks on democracy, he said, “Without adequate access to key information...incompetent or corrupt governments can be hidden under a cloak of secrecy”.

What incompetence or corruption is the Prime Minister trying to hide today under his cloak of secrecy?

**Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, I am glad that my friend opposite raised the issue about access to information.

In fact, a record number of access to information requests have come in this year. There are over 75,000. The majority of those are responded to within the first 30 days. We have also increased the number of organizations that are subject to access to information, which the Liberals opposed.

The majority of complaints related to access to information are actually toward the CBC and there are other organizations as well. We have also expanded the budget related to access to information. We are improving all the time.

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**FORMER PUBLIC SECTOR INTEGRITY COMMISSIONER**

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, with regard to the Integrity Commissioner's office, \$11 million was spent, 228 cases reported, but none pursued. There was a scathing report by the Auditor General and the Conservatives washed their hands of the commissioner. She is an independent agent who reports to Parliament they say.

However, email traffic between the Prime Minister's department and Madam Ouimet's office show detailed communication on cases. In one such exchange, the deputy clerk of the PCO asks whether it was true that a whistleblower had been told that Ouimet “did not have the resources to investigate the disclosure”.

Will the Prime Minister admit that he never intended to have an independent commissioner's office?

**Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, when we talk about intention, we hear often from the Liberals that after 13 years the reason for their never doing anything on this was the fact that they were just sort of getting around to it.

We are the ones who put these officers in place. We are the ones who came up with the legislation. This officer reports to the committee and reports to all parliamentarians. We expect that the non-partisan committee would look at ways to improve the legislation. We have an interim commissioner in place who is aggressively pursuing the files. That is what we are pleased to see.

It is up to Parliament to deal with these and we encourage it to do that.

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, the pattern of interference did not end with the resignation of Madam Ouimet. Email traffic indicates that even the new interim commissioner is taking orders. Last month, in an email to the Prime Minister's department, he said, “There is one issue that your office is currently not privy to and that the clerk must be briefed on. I will be pleased to provide details to ensure Wayne is not blindsided”.

So much for whistleblower protection. How many more issues have been discussed with the Prime Minister's department and the Integrity Commissioner? Is not that office nothing but a sham?

• (1445)

**Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, by my colleague's own admission many of these issues are entirely in the office and in the hands of that particular independent officer.

If this email is accurate, then what that officer is saying is he is informing others about things of which he knows. He is also pursuing virtually all of the cases, as he should be, of employees who did not have their concerns addressed. I have met with many of the people in various departments, because every department has its own pursuit channel for whistleblower protection, and in many cases employees are finding satisfaction there.

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**THE ECONOMY**

**Mr. Ed Holder (London West, CPC):** Mr. Speaker, our Conservative government is focused on building a stronger economy for Londoners and all Canadian families with low taxes. That is called Canada's economic action plan and it is getting results.

Since July 2009, over 460,000 jobs have been created. This is by far the strongest job creation growth in the G7 and it matters. It matters for Canadians' sake. The world is taking notice. In fact, *The Economist* magazine has labelled Canada an economic star.

Would the Minister of State for Finance update Parliament on the latest economic news?

*Oral Questions*

**Hon. Ted Menzies (Minister of State (Finance), CPC):** Mr. Speaker, indeed, in today's announcement Canada was shown to have grown for the sixth straight quarter in a row. Indeed, the latest quarter in Canada's economic growth shows that Canada is leading the entire growth of the G7 countries. This is great news for Canadian families.

However, as we have said before, the recovery is fragile and the last thing we want is a \$6 billion Liberal increase in taxes that will kill jobs in this country and will slow growth. We do not want to see that happen.

\* \* \*

[Translation]

**SENIORS**

**Mr. Thomas Mulcair (Outremont, NDP):** Mr. Speaker, the major oil companies are laughing: they are raking in record profits that show no sign of slowing down, thanks to skyrocketing gas and heating oil prices. In the meantime, here in Canada it is wintertime and seniors who live below the poverty line are having to turn off their heat. The budget is an opportunity to set priorities by making choices.

Will the Conservatives finally understand that it is time to give priority to green and renewable energies and energy-efficient homes? Is this part of their budget priorities or will they continue to help the wealthiest and most polluting corporations at the expense of our seniors who are living in poverty?

[English]

**Hon. Ted Menzies (Minister of State (Finance), CPC):** Mr. Speaker, unlike the NDP, we actually recognized a long time ago that heating costs were expensive not only for seniors but for all Canadians. That is why we reduced the GST on all fuels and on all products from 7% to 6% to 5%. That did not go real well for the NDP. It voted against it every time.

We recognize there are challenges with the increased costs of fuel. However, we actually think that the right way to provide support to those people is to reduce their overall tax costs.

[Translation]

**Mr. Thomas Mulcair (Outremont, NDP):** Mr. Speaker, that is called living on another planet. They increased the GST in regions like Ontario and British Columbia.

[English]

Gas prices are rising dramatically and families are feeling the strain. While Conservatives' friends sitting in oil company boardrooms benefit from government handouts, consumers are paying the price. Where is the economic logic in that?

Seniors need help. Pensions are at risk. Millions are without family doctors and energy prices are stretching family budgets to the breaking point.

New Democrats are proposing concrete action to help Canadians now. Will the Conservatives include these practical ideas in their upcoming budget, yes or no?

**Hon. Ted Menzies (Minister of State (Finance), CPC):** Mr. Speaker, the only concrete proposals we have seen from the NDP were to increase taxes. That is not what Canadians need right now.

I refer to the answer previously given about the economy growing once again for the sixth quarter in a row. We lead the G7 countries in economic growth. That is not because we are increasing taxes. That is because we are reducing taxes and creating jobs for Canadians. They are back to work and they can afford these great supports we are giving to them.

\* \* \*

● (1450)

[Translation]

**OIL INDUSTRY**

**Mr. Robert Vincent (Shefford, BQ):** Mr. Speaker, the price of gas is reaching new highs. Yet when the price of crude oil declines on the stock market, the major oil companies tell us that they cannot reduce the price at the pumps right away, because the gas we have in Quebec was purchased a few months ago. But when the price of crude oil increases suddenly, we see immediate increases at the pumps.

Could the minister responsible for the Competition Bureau explain this paradox, which means that consumers always end up getting hosed by the oil companies?

[English]

**Hon. Tony Clement (Minister of Industry, CPC):** Mr. Speaker, as the hon. member is aware, there is a whole process that is independent of government where the Competition Bureau does research and investigates charges of collusion, for instance.

It was tough on the collusion that occurred among Quebec gas stations a couple of years ago. We have actually given the Competition Bureau more powers to do so and I have a fairness at the pumps act before Parliament to make sure there is no chiselling at the gas pumps as well.

[Translation]

**Mr. Robert Vincent (Shefford, BQ):** Mr. Speaker, the problem is that the Competition Act has no teeth. The Competition Commissioner cannot even launch an investigation of her own accord into fluctuating gas prices. The Bloc Québécois introduced a bill to fix this problem.

Will the Conservative government stop protecting oil companies and support our bill to rein them in?

[English]

**Hon. Tony Clement (Minister of Industry, CPC):** Mr. Speaker, the Competition Bureau has very extensive investigative powers. I tend to find, as a member of Parliament, that when there are price fluctuations, people do bring that to the attention of their MPs and to the Competition Bureau.

I will not stand in this place directing the Competition Bureau to do something. It has the power to do so and we have given it more powers to do so. We have given it the power to add penalties that were not in place before we took office.

*Oral Questions***POLITICAL FINANCING**

**Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.):** Mr. Speaker, the 2006 Conservative campaign in Lac-Saint-Louis was among those implicated in the in and out scandal that has led to criminal charges against two of the Prime Minister's Senate cronies and two other Conservative Party operatives.

When it comes to Lac-Saint-Louis, this is how it goes: First, the party re-channels money through an elaborate scheme, then the Prime Minister funds a candidate's campaign through a half-million dollar a year Senate package.

Why does the Prime Minister show such contempt for the people of Lac-Saint-Louis?

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, I regret that my hon. colleague has misrepresented the nature of this dispute. In fact it is an administrative dispute and not as he has characterized it.

This is in fact a five year old accounting dispute. Fortunately, the Federal Court has already ruled in favour of the Conservative Party and against Elections Canada in this very matter.

[*Translation*]

**Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.):** Mr. Speaker, the 2006 Conservative campaign in Lac-Saint-Louis is a perfect example of the in and out scandal that led to criminal charges against two Conservative senators and two close friends of the Prime Minister.

This is how it goes with the Conservatives in Lac-Saint-Louis: first they re-channel money through a fraudulent scheme, then they appoint someone to the Senate and give him a half-million dollars a year of taxpayers' money for campaigning.

How can the Prime Minister show such contempt for the people of Lac-Saint-Louis?

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, the hon. member's question contains several errors. I do not have time to correct them all, but I will say that this is an administrative dispute that has been going on for five years. Fortunately, the Federal Court has already ruled in favour of the Conservative Party and against Elections Canada.

\* \* \*

[*English*]

**PUBLIC SAFETY**

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, today's G20 report shows that Canadians are still traumatized by what happened and are still looking for answers.

To date no one has stepped forward to claimed responsibility for the massive assault on people's right to free speech and to free assembly. No one has been held accountable.

Only a public inquiry can repair the damage done to our democracy. When will the government call a public inquiry and get to the bottom of what went wrong?

**Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC):** Mr. Speaker, as the member is aware, specific bodies do exist to handle complaints regarding the conduct of the police. As has been said many times before, we encourage anyone who has a complaint to direct their concerns to the appropriate body.

• (1455)

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, it is unbelievable.

When free speech is denied in the only designated free speech zone, when women are aggressively strip-searched in a warehouse, and when an amputee is dragged off without his leg, Canadians know there is something desperately wrong.

People need to trust the government will not simply suspend their civil liberties. An inquiry with participation from the public is the only way to restore this trust.

What does the government have to hide? Why will it not call a public inquiry?

**Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC):** Mr. Speaker, as the member knows there are processes in place to deal with police conduct and it would be inappropriate for me to comment any further on disciplinary or criminal matters.

\* \* \*

**RESEARCH AND DEVELOPMENT**

**Mr. Mike Wallace (Burlington, CPC):** Mr. Speaker, our government is investing record amounts in science and technology.

We have seen tremendous results over the past five years. However we also know that Canadian businesses need to invest more in research and development as our economy continues to recover from the global recession for hard-working Canadian families to enjoy a higher standard of living.

Can the Minister of Industry update the House on what the government is doing to support innovation and helping business bring new ideas to the marketplace?

**Hon. Tony Clement (Minister of Industry, CPC):** Mr. Speaker, I would be happy to. Indeed, this year alone, the government has been spending \$11.7 billion in partnership with academia, with our research institutions and with the private sector to make sure we are second to none when it comes to research and development, when it comes to innovation throughout the world.

Today I was at EMS Technologies in Kanata. It provides advanced satellite communications. It is the best in the world. A lot of what it does is make sure our airplanes are safer and our communications can occur.

That is the kind of leading technology that Canadians are involved in and we are proud to support them.

*Oral Questions***ACCESS TO INFORMATION**

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Mr. Speaker, five years of Conservative government and Canadians' right to information has been severely eroded.

This is the most secretive government in Canadian history. According to *Government Information Quarterly*, Canada has gone from first to worst. The Government of Canada misled the OECD, saying a single portal would be ready by the fall of 2010. At committee, the top government information official admitted there is actually no open government policy.

Why is the government dragging its feet? What does it have to hide?

**Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, right now two departments are involved in what we would call an open portal approach. Included in that are other departments that are proactively publishing their access to information requests.

I can also encourage my hon. friend by telling her that this particular policy will be expanded to other departments. As she sees that move forward, I am hoping that she will embrace that policy.

\* \* \*

[Translation]

**HIGH TIDES IN EASTERN QUEBEC**

**Mr. Claude Guimond (Rimouski-Neigette—Témiscouata—Les Basques, BQ):** Mr. Speaker, the Quebec government has announced that all individuals, businesses and municipalities that suffered extensive damage as a result of the high tides in eastern Quebec last December will get help from a specific, improved assistance program. Overall, 17 measures will be simplified or improved. We are still waiting for the federal government's contribution.

Will the Conservatives, who have raised expectations considerably in the region, finally deliver the goods and help the disaster victims?

[English]

**Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC):** Mr. Speaker, if my colleague is referring to the storm damage that affected small craft harbours, DFO staff have already done the inspections there. They are putting in place a plan to make the necessary repairs in time for the fishing season for the ones that are most seriously affected.

\* \* \*

**STATUS OF WOMEN**

**Ms. Irene Mathyssen (London—Fanshawe, NDP):** Mr. Speaker, a judge appointed by the Conservative government just took women's rights back 20 years. He gave a convicted rapist a slap on the wrist because of what he called the victim's suggestive attire.

We know that over 90% of sexual assaults go unreported because of the lack of confidence women have in the system.

What will the Minister for Status of Women do to restore women's faith in the justice system?

● (1500)

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, as the member knows, I was in Winnipeg on Thursday and I made my views very clear. This government does not feel that this kind of message is what victims need to hear. We established long ago in this country that no means no and I hope that any messages like this do not have any impact on any victims coming forward to report sexual abuse or sexual assault in the future.

\* \* \*

[Translation]

**ANTI-DRUG STRATEGY**

**Mr. Steven Blaney (Lévis—Bellechasse, CPC):** Mr. Speaker, honest people from all regions of Quebec are worried about the drug scourge ravaging our communities. When he was in Val-d'Or, Abitibi, our Prime Minister was asked why we are not doing more to help the regions fight against drug traffickers.

Could the Parliamentary Secretary to the Minister of Justice tell us what the government is doing to fight drug trafficking involving our children in all regions of Quebec?

**Mr. Daniel Petit (Parliamentary Secretary to the Minister of Justice, CPC):** Mr. Speaker, our priority is to fight crime and ensure the safety of our children in all regions of Quebec. Unfortunately, this priority is not shared by the Bloc and the leftist urban elite from the Plateau. That is why they voted against our Bill S-10.

This Conservative bill would ensure minimum sentences for criminals such as the one in Val-d'Or who sells drugs near schools. We hope that the Bloc will finally stop listening to its leftist urban elite friends from the Plateau and will listen to families in all regions who are asking for minimum sentences for the drug dealers who threaten our children.

\* \* \*

[English]

**ACCESS TO INFORMATION**

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Mr. Speaker, the Standing Committee on Access to Information, Privacy and Ethics twice tabled a report on the urgent need to reform the way that Canadians access information from their government. This report had all party support. What did the government do? It ignored it. Now the Minister of Justice has misled Canadians, saying he is waiting for the parliamentary committee.

When will the government stop misleading Canadians and implement the unanimous recommendations of the parliamentary committee on access to information?

*Routine Proceedings*

**Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, this year over 75,000 requests have come in, which is an all-time record, because we as a government have encouraged this type of action from citizens. The majority of those requests are responded to within 30 days. At times when they are not responded to, over 80% of those times it is because individuals making the requests also want to access personal information from Canadians. Those parts of the reports have to be redacted. I think Canadians want us to protect their personal information from the requests of others.

\* \* \*

[Translation]

**QUEBEC CITY ARENA**

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, while the Minister of National Defence has come out strongly in favour of a football stadium for the city of Halifax, the Conservative members from the Quebec City area are giving more excuses for their lack of action. Unlike Quebec City, Halifax does not even have any private partners.

How can the minister responsible for the Quebec City region explain that her Nova Scotia colleague is able to support a project that is just beginning to take shape when she is incapable of defending a project supported by the people, the City of Quebec, the Government of Quebec and the private sector?

**Hon. Josée Verner (Minister of Intergovernmental Affairs, President of the Queen's Privy Council for Canada and Minister for La Francophonie, CPC):** Mr. Speaker, once again, the member is incorrect. Our Quebec caucus has fully supported the project from the beginning, and we did not wait for Bloc questions to do so.

That being said, what applies to Quebec City applies to all other cities: a business plan must be prepared and submitted to us for every project.

**ROUTINE PROCEEDINGS**

• (1505)

[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 nine petitions.

\* \* \*

**COMMITTEES OF THE HOUSE****CITIZENSHIP AND IMMIGRATION**

**Mr. David Tilson (Dufferin—Caledon, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the ninth report of the Standing Committee on Citizenship and Immigration in relation to the supplementary estimates (C), 2010-11, votes 5(c), 7(c) and 10(c) under Citizenship and Immigration.

**PETITIONS****ASBESTOS**

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I am proud to rise today to table a petition signed by literally thousands of Canadians from coast to coast.

The petitioners call upon the Government of Canada to recognize that asbestos is the greatest industrial killer that the world has ever known, yet Canada remains one of the largest producers and exporters of asbestos in the world, dumping nearly 200,000 tonnes of asbestos into third world nations and developing nations. They also call upon the House of Commons to take note that Canada spends millions of dollars subsidizing the asbestos industry and blocking international efforts to curb its use. The petitioners call it "corporate welfare for corporate serial killers".

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

**CRIMINAL CODE**

**Mr. Borys Wrzesnewskij (Etobicoke Centre, Lib.):** Mr. Speaker, pursuant to Standing Order 36 I am pleased to present a petition signed from Acadia University and Queen's University students in support of Bill C-380. The purpose of this bill is to add "sex", the legal term for "gender", to the list of identifiable groups, which currently includes "ethnicity", "race", "religion" and "sexual orientation" in relation to hate propaganda provisions in the Criminal Code.

These university students are well aware that half of Canadian women have experienced at least one incident of physical or sexual violence since the age of 16 and that violence against women is often motivated by gender-based hatred.

For the sake of our sisters, our mothers and our daughters, the petitioners urge the government to adopt Bill C-380 and add "gender" as a category into our hate crimes legislation.

**AFGHANISTAN**

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I have a petition signed by dozens of Canadians calling for an end to Canada's military involvement in Afghanistan.

In May 2008, Parliament passed a resolution to withdraw Canadian Forces by July 2011. The Prime Minister, with agreement from the Liberal Party, broke his oft-repeated promise to honour the parliamentary motion and, furthermore, refuses to put it to a parliamentary vote in the House.

Committing 1,000 soldiers to a training mission still presents a danger to our troops and an unnecessary expense when our country is faced with a \$56 billion deficit. The military mission has cost Canadians more than \$18 billion so far, money that could have been used to improve health care and seniors' pensions right here in Canada.

In fact, polls show a clear majority of Canadians do not want Canada's military presence to continue after the scheduled removal date of July 2011. Therefore, the petitioners call upon the Prime Minister to honour the will of Parliament and bring the troops home now.

• (1510)

#### ONLINE SEXUAL EXPLOITATION

**Mr. Anthony Rota (Nipissing—Timiskaming, Lib.):** Mr. Speaker, I rise today to present four petitions signed by my constituents in Nipissing—Timiskaming.

The first three encourage the government to review the current legislation surrounding the sexual exploitation of children over the Internet.

#### PUBLIC SAFETY

**Mr. Anthony Rota (Nipissing—Timiskaming, Lib.):** Mr. Speaker, the fourth petition calls upon the Minister of Public Safety to approve Marc Emery's transfer from an American prison once that transfer request is received.

I am proud to table these petitions on behalf of the engaged and interested citizens of Nipissing—Timiskaming.

\* \* \*

#### 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, if a supplementary response to Question No. 591 originally tabled on January 31, 2011, could be made an order for return, this return would be tabled immediately.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

[Text]

Question No. 591—**Hon. John McKay:**

With respect to the provision within the Official Development Assistance Accountability Act which sets out a duty of consultation for the competent Ministers: (a) which international agencies and civil society organizations were consulted by Ministers in 2008 and 2009; (b) what were the themes and subject areas of those consultations; (c) what were the views expressed by civil society organizations and international agencies on those themes and subjects; (d) how were those views taken into account when forming opinions under the Act; (e) did the consultation process invite consideration of the human rights impact of aid provided in target countries and, if not, why not; (f) was participation by international agencies and civil society organizations open-ended or limited to a select group of participants; and (g) was the consultation process public?

(Return tabled)

[English]

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

#### Speaker's Ruling

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

**Ms. Olivia Chow:** Mr. Speaker, I apologize, I was outside but there were lots of people in front of me and I missed motions. I would ask for the unanimous consent of the House to return to motions.

**The Speaker:** Is there unanimous consent to revert to motions at this time?

**Some hon. members:** Agreed.

**Some hon. members:** No.

\* \* \*

#### REQUEST FOR EMERGENCY DEBATE

#### LIBYA

**The Speaker:** The Chair has received an application for an emergency debate from the hon. member for Scarborough—Agincourt and I will hear his submissions on this point now.

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Mr. Speaker, with the situation in Libya and the state of chaos and flux, some areas have been freed from the Gadhafi regime while the city of Tripoli has become a killing field. Canadians still in Libya are facing a certainty of danger. Those who want to leave are uncertain how to safely make their way to the airport or the harbour for evacuation. They need the government's help to get home safely.

Therefore, Mr. Speaker, I am asking you to permit an emergency debate on the situation in Libya and how it is affecting Canadians still there and those who have families in Libya.

#### SPEAKER'S RULING

**The Speaker:** I thank the hon. member for his interest in this matter. I note that the House has had two debates on the situation in the Middle East. One was an emergency debate granted by the Chair and the second was a take note debate agreed upon by all parties in the House.

At the moment, I am not inclined to order another debate on this matter at this time. However, if the situation does not resolve itself reasonably soon and the member makes another request later in the week, the Chair may be disposed to looking at the matter.

At the moment, I am not inclined to regard this as an emergency situation that requires a debate in the House. Accordingly I will decline the request at this time.

The Chair has received notice that some members may wish to make additional submissions on various questions of privilege that have been raised in the House.

I will hear first the hon. member of Kings—Hants, who has given notice that he wishes to address further a point that raised a week before we had the break last week.

*Privilege***PRIVILEGE**

## STANDING COMMITTEE ON FINANCE

**Hon. Scott Brison (Kings—Hants, Lib.):** Mr. Speaker, I am rising on the question of privilege that I first raised in the House three weeks ago. At that time, I advised you that the government's refusal to provide all of the information requested by the finance committee in its motion of November 17 constituted a breach of this House's privileges. I also advised you that the government's refusal to provide a reasonable excuse as to why it could not provide that information also constituted a contempt of Parliament.

Mr. Speaker, I now wish to draw your attention to some significant developments that have taken place, in some ways, since I first raised this issue with you on February 7. I will also draw to your attention the lack of significant developments in other instances.

The first development I would like to discuss is the supply motion from the member for Wascana that was debated by the House on Thursday, February 17. As you will recall, Mr. Speaker, the motion stated:

That, given the undisputed privileges of Parliament under Canada's constitution, including the absolute power to require the government to produce uncensored documents when requested, the government's continuing refusal to comply with reasonable requests for documents, particularly related to the cost of the government's tax cut for the largest corporations and the cost of the government's justice and public safety agenda, represents a violation of the rights of Parliament, and this House hereby orders the government to provide every document requested by the Standing Committee on Finance on November 17, 2010, by March 7, 2011.

Despite the hours spent by the House debating that motion from the member for Wascana and the repeated questions from members of the opposition, the government has still failed to either provide the requested information in whole or to provide an explanation as to why this information cannot be provided.

The government House leader did on February 17 rise on a point of order to table some information that supposedly was meant to respond to the order for documents made by the finance committee in its November 17 motion.

Shortly after noon today, the parliamentary secretary to the House leader did rise in the House to provide the government's response to some of the issues I raised on February 7 in this question of privilege.

However, the government's response remains woefully inadequate. The parliamentary secretary suggested that no order to produce documents existed in the finance committee's 10th report and therefore there was no prima facie case of breach of privilege. I would like to quote from the committee's 10th report to the House, which in turn quotes from the November 17 motion. They both state:

That the committee also orders that the Government of Canada provide the committee with electronic copies of the following documents...

The motion, as quoted in the finance committee's 10th report, then goes on to order the government to provide the committee with the following documents in relation to 18 of the government's justice bills. This order for documents includes:

the incremental cost estimates broken down by Capital, Operations and Maintenance and other categories

the baseline departmental funding requirement excluding the impacts of the bills and Acts broken down by Capital, Operations and Maintenance and other categories;

the total departmental Annual Reference Level, including all quasi-statutory and non-quasi statutory items, including Capital, Operations, Maintenance and Other Categories, including the incremental cost estimates;

detailed cost accounting analysis and projections, including assumptions, for each of the bills and Acts conducted in accordance with the Treasury Board Guide to Costing;

The committee's 10th report concludes by stating:

—the Committee wishes to draw the attention of the House on what appears to be a breach of its privileges by the Government of Canada's refusal to provide documents ordered by the Committee, and recommends that House take whatever measures it deems appropriate.

The government's response to the matters raised, both in terms of the information tabled in the House on February 17 as well as the parliamentary secretary's response in the House earlier today, is an insult to Parliament and an affront to Canadian taxpayers and citizens.

On February 17, the government only tabled rudimentary cost projections for just some of the bills and it failed to provide the House with any explanation as to how it arrived at these figures.

• (1515)

The government continues to deny us the information we need as parliamentarians to do our due diligence and to determine whether or not the assumptions behind the government's cost projections for these bills are reasonable.

The Treasury Board "Guide to Costing" explicitly states on page 7:

Departments should document all assumptions, processes and calculations used to produce the cost information.

These are some of the documents the finance committee has ordered, but instead of providing these assumptions, processes and calculations for the costing of these bills, the government has simply stated that the ordered documents are covered by cabinet confidence.

On February 7, I explained why these background documents related to the justice legislation are not covered by cabinet confidence. I argued that even if they were covered by cabinet confidence, this does not restrict Parliament's authority to order the production of these documents.

Furthermore, I argued that it was in fact in the public interest for the government to provide these documents to Parliament, but today, once again, the government has failed to address any of these arguments. It has failed to provide an explanation as to why it believes these documents are covered by cabinet confidence or why they should be kept hidden from Parliament.

By simply repeating its line that the documents are covered by cabinet confidence, the government is failing in its duty to provide this House with a cogent reason or reasonable excuse for its actions or inactions with respect to this question of privilege.

The other significant development that has taken place is the report from the Parliamentary Budget Officer that was provided to the finance committee last Friday. This report is in response to the finance committee's motion of November 17, 2010 and the information provided to this House and that committee by the government, up until and including the information tabled in the House by the government on February 17. In its report, the office of the Parliamentary Budget Officer acknowledged that the Government of Canada "has not provided FINA", the finance committee, "with most of the information it requested."

The office of the PBO also discussed the relevance of the finance committee's order for documents. The parliamentary budget office wrote:

1. Is the information requested by FINA [finance committee] relevant and necessary to parliamentary decision-making?

A. Yes. It is required for parliamentarians to fulfill fiduciary obligations under the Constitution.

2. Is it collected regularly by the GC [Government of Canada]?

A. Yes. The information is collected, analyzed and challenged as part of the GC's [Government of Canada's] expenditure management system.

3. Does Parliament have a right to the information?

A. Yes. The Parliament of Canada is under a constitutional obligation to review any information gathered during the EMS [expenditure management system] process that it views as necessary for the discharge of its fiduciary duty to the Canadian people to properly control public monies.

The government has had three full weeks, which is more than adequate to address the issues I raised on February 7 in my question of privilege.

The government has failed to do so. It has failed both to provide all the documents or provide any reasonable explanation as to why these documents cannot be provided.

Therefore, Mr. Speaker, I respectfully ask that you provide the House with a ruling on my question of privilege at your earliest opportunity.

• (1520)

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I would certainly point out that the hon. member for Kings—Hants made his original question of privilege argument several days ago. It is unusual, to say the very least, that he sees this as an opportunity to continue a series of mini debates on this very subject.

I would point out one irrefutable fact and that is nothing that the member for Kings—Hants said today is contained in the 10th report. That report is before you, Mr. Speaker. It is based on your findings on that report which I am sure you will make your ruling.

I agree with one point of my colleague from Kings—Hants, and that is we do encourage and urge you, Mr. Speaker, to make your ruling on this matter as quickly as possible.

Let me again state that there is absolutely nothing the member said here today in his accusations toward the government that is contained in the 10th report of the Standing Committee on Finance. That report is before you, Mr. Speaker. You have both the initial submission and my response today. We trust that at the earliest opportunity you will give the House your considered response and decision.

### *Privilege*

**The Speaker:** I thank both hon. members for their submissions on this point and I will bear them in mind as I come to a decision on the question that was originally raised.

The hon. member for Guelph is rising on a question of privilege also.

#### STATEMENTS BY MINISTER REGARDING KAIROS FUNDING

**Mr. Francis Valeriote (Guelph, Lib.):** Mr. Speaker, thank you for allowing me the opportunity to reply to the government's response to the question of privilege raised by the member for Scarborough—Guildwood on February 17, 2011.

By now, Mr. Speaker, you are quite familiar with the facts. My colleagues and I allege that on at least four separate occasions the minister responsible for CIDA misled or attempted to mislead the House or its foreign affairs committee in responses to inquiries about the KAIROS funding grant.

For the sake of clarity and by example, on April 23, 2010, the Minister of International Cooperation tabled a signed reply to a Liberal order paper question in which she wrote, "the CIDA decision not to continue funding KAIROS was based on the overall assessment of the proposal, not on any single criterion."

Later on, on December 9, 2010, when asked if she knew who had written the "not", while testifying at the Standing Committee on Foreign Affairs and International Development, the minister responded that she did not know who had written the "not", yet later admitted that the "not" was inserted at her direction.

On September 20, 2010, the minister tabled a signed reply to an order paper question submitted by the member for Notre-Dame-de-Grâce—Lachine reaffirming that it was in fact an agency decision to cut the funding for KAIROS, contrary to her later admission that funding was in fact denied at her discretion.

On this side of the House we have been asking questions about KAIROS since November 2009. We now have five or six versions of the events put out by the Government of Canada.

In defence of the minister, the government has advanced four lines of argument: one, the opposition should have been more diligent in its questions; two, the committee report makes no accusations; three, CIDA encompasses both officials and the minister responsible for CIDA; and four, bureaucratic and ministerial paper flow is not a work of art.

In his first line of argument, the parliamentary secretary to the government House leader said in his statement to the House:

Perhaps the member should have asked different questions or more questions or have been more diligent in his inquiry, but his unhappiness with the answer is not a breach of privilege.

Well, Mr. Speaker, it is not for want of trying. Since November 2009, the KAIROS funding has been the subject of 88 questions in the House, of which I have asked many; six statements by members; four order paper questions; 31 questions in committee; and one access to information inquiry.

*Privilege*

Perhaps the member for Scarborough—Guildwood should have asked more questions, or different questions, or have been more diligent, but does any reasonable person believe that the member for Scarborough—Guildwood would have gotten a truthful response?

What the parliamentary secretary to the government House leader is really saying is that it is permissible for ministers to be as evasive as possible in avoiding the truth.

At some point there has to be a conclusion that the minister knowingly attempted to mislead members by suggesting that the decision to de-fund KAIROS was a CIDA decision; a decision made by the very people who sat beside her at committee, who testified that they had in fact endorsed KAIROS for the grant and had even recommended an increase in funding.

Had we not confronted the minister and CIDA officials at committee and had we accepted the minister's answers in the House, we might well believe to this day that CIDA had recommended against the grant.

The second line of defence is:

No direct accusation of any sort is contained in the body of the report, no contravention or any aspect of the law of privilege is enunciated, and no person is accused of anything. There are no contradictions of fact, there are no incongruities in testimony and no indication of what the "other information before the House" might be. There is nothing.

It may be that the parliamentary secretary to the government House leader has misunderstood parliamentary procedure or he has set up a full argument to engage in spurious rhetoric. Either way, Mr. Speaker, parliamentary committees cannot make a prima facie finding of breach of a member's privilege; that is entirely your function and role. Therefore, a committee can only lay facts properly before you and suggest that there appears to be a possible breach of privilege.

● (1525)

The parliamentary secretary to the government House leader appears to invite an accusation and seems disappointed that the committee did not do so, knowing full well that it is not within a committee's power or mandate to draw such a conclusion. It has chosen to place the facts and circumstances before the House through a report. A finding of breach of privilege is a finding reserved specifically to you, the Speaker of the House.

However, if the parliamentary secretary to the government House leader has not heard any accusations, then he has not been listening. We have laid out in precise detail the accusations and the support for such accusations that my and other colleagues' privileges have been breached.

The third line of argument is that "CIDA encompasses both officials and the minister responsible for CIDA". Some of the time that may well be true. However, when the minister responded to the order paper question of the member for London North Centre, she chose to distance herself from her officials and left the impression that the officials made the decision rather than her. She implied that the KAIROS grant did not meet CIDA's standards.

Again, in her response to the order paper question of the member for Notre-Dame-de-Grâce—Lachine, the minister was quite clear:

● (1530)

[*Translation*]

"...KAIROS was recently refused funding as it was determined that KAIROS' 2009 program proposal did not meet the government's priorities."

[*English*]

Finally, when her parliamentary secretary was speaking on her behalf, he stated:

CIDA thoroughly analyzed KAIROS' program proposal and determined, with regret, that it did not meet the agency's current priorities. This is important.

She let that impression hang out there for months. Simply put, the minister had Parliament believe that she did not fund KAIROS because CIDA officials did not want it to be funded. We now know that this is false and that CIDA officials wanted to fund KAIROS. Therefore, it is clear that the minister was not speaking for CIDA and herself, as the parliamentary secretary wants us to believe.

Even the parliamentary secretary is now mangling words to re-characterize the minister's intent, when her intent was to mislead us into believing it was a decision of CIDA officials and not her own.

The fourth line of the argument is that "bureaucratic and ministerial paper flow is not a work of art". I agree. Paper flow is not, nor does it have to be, a work of art. I would settle for accuracy and truthfulness. A reasonable person looking at the critical recommendation line might well conclude that all three signatories disapproved of the grant, when we know that two and possibly three approved of the grant, until a person, who the minister claims is unknown, inserted the now famous "not".

It is clear that the minister did not intend that it might one day be made public. That part is clear. Neither the government nor the minister intended that this document see the light of day. Mr. Speaker, the reason for it being buried is that the minister and the government wanted you and I to believe that the officials made the decision to deny the grant. Therein lies the intent to mislead and deceive me, my colleagues, the press, KAIROS and, most disturbingly, the Canadian public.

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I will try to be as brief as possible. Let me again point out to you the unusual aspect of an opposition member, the member for Scarborough—Guildwood, first raising a question of privilege in the House and then having a subsequent argument following the government's official response.

I could go on again point by point to refute the accusations and allegations made by my hon. colleague opposite. However, there is nothing new in what the member stated before the House today. You heard both the original argument and the government's response, Mr. Speaker, and rather than drag this out, which we could over the next few days or perhaps even weeks, I would urge you and encourage you to bless us with your earliest possible response on the question of privilege.

**The Speaker:** I thank both hon. members for their submissions on this point. I will bear them in mind as I work toward a decision on the matter and will return to the House in due course with a decision.

## GOVERNMENT ORDERS

[*English*]

### STRENGTHENING AVIATION SECURITY ACT

The House resumed consideration of the motion that Bill C-42, An Act to amend the Aeronautics Act, be read the third time and passed.

**The Speaker:** When this matter was last before the House the hon. member for Thunder Bay—Superior North had the floor and has 15 minutes in the time allotted for his remarks.

I therefore call upon the hon. member for Thunder Bay—Superior North.

**Mr. Bruce Hyer (Thunder Bay—Superior North, NDP):** Mr. Speaker, when we left off before question period, I was speaking about Bill C-42, introduced by the Conservative government, which amends the Aeronautics Act.

To briefly reiterate what I said before, this bill should be defeated. It is nothing more than data mining by foreign security services, primarily the United States, and is an unwarranted invasion of the privacy of Canadians. This privacy invasion is backed up by the implied threat that U.S. airspace would be closed to Canadian commercial aircraft unless the bill is passed.

Let us explore some of the implications of the bill.

Apparently, passengers leaving Canada on a vacation to a destination south of us, be it Central America, South America, the Caribbean, could have their names, their birthdates and over 30 other pieces of personal information subject to screening by the U.S. Department of Homeland Security, which involves running that information through various government databases including the infamous U.S. no-fly list.

Bill C-42 amends the Aeronautics Act to allow airlines to send the personal information of passengers to foreign security services, not just the services of the United States.

What information will be forwarded is determined by requirements laid out in secret agreements with other countries. As we know, the government delights in secret agreements until it is too late to reverse them.

Details of those agreements have not been released. However, it is known that Canada has signed or is negotiating agreements with the European Union, Mexico, Brazil, Argentina, Chile, Panama, the Dominican Republic, and the U.S..

Details of the agreement between the European Union and the United States for the same information transfer are troubling. That agreement allows the following:

First, the information forwarded will be the passenger name record, which is the file a travel agent creates when one books a holiday. It can and usually does include credit card information, who

### *Government Orders*

one is travelling with, hotel, other booking information such as tours or rental cars, and any serious medical conditions of the passenger.

Second, the information collected can be retained by the United States for up to 40 years.

Third, this information may be forwarded to the security services of a third nation without the consent or notification of the other signatory.

Fourth, no person may know what information is being held about them by the United States and may not correct that information if there are errors.

Fifth, the United States may unilaterally amend the agreement as long as it advises the EU or other signatories of the change.

There has already been one amendment whereby all documents held by the EU concerning the agreement shall not be publicly released for 10 years with no access by others to that information request.

In essence, the bill would allow data mining of Canada's personal information by foreign security services.

If a passenger's name is not on one of the American lists, the U.S. Department of Homeland Security will allow the Canadian airline to issue that passenger a boarding pass. However, we have all heard the horror stories of the mess one can get caught up in if he or she happens to have a similar name, and especially the same birthday, as someone on that multi-million name list, or if someone has been put on the list by mistake. That person's name will never be taken off. He or she might be questioned, delayed or barred from that flight. Even worse, he or she may effectively be banned for weeks, months or years from all flights leaving Canada that overfly U.S. territory.

I know members of the Conservative government have been arguing that we have to give up some of our sovereignty if we want to have security, that this time the cost of our safety is the freedom of movement of our citizens.

● (1535)

It reminds me of Benjamin Franklin's famous saying, "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety", and I would add, probably do not get either one.

That is ironic because the bill will not improve the security of Canadians one bit. It does not have our security interests in mind at all. The Republicans could have and perhaps did draft this bill. If they did, there might be some clause for the sharing of information instead of it all being a one-way street.

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U.S. carriers could be giving us their passenger lists too, so that we could make decisions about our security, but reciprocity is nowhere to be found in Bill C-42. This is ridiculous. It is one-sided. Only Canadian passenger information is being sent to the U.S. All it does is send our personal passenger information abroad for not only the U.S. but other governments to do with as they may for a very long time. They could keep that information forever or pass it along to other groups or governments or use it to prosecute Canadians for their own purposes and we would not have any control of it at all. It is yet another significant erosion by the government of Canadian autonomy by the Conservatives.

Why should members of the House representing Canadians support this legislation if it will not even improve the security of Canadians? We are not elected to represent the interests of foreign governments. At least that is not the way I and members of the NDP see it. As the member for Thunder Bay—Superior North, I represent Canadians and constituents in my riding. Therefore, gutting the privacy rights of Canadians for no improvement in their safety is a foolish bargain.

It is no wonder the Canadian Civil Liberties Association called this bill:

—a complete abdication to a ‘foreign government’ of Canada’s duty to protect the privacy of Canadians, and a cessation of existing Canadian legal safeguards. This abdication and cessation of privacy protection is unacceptable and dangerous.

It is interesting that the bill comes from a party which claims repeatedly to believe in the privacy and autonomy of Canadian citizens and has claimed in the past, without a lot of evidence, that it fears big brother or big government intruding into the lives of average Canadians. This is not only the Canadian government but the United States and many other governments intruding with our permission.

This legislation rolls over and rolls back Canada's privacy laws in order to get airlines to pass along the names and personal information of air travellers to a foreign government. It gives a foreign government the ability to tell Canada's air carriers who can and cannot fly on flights that do not even land in its country.

There is the danger that unless this bill is agreed to, the United States could close its airspace to Canadian aircraft. While this implied threat may result in pressure to pass this bill, it is unlikely the United States would ever carry through with this threat.

While the bill will be spun as necessary for fighting against terrorism, there are no examples of how this data mining has caught a single terrorist or any other criminal. However, Maher Arar is an example of how this information can be misused to grossly abuse the rights and protections of a Canadian citizen.

Our own chief justice said in 2009:

One of the most destructive effects of terrorism is its ability to provoke responses that undermine the fundamental democratic values upon which democratic nations are built.

● (1540)

In conclusion, this faulty legislation would undermine both the sovereignty of Canada and Canadians' privacy rights. There is no evidence at all that it would increase security one bit.

I invite all members in the House to reconsider and keep the interests of our constituents in mind, vote against Bill C-42 and represent the interests of all Canadians.

● (1545)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the member closed his speech by saying this is faulty legislation. I have the bill here and I am not sure whether or not the member could point out where the fault is in the legislation. There may be some fault in the logic of the member's argument, that there are some options to whether or not he would like to respect sovereign authority of another country that is pursuant to an agreement that we have with the United States already. It is already in place. He knows that.

The question is, if the Civil Liberties Association says that this is an abuse of privacy rights and the Privacy Commissioner of Canada says no, it is not, how do we resolve the issue when any sovereign country says if we want to enter its air space, there are certain conditions to follow. How does the member reconcile that? It is not a matter of faulty legislation. We have to do something. What is it?

**Mr. Bruce Hyer:** Mr. Speaker, there are two kinds of bad legislation. There is legislation which is flawed in technical aspects, in research, in how the laws are applied or written. Then there is just plain, old, dumb, one-sided legislation that protects the rights, allegedly, of Americans with absolutely zero reciprocity to protect the rights of Canadians.

I have come to expect that from the party across the aisle, but I am pretty shocked to be hearing this kind of lame apology from a member of the Liberal Party for legislation which is so obviously one-sided and dumb.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, the member's excellent presentation regarding Bill C-42 explained the issues rather well.

Fundamentally, the government should be looking at improving security when dealing with air travel. One of the ways to do that is to look at the exposures that we have. The biggest exposure we have right now, according to the Allied Pilots Association, is the trusted shippers program where mail and packages go directly onto airplanes, sit right underneath passengers on the airplane, that are totally unchecked. These thousand-plus people in the trusted shipper program have not really been investigated, have not been checked, but once again, we are ignoring a major exposure at the expense of doing something like this which has questionable value.

When the Americans asked for this legislation, the government should have recognized that in fact there are maybe 100 Canadian flights flying over the United States, but there are 2,000 American flights flying over Canada. The negotiators should have been smart enough to say, “If it is good enough for us to give you the information, then why do you not give us the information?”

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The government tells me that is exactly what it is prepared to do. The point is that the Canadian government is not prepared to pay the evidently half a billion dollars in developing the computer system necessary to handle the information. We are prepared to let the Americans foot the bill for the computer system. We are going to give them the information so they can keep it and for what purpose? There is absolutely no proof we are going to get any tangible results out of this. There are just more questions.

The Liberal Party should be asking more questions about this rather than blindly following the government, as it does with this bill and many other bills in this House.

**Mr. Bruce Hyer:** Mr. Speaker, I never cease to be surprised by the depth and breadth of knowledge of the member for Elmwood—Transcona. He does a lot of homework and keeps on top of things.

The hon. member asked, who is going to pay the cost? In the late seventies we had a 36% corporate sales tax for large corporations in both the U.S. and Canada. Today that marginal tax rate for large corporations in the U.S. is still 36%, but for Canadian corporations it has dwindled down to 16.5%, which has not resulted in investment. We are exporting huge amounts of tax revenue to the United States at this point, so it certainly will be able to afford the cost of multi-billion dollar computers to keep track of the private lives of Canadians.

• (1550)

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, I listened carefully to the debate of the hon. member, and all members in the House today and in weeks past.

I understand that the American government does have authority to implement its secure flight program. International law is pretty clear on that, jurisdiction includes airspace above a country.

That is not at issue here. The Canadian government also has a duty and that duty is to protect the privacy and civil rights of its citizens. We are not disputing the fact that the Americans are protecting their sovereignty and are acting within those rights, but this is about what the Canadian government is doing to protect Canadian citizens.

I want to remind my colleague of some of the recommendations made by the Office of the Privacy Commissioner when this bill was before committee. The Office of the Privacy Commissioner is concerned about the direction this legislation is taking us in.

There were six specific recommendations. First, the Canadian government should negotiate the collection of minimal personal information, meaning strictly as necessary to ensure proper identification and therefore avoid false positives.

Second, question the retention periods of seven days for no match and seven years for potential matches to fulfill the commitment from the U.S. authorities themselves to collect personal information only as necessary for airline security.

Third, negotiate robust and accessible redress mechanisms for Canadians to minimize the impact of an erroneous match.

Fourth, implement measures to support Canadians availing themselves of the DHS redress mechanisms.

Fifth, inform Canadians of the exact scope of personal information that will be collected by DHS under secure flight.

Finally, clarify Canadian law on the conditions of disclosure of personal information by airlines to DHS to ensure public debate and legal certainty.

Some Liberal speakers earlier in this debate said that those concerns are all serious, but the legislation should be passed and we will worry about that later. I am not sure that is a responsible way to pass legislation in this House. Canadians deserve better from us.

I wonder if the member for Thunder Bay—Superior North could tell us whether he agrees with the Liberals, that when we pass this bill, we can work out the details later, or whether we actually need to get the details right before we focus on passing this legislation.

**Mr. Bruce Hyer:** Mr. Speaker, we can always count on the hon. member for Hamilton Mountain to be well prepared. I am very appreciative of her bringing the detailed and written recommendations made by the Office of the Privacy Commissioner here.

We often hear the Liberals playing fast and loose with the facts, but I do not know whether it is accidental or not, or whether it is just a lack of knowing.

We heard the hon. Liberal member just a little while ago say that the Privacy Commissioner did not have any problems with this bill. We just heard a good and detailed list of exactly the kinds of concerns that the Privacy Commissioner shared with members of the NDP and myself.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I am looking at the direct testimony of the Privacy Commissioner at committee on November 18, 2010. The member who just spoke is absolutely wrong. She said that there were no breaches of the act. It is like having regulations to a piece of legislation. How long is the retention period? How do we mitigate false positives, et cetera? These are operational things that happen in regulations.

If the member would check the actual testimony, he would see that the Privacy Commissioner had no concerns about the legislation, but did make suggestions on how to mitigate the potential for any undue invasiveness.

• (1555)

**Mr. Bruce Hyer:** Mr. Speaker, anyone interested could obviously check the text of both of those pieces of history. We have it written down and carefully read piece of evidence here in the opinion of the member.

I would just like to re-read the very short quote about the best opinion. The Canadian Civil Liberties Association calls this a complete abdication to a foreign government of Canada's duty to protect the privacy of Canadians. It is unacceptable and dangerous.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, on a day like this, many Canadians think about travelling south. Some may be thinking of going to Cuba or to Mexico, to the Caribbean, and in order to do so, they have to fly over American airspace.

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The bill before us is truly disturbing. Even though travellers are not landing on American soil, the information of any passengers and tourists going to a southern island will be shared with American agencies, and it is not just one agency, it is many different agencies.

The agreement before us, Bill C-42, would allow information to pass to the U.S., such as both passenger name records, the file created by travel agents when they book a vacation, which includes credit card information, with whom passengers are travelling, their hotel and other booking information, such as car rentals, tours they may take, and any medical and diet information. Essentially, almost their complete personal file would be handed over to the United States. The United States of America can keep the information for 40 years.

The United States agencies can then send the information to a third nation. It could be sent to China, Libya, Russia or wherever they want to send the information, without the consent of the tourist or passenger flying over American airspace. In Canada, a passenger would not even know this information is being shared by any number of countries.

If there is an error in the information, such as an error in a passenger's medical information, how many children they have or any number of things, because sometimes travel agencies make mistakes, neither the passenger nor Canada would find out about it, and before long the third country could have this erroneous information. This is the kind of invasion of privacy we are talking about today.

The United States may amend the information as long as it advises the European Union of the change, but Canada may not necessarily know much about it. Basically, any information about a Canadian would then be shared. Given the tens of thousands of tourists who go south over American airspace as they travel to other countries to visit their loved ones or to vacation, Bill C-42, would have implications for those tens of thousands of Canadians.

Even though the bill is very short, only two pages, the implications for air passengers is serious. Why is that so? Fundamentally, Canada has a slightly different foreign policy, I would hope, than the United States of America. We do not view Cuba, for example, in the same way as does the United States. We do not support the sanctions against Cuba. We allow for free travel to Cuba.

● (1600)

I recall that we had a distinctly different refugee policy when the U.S. was heavily involved in Latin American countries: El Salvador, Guatemala during the 1980s, and Chile during 1970s. For a long time during the 1980s the U.S. would deport people back to El Salvador and Chile where they faced death squads and were systematically killed. Nuns were brutally raped and bishops, such as Bishop Oscar Romero, were murdered in El Salvador.

I cannot imagine what would have happened to the Canadians who defended the rights of these brave church workers in El Salvador if that information was passed on to the United States and shared with the regime at that time. If those Canadians flew to any part of Latin America, their lives would have been endangered.

At that time Canada was very clear that we would not deport people back to Chile because the Pinochet government was not democratic and abused the human rights of its citizens. We would not deport people nor would we share the information of Canadians, especially church workers who worked very closely with people in those Latin American countries who were struggling for democracy and freedom from poverty.

We know that Canada had a different foreign policy. We did not participate in the Vietnam war or enter into the war in Iraq. However, if at that time Canadian passenger information was shared with the Americans then, for example, Vietnam war resisters flying over the United States could have had their family and their future put in jeopardy.

To allow this kind of secure information to be given to another country would reduce the sovereignty of Canada and Canadians.

It is not as if we do not have examples of mistakes made in the past with sharing information with the Americans. We can recall the case of Maher Arar who was sent to be tortured. The information on him was misused and incorrect, but he had no idea that was the case.

He was a 34-year-old wireless technology consultant. He was a native of Syria, but came to Canada with his family at the age of 17. He became a Canadian citizen in 1991. In 2002, in New York at JFK airport in transit to Montreal, he did not think twice that there would be a problem. Twelve days later, he was shackled and flown to Syria. He was then put in a tiny cell, which was like a coffin, for 10 months. Canadians are very familiar with the torture he went through. He was beaten and forced to make a false confession.

● (1605)

We know that was a mistake. Justice Dennis O'Connor, in September 2006, cleared Maher Arar of all terrorism allegations, stating that he was able to say:

—categorically that there is no evidence to indicate that Mr. Arar has committed any offence or that his activities constitute a threat to the security of Canada.

The Prime Minister even apologized and awarded him \$10.5 million in compensation because he was innocent.

Yet, to this day, Maher Arar is still on the American no-fly list. How many more Canadians are on that no-fly list? How many innocent Canadians are on this no-fly list? Canada has a right and a responsibility to tell Canadians and to advocate on their behalf to ensure innocent Canadians who are on the no-fly list see some kind of justice. Yet the bill probably would increase the number of people being entered onto an American no-fly list. That is highly dangerous and is highly invasive of people's privacy.

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Coming from a Conservative government that claims to protect people's privacy, through not wanting people to fill in the long form census, et cetera, we would think this bill would not see the light of day. Perhaps, at the end of the day, the Conservative government really does not care about people's civil rights and privacy.

We are seeing a disturbing trend of the charter rights of Canadians being violated. One of the charter rights states that in a democratic society such as Canada, it is important:

Security measures must be developed in the context of respect for and protection of individuals' constitutional rights, including democratic and due process rights, the right to privacy, freedom of peaceful assembly and freedom of expression.

The G20 report today said that people's rights to peaceful assembly and freedom of expression had been violated, yet the government will not call a public inquiry. Now we are debating Bill C-42, which totally violates the person's right to privacy, including the due process. How can Canadians have due process if they do not know their information is being shared with other countries? There is no consent and no notification. This means that person who is on some record, and not just one agency but many U.S. agencies share the information, will not have any due process that according to the Charter of Rights should be given to the he or she. The person will not be given any process to get justice.

It is no surprise that the Canadian Civil Liberties Association spoke out very much against this bill. It said:

—this bill would not meet a section 1 challenge, because it has no limitations. It does not adequately protect the problems that may arise with the disclosure of information....

Therefore, the first point is there is a constitutional vulnerability that should be looked at before we approve the bill.

She further talked about there being no requirement in Bill C-42 or in the regulations of the U.S. TSA for safeguards to protect the information.

•(1610)

There is no safeguard that the TSA will not pass information to other government agencies, such as law enforcement or immigration. There is no safeguard that the TSA will not pass this information to third countries and, in fact, it can do so. We know this has been a particularly difficult issue for some Canadians, Maher Arar being a case in point. There are several others. There is no guarantee that the TSA will not use the information for profiling Canadians, to put them on its watch list or the no-fly list.

In terms of immigration policies, for quite a large number of years, we know Americans were deporting people back to Haiti, whereas Canada does not do so. Again, it is because we have slightly different foreign policies. To now merge all this information is giving away Canada's right to have its own established rules and regulations.

The general counsel with Canadian Civil Liberties Association mentioned that the United States no-fly list was under constitutional review. It has been challenged because there are too many false positives arising out of it. We know there have been difficulties with this no-fly list, including a famous Canadian, Maher Arar, being on it.

The process has been described as Kafkaesque, as it does not allow people to know whether they are on it or not, how to get off it and what evidence is there. To this day, Maher Arar still does not know why he is on the American no-fly list. He has still been unable to remove his name, even though the government and our Parliament have said that he is innocent and is no threat whatsoever.

There is no guarantee that an innocent Canadian would not be mistakenly placed on the list, like Maher Arar. There is no guarantee that the person would not be prevented from flying or being detained in the U.S. or elsewhere without due process.

Speaking of the number of agencies, 16 U.S. agencies can share this information. Those who end up landing in a country that the U.S. may not support, such as Cuba, could end up in trouble because it is a third country.

All of this points to the fact that this is a massive invasion of people's privacy.

We have other examples. One case is a Belgium citizen, Paul-Émile Dupret, who is an analyst for the European Parliament and who has conducted a campaign opposing the transfer of European travellers' personal information to American authorities. As his flight was en route to Mexico, his final destination was Sao Paulo, where he was travelling to attend the World Social Forum, the aircraft had to circumvent the United States because the U.S. authorities were not authorizing Mr. Dupret to fly through American airspace.

We note that these individuals clearly do not represent a threat to air security. Mr. Dupret could very well have been a Canadian journalist or a public servant travelling to Latin America. It is an illusion to think that information provided under the secure flight program will be protected, or that it will be destroyed or that it will be error-free.

Last, Justice O'Connor's investigation of the Maher Arar affair made a lot of recommendations. To this day, the government has still not implemented those recommendations. Instead, it is going in the opposite direction and bringing in Bill C-42, with the support of the Liberal Party of Canada. What a shame.

•(1615)

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, the member for Trinity—Spadina raises a number of really important issues. Though I do not have a lot of time this afternoon to pursue some of them, I want to talk about the no-fly list. It is interesting when people like Senator Ted Kennedy and, indeed, the member for Winnipeg Centre in the House can be on the no-fly list with no recourse to get themselves off of it. What are we really doing here? We cannot even ask questions about this.

I want to remind members of a very important presentation that was made to the committee when it studied the bill. It was made by Nathalie Des Rosiers from the Canadian Civil Liberties Association. With everyone's indulgence, I will read part of her presentation into the record because it is very important for members in the House to be reminded of what she said. She said:

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Certainly to the extent that there is an expectation of privacy protected by the charter, this bill would not meet a section 1 challenge, because it has no limitations. It does not adequately protect the problems that may arise with the disclosure of information, and so on. So the first point is that there is a constitutional vulnerability that should be looked at before we go too much further.

She went on to say:

I would mention to the committee that in the United States, the no fly list is under constitutional review as we speak. It has been challenged because there are too many false positives arising.

The process has been described as Kafkaesque, in the way it does not allow people to know whether they're on it, how to get off it, and what evidence is on it. So that's the danger. The danger is that Canadian passengers, Canadians, will be put at risk of being stuck somewhere with no possibility of flying back. There's no guarantee that an innocent Canadian could not be mistakenly placed on the list. There's no guarantee that innocent Canadians mistakenly placed on the list will not be prevented from flying or from being detained in the U.S. or elsewhere without due process.

I want to ask the hon. member this. If that can happen to the late Senator Ted Kennedy and the member for Winnipeg Centre, what guarantees do Canadians have that they will not be similarly impacted?

**Ms. Olivia Chow:** Mr. Speaker, let me read several quotes. The first states, "the U.S. government [gives] unprecedented amounts of information about Canadians". That is talking about the privacy of Canadians. the member goes on to say:

I do not think the Prime Minister is being straight with Canadians about this issue. The deal would impose U.S. Homeland Security standards on this side of the border. Why is the Prime Minister even contemplating the surrender of Canadian privacy rights to U.S. Homeland Security?

The member further asked what biometric information on Canadians would the Conservatives surrender to the Americans and when would the Prime Minister tell Canadians and Parliament the truth.

I have another quote from the hon. member, who stated:

The issue is how much private information the Canadian government will hand over to the Americans in the harmonization of entry and exit systems. It is a question to which an answer should be given. Will we keep control over who gets into Canada in terms of our immigration and refugee policy and will the Prime Minister bring this deal to Parliament before an agreement is signed?

The person who asked all these questions is the Leader of the Opposition, the leader of the Liberal Party of Canada. Even though he has asked all those questions and he is opposed to the invasion of privacy, I do not understand why that party is supporting Bill C-42.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP):** Mr. Speaker, I have a couple of questions for my colleague.

First, is she dismayed by the fact that there is hardly anyone from the opposition and government benches asking questions on such an important bill? This bill would take the rights of citizens away.

The second is I simply want to know if she is in agreement with this. Testimony was given in committee by Dominique Peschard, president of Ligue des droits et libertés. He talked about the case of Paul-Émile Dupret, a Belgian citizen, who is analyst for the European parliament. He conducted a campaign opposing the transfers of European travellers' personal information to American authorities. All of a sudden, he found himself on the no-fly list. This is an individual who clearly did not represent any type of threat to air security, yet he is on the no-fly list.

I wonder if the hon. member agrees with the following, which states:

It is an illusion to think that the information provided under the Secure Flight program will be protected, that it will be destroyed or that it could be corrected in the event of any error. On the contrary, that information will be added to the data bases of the U.S. intelligence agencies and will be compared with information held by all the agencies...to determine whether such and such a person should be prohibited from flying over the United States or even placed on another list.

Could my colleague comment on this? Also, is she dismayed that the Liberals, Bloc and Conservatives are barely speaking on this issue?

• (1620)

**Ms. Olivia Chow:** Mr. Speaker, not long ago, on February 7, in the House of Commons, another Liberal member of Parliament asked:

On the question of privacy, what additional personal information will Canadians be required to disclose and what are the guarantees against cases of abuse like Maher Arar?

Before surrendering Canadian borders, sovereignty and privacy, will the government bring full details of any proposed agreement before Parliament for debate and approval?

The member also talked about negotiations with the United States having a direct bearing on Canadian sovereignty and the privacy of Canadian citizens.

Well, this part of the deal is right before us in the House of Commons. The hon. member for Wascana, who made those comments, should really tell the other Liberal members to stand up against Bill C-42 and say no to it, because it would surrender the privacy and the rights of ordinary Canadians. That is not what Canadians want to see.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I think we have to recognize that the information to be provided will be PNR information. Canada has a history and an involvement in its agreements with other countries dealing with PNR information. We actually are recognized as supporting and upholding a very high global standard for the use of PNR information, in particular, in the Canada-EU agreement relating to PNR matters. This issue was broached very well by Professor Mark Salter, from the University of Ottawa, at the committee. The agreement has been praised by Canadian and European data protection authorities because it has a number of very important features.

First, it has a specific time period for the disposal of the data; there is none of this 40- or 50-year question. It limits the data's use, which is what I think we want to see here. In particular, it limits the individualization of that data so that the information is rendered anonymous. That is what we want. While rendered anonymous, it still allows the security services to build up the profiles they are trying to build up but without attaching them to any one individual.

Is that not what we are seeking to do here?

The question is, why are the Bloc and Liberal members and some of the Conservative backbenchers raising this as an issue and asking for a different approach to it?

*Government Orders*

This is a global standard for international treaties that we are part of, and what we appear to be doing is moving away from it by adopting a bill like this.

**Ms. Olivia Chow:** Mr. Speaker, perhaps the government is far too interested in pleasing the Americans. There has been no effort to protect Canadians' interests in this bill. Canadians' concerns are not being listened to and their rights are being violated.

What I do not understand is that those words I just cited were actually by the member of Parliament for Willowdale, taken from her remarks during the debate on February 3. Yet even though the Liberal members of Parliament have talked of their concerns about the violation of people's privacy, they are supporting Bill C-42.

I think it is time we voted against this fundamentally flawed bill that is before us.

•(1625)

[Translation]

**The Acting Speaker (Mr. Barry Devolin):** It is my duty, pursuant to Standing Order 38, to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Sudbury, Credit Card Industry.

[English]

Resuming debate.

The hon. member for Elmwood—Transcona.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I want to follow up some of the comments made by the member for Trinity—Spadina in her speech.

We are seeing a spectacle here of Liberals supporting this bill without asking much in the way of questions. The Bloc is supporting this bill. Even the Conservative backbench is being very quiet and not asking questions that I would think some of their base supporters would want asked.

I recall listening to some of the criticisms made by the member for Eglinton—Lawrence a few months ago. One of his criticisms was that the bill was brought in on the last day of the June sitting. In fact, the member for Markham—Unionville said that he had only seen the bill two days before that. Without really having much time to examine the issues, he said he was okay with it and that he would be prepared to send it to committee.

Why is there a lack of interest in pursuing questions on this particular bill? We could be asking questions about many issues. I have asked the government privately about why it did not seek some sort of reciprocity.

The government has been negotiating free trade agreements in many sectors, and recently we met with a delegation from Trinidad, a country that is negotiating a free trade deal with Canada through the CARICOM organization. This deal has been in process for over a year. All of these issues are being dealt with in these negotiations, and have been since 2009. They are in their second round of negotiations. The issues are on the table and people are debating them and asking questions. There is no secrecy. In this case, on the other hand, it seems very much to be a rushed and secretive process.

I asked the government members why they would not ask for reciprocity. Given that 100 Canadian flights fly over the United States, as I am told, and 2,000 flights cross North America, why would our negotiators not simply say that if we are going to provide the information to the United States on the 100 flights, then we would want information on the 2,000 flights, and then see how the Americans would like that? Then we might watch the Americans retrenching and maybe backing off.

A government member told me that the U.S. would give us the information, but he asked what would we do with it when we get it. It would cost us, I believe he said, a half billion dollars for the computer system we would have to develop to process all of the information.

It sounds to me as though the Americans would have liked us to keep the information for them. However, we would have had to develop that computer system and the government does not want to do that. So the Conservative government says, "Well, let the Americans do it. They want the information, so they can pay for the computer system and we will give them the information, regardless of what in fact is going to happen to that information". It is just an unbelievable approach.

I never heard of a government that does things like this. I would have thought the government would dig in its heels at the beginning, defend Canadians' interests and demand reciprocity. I would have thought they would demand that information regardless of what they would do with it, and then see what the Americans would do. I guarantee that the Americans would back off. Just to prove my point, that is exactly what the Americans did.

There was a big issue here, a discussion about what to do about flights that cross American airspace when going from one point in Canada to another point in Canada. Pretty well any flight out of Toronto to my home city of Winnipeg will cross American airspace.

•(1630)

If the Americans had wanted to be consistent, they would have demanded that this information be provided as well. What they did was to provide an exemption instead, which proves that they can be flexible if we dig in our heels and have some backbone in the negotiations. We were able to negotiate that if an airplane flies over American territory on the way from Toronto to Winnipeg or Toronto to Vancouver, or between any two Canadian points, it will be exempt from this list.

Now the question really is how much of this is about security? I say this because we can give all sorts of examples where if one flies from one Canadian city to another Canadian city but goes through American airspace, one can go over some very sensitive territory in doing so. Planes can fly over or be close to major American cities, major American landmarks and major American installations. Thus the argument that somehow there is difference between flights going across United States territory completely and not landing versus flights that are going between two points within Canada and crossing American territory, I believe, runs counter to the fact there is an exemption, which indicates this not as big an issue as we are being led to believe it is.

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Then we have the drop-dead date of December 31. The member for Winnipeg Centre remembers that date. On December 31, the whole sky was going to fall if we did not get this thing passed. The government brought this bill in the last sitting day of June and said, "Here is the legislation and if we do not pass it by the end of the year, there are going to be no more flights over American territory."

Well, I was just on one yesterday. It never seemed to end, by the way. It took me two days to get back from Trinidad. A five-hour flight ended up taking two days, but that is a story for another day.

The fact of the matter is that this agreement was supposed to be in place or the flights were going to stop. It is almost March 1. It is the last day of February, and the flights are flying just fine. As a matter of fact, we may be in an election in the next two weeks, and in a minority government the legislation may never see the light of day. Even if it gets through the House in a minority government, it still has to make it through the Senate. There could be an election before that happens.

So much for those flights not being able to go over the United States. Members need to start asking the question, what is this really all about? And why are there no questions coming from the Conservative backbenchers? Why are there no questions coming from the Liberals? Why are they so quiet?

Why are my friends in the Bloc so quiet? On two occasions when I have been here, the Bloc critic talked about how important this was and how this affected Air Transat. That was the Bloc's whole reason for supporting the bill. The entire issue about how the information could be misused and where it was going to end up and whether it could end up in North Korea, somehow that did not seem to faze them one bit, as long as Air Transat was happy.

The member indicated that Air Transat could not get its Airbus A-319s and 320s landed in Montreal because they were big planes that took such a wide berth in circling that they inadvertently circled over American territory. If we did not have the agreement, somehow they could not fly over American territory any more and poor Air Transat would be shut down. They would not be able to have any more flights from western Canada because, once again, they would have to fly around all the corners of the United States. They are right about that, and it would add to the costs and delays for the travellers.

However, the reality is that we have to deal with what is before us. The fact of the matter is that the deadlines have passed, the flights are still going and we have an exemption already. There are just too many questions about this whole issue to warrant quick passage of this kind of legislation.

• (1635)

Professor Mark Salter of the University of Ottawa talked about what I call best practices. In government, business, accounting, and IT issues, we try to pick best practices that have been agreed to by professionals worldwide. Canada already has a very high standard when it comes to the use of the PNR information, all the information the airline keeps in its data bank on a person. When people look at whatever they have booked with an airline, there will be a passenger record consisting numbers and letters. That is where the information about a person is located. The PNR information is what is being

debated here. That information may end up in places the passenger may not want it to be.

We have a high global standard. We support that high global standard because we are signatories to the Canada-EU agreement relating to PNR matters. On the one hand we already agree and live with PNR issues that are acceptable to the European Union that best practices say is the way to go. This agreement is praised by Canadian and European data protection authorities for a number of reasons. What are those reasons? The member for Winnipeg Centre will be very pleased to hear this. There are time periods for the disposal of data. It is not 40 years and it is not seven days. There is a very specific period that puts a time limit on the disposal of data. It limits, in particular, the individualization of the data. That is what we are really concerned about.

The information is filtered. It is rendered anonymous. It allows the security services to build up a profile. That is what they want. If that is true and they claim they want to deal with profiles, they can build up profiles, but they do not need to attach them to individuals. That is what our biggest objection is to this type of activity. This agreement is a global standard for international treaties on PNR agreements.

The question is why would the government negotiators who are negotiating with the Americans not say to use that section. Why would the government's negotiators not say that there is wording and best practices in the PNR agreement with the European Union? Why not use that section? If it is considered a gold standard and everybody accepts it, why would we not make that argument? Why would we not say to the Americans that if they really believe they are not going to use the information for purposes we do not want it used for, why do they not simply live up to what is considered a gold standard? The wording could be cut and pasted. It is something that has been in agreements for years, something that even the Americans would probably agree to. They obviously did not want to do that or the government did not care to push that point.

**Mr. Pat Martin:** They're on their knees.

Mr. Jim Maloway: That is beginning to be what this whole situation looks like.

If we were to look at security threats, we should be looking at the trusted shipper program, if anybody knows what that is. The American Pilots' Association is so concerned about it that the association has made the program its number one concern. While we are subjecting passengers to all sorts of screening procedures, taking away their toothpaste and doing all this stuff, there are a thousand-plus trusted shippers, most of which have not been vetted or checked out very well, shipping letters and parcels. All these parcels are on planes all across Canada and the United States and they are right under where the passengers sit. Sitting a few feet below the passengers are parcels and mail that were not checked at all.

• (1640)

That is a terrible situation. If governments are concerned about security, why are they not looking at that? Why are they not taking immediate steps to screen those parcels and mail to make the whole situation more secure, instead of chasing around doing something like this?

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Let us look at the no-fly list, and there is a big joke if we ever saw one. Senator Ted Kennedy was put on a no-fly list.

I was in Washington after 9/11. The Americans were digitizing the mail. They treat the mail that goes to government offices, senators and members of Congress. No mail goes directly to them any more. The mail is secured in a post office maybe 100 miles outside of Washington. The mail is digitized. The mail is radiated and it turns a shade of yellow, similar to the colour of the jacket of the member for Hamilton Mountain. I have seen this mail. The Americans have a reason for doing it. They do not want people sending bad things to their elected officials.

That is something that works. There were some fits and starts with the program and it took a couple of years, but I guess they finally got the program working.

I believe we should be doing things that work, that solve a problem, not to have a no-fly list which included Senator Kennedy and other U.S. senators. A couple of years ago, some U.S. senators told me that they have been stopped at the airport and denied boarding. This is the kind of system we have. The member for Winnipeg Centre is on a no-fly list and cannot get off the list. He sent a letter but cannot find out how he got on the list.

We are dealing with it on this bill. The Liberal Party and the Bloc are going to have to answer to all of this when their constituents come calling to say that they are on the list and they want to find out about the list. Good luck finding out about the list.

Six-year-old Alyssa Thomas was going, I believe it was to her First Communion. I believe she is from Ohio. Her parents are physicians. She was trying to get on an airplane to go to her First Communion. She is six years old and she is on a no-fly list and she cannot get off the list. They sorted out the problem for her on that particular day with a lot of paperwork. Her father decided to follow up on this because the girl is six years old and her parents do not want this issue following her around for the rest of her days. Her parents sent a letter to the Department of Homeland Security asking what was going to happen. Guess what? They received a follow-up from the Department of Homeland Security addressed to the little six-year-old girl, which would neither confirm nor deny her presence on the no-fly list.

This is how people are being treated.

If we want to check our credit scores, we can contact Equifax. I recommend that people do that. There are at least two credit agencies in this country, Equifax and another one. They will give people their credit information and people can dispute some credit information. Perhaps a Visa bill was not paid one month or it was paid a few days late. It could have a negative impact. People have the ability to find out what information is on file and if there is misinformation, there is a process whereby people can correct the information. What is wrong with that?

If we can do it for credit information, which is considered very important, why can we not do it for something as important as a no-fly list which can stop people from even being allowed on an airplane? Why can we not have the ability to question the information on the list and dispute it in case it is wrong?

The member for Winnipeg Centre does not have that option. The six-year-old girl does not have that option. That is ridiculous. Why are the Bloc members and the Liberals sitting back and allowing that to happen? The backbenchers of the Conservative Party have nothing to say about the issue either.

• (1645)

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I thank my colleague from Elmwood—Transcona for raising on my behalf some of the frustrations I and others have with the reasoning that went into Bill C-42, such as this no-fly list that I was unfortunate enough to find myself on, and am still on.

My colleague would be interested to know that after years of trying, through the Department of Foreign Affairs, through ministers of foreign affairs, we finally found out who we might appeal to in the United States to get my name off of that list. They told me to send them my birth certificate, passport, marriage licence and all other pertinent information and wait six weeks to three months while they held all my personal information. They are in Washington, D.C. They would then make a determination whether or not there was anything they could do for me. I do not think that is any kind of avenue for recourse.

We are starting from a consensus in Parliament that a Canadian's right to privacy is one of the cornerstones of our western democracy, one of the very things that defines us as Canadians. That constitutional right is so paramount the Conservatives are obsessed with the belief that the long form census is an intrusion into Canadians' right to privacy in asking how many people are living in a household. In fact, there are legitimate social reasons to know that information in order to plan for social programs based on populations in regions of the country.

If the right to privacy is so paramount that the Conservatives actually cancelled the long form census, how can they not respect the right to privacy of Canadians who are travelling abroad without having their personal information bandied all over the countryside and internationally?

**Mr. Jim Maloway:** Mr. Speaker, it really is a mystery to me as to why the Conservatives are so quiet on the issue. I know their supporters were very vocal on the whole issue of the long form census, yet with an issue such as this they are particularly quiet. I know there are concerns over there and concerns within the party too. I gather they decided to simply ignore the obvious. The bigger surprise to me is why the Liberals and the Bloc are not raising concerns on this issue.

Air Transat is still flying through U.S. airspace. Everybody was supposed to stop flying. The world was going to come to an end on December 31. Well it did not. There was not going to be an exemption when flying from one point in Canada to another. We were not going to get an exemption, but guess what? We got an exemption.

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The government has to develop a bit of a backbone. It has to go back and try to negotiate a better deal. The Conservatives may actually surprise themselves and do better if they actually tried. We should not sit back passively and allow them to get away with this when we really do not know what the long-term liability of this legislation is going to be.

We pointed out some of our concerns and some bad practices in the past, but we do not know what the total ramifications are going to be. The members seem to be content to let things develop.

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, the member ran out of time, but I do want him to have the opportunity to comment further about what we have been seeing in this debate today.

There is a big disconnect between what the Liberals in particular were saying a few weeks ago and their complete lack of enthusiasm for debating this issue today. I will read a few things into the record.

On February 3, the member for Eglinton—Lawrence said:

I was immediately outraged both by the process and the substance of the legislation.

Again on February 3, the member for Willowdale said:

We find ourselves in a rather difficult position because although we have significant concerns about the privacy of Canadian travellers, the government, through its failure to do anything to protect those interests, has allowed us to get to the point where we have, in effect, become hostage to demands from the United States.

Then the member for Wascana said:

If we have a common entry and common exit system, does it not follow that Canada no longer has sovereign Canadian control over immigration and refugees? Canadians need to know what is at risk.

He said in another question:

What is the Prime Minister prepared to bargain away? For example, with respect to the admissibility of visitors, immigrants and refugees, will Canada apply its own standards...?

These are all questions that are being raised by Liberal members in this House, yet today not a single one of them is getting up to debate these very serious issues. When will they stand up and fight for the protection of privacy of Canadian citizens?

• (1650)

**Mr. Jim Maloway:** Mr. Speaker, I have to agree with the member. I thought that this issue would have gotten them quite excited. Under normal circumstances, I would have expected the Liberals to be very active on a debate like this and the Bloc to be similarly inclined. Why they do not see or have the concerns that we have on this is a fairly big surprise.

We have the experts' opinions about how the agreement could be improved, so we are not saying not to have an agreement here, but we are saying to have one that fulfills the best practices using the PNR agreement clauses in some other agreements. That would be a big improvement: asking for reciprocity, asking for further exemptions, asking for further clarification. The government says it cannot afford the computer system or else it would keep the data itself. The Americans are saying that we can keep the data ourselves; we must just provide the computer system.

Why are we not looking at something like that?

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I am very pleased to rise in the House today to speak at third reading on Bill C-42, An Act to amend the Aeronautics Act.

I did speak on this bill earlier, at second reading, and I think also at report stage. I certainly share some of the very serious reservations that my colleagues in the New Democratic Party have about this bill. I am very pleased that a number of us are getting up to speak on this bill. I would certainly echo the comments of the member for Hamilton Mountain and the member for Elmwood—Transcona that it is very disappointing that although we have heard other members of the House express concerns about the bill, apparently they are making a decision not to participate in the debate.

The reason we debate legislation is to have a thorough airing of what legislation is about and what its impacts and consequences will be. A bill is sent to committee, where it is examined very thoroughly and witnesses are called.

I do find that in this current political environment, a pattern that has been emerging is this idea that everything has to be rushed through. Everything gets a once-over, a quick once-over, and then off it goes. We get through it quickly at committee and call in a few witnesses. It seems to me that long gone are the days when parliamentarians examined legislation very carefully and tried to think about what the impacts of legislation might be immediately and in the longer term.

It strikes me that this is one of those bills that we have to look at not only in terms of the immediate impact on Canadians but also in terms of the longer-term effects. That is why I am very proud that members of the NDP have debated this bill very seriously. We have treated it very seriously in committee; here we are at third reading, final reading, and we are not prepared to say that we will just let it go and that it has had the kind of examination it needs, because we still have a lot of questions about this bill.

Even at third reading, it is not too late. I appeal to some of the Liberal members that it is not too late to reflect on this bill and to make a decision that it should not be allowed to pass third reading and then, of course, go to the Senate, where it will just be rubber-stamped and go through now that a Conservative majority has been appointed in the unelected Senate.

As a result, we take our work even more seriously, because we know that any examination that needs to be done has to be done in this place, has to be done in committee and has to be done by people who are following the bill, by calling in witnesses and hearing the expertise and experience that exist on this file.

Bill C-42, An Act to amend the Aeronautics Act does have a history. I remember when we debated it just before the holiday recess in December. We were told that this bill had to be passed by the House, that there was a deadline, that the U.S. government was insistent that this bill be passed and it had to be done by such-and-such a date. I do not remember exactly what that date was, but all of a sudden—

**An hon. member:** The world was going to come to an end.

**Ms. Libby Davies:** It was something like that; the world was going to come to an end, or at least flying would come to an end, and our relations with the U.S. on this issue would come to an end.

There was enormous pressure to rush this bill through. Fortunately it did not happen. We have been trying to find out ever since what that deadline was and how real it was, or whether it was just something that was manufactured to create the illusion, as we have seen so many times in the House, that something had to be rushed through.

We were very happy to give this bill a thorough analysis and to listen very carefully to what some of the witnesses had to say in committee. I think we have come to the conclusion that this is not a good bill. It is not in the interests of Canadians. There is no evidence that it is going to improve security overall. There is no evidence that it is going to improve the security environment vis-a-vis terrorism.

We do have concerns, and I think this is partly as a result of what we have seen in Europe, where similar legislation is being developed. For example, the European Commission has taken a very strong stand and has said that if such legislation comes through, it has to meet certain benchmarks. It has to meet thresholds about protecting the privacy of citizens.

● (1655)

It has to protect people's faith and trust that governments will not data-shop information, passing it around and creating enormous data warehouses where information can be used for God knows what and for all kinds of reasons.

There are some fundamental concerns about this bill. If this bill goes through, it will create a huge process and bureaucracy whereby very personal and detailed information about Canadian residents who happen to fly through U.S. airspace will be passed on to U.S. departments and security agencies and institutions, and may well go even beyond that to other states. That really concerns us.

We have all heard stories about people who have ended up on no-fly lists, whether it was because of an error or some bureaucratic screw-up or whatever. We heard about the recent case of a man in Toronto who was not able to board a plane and was in a difficult situation. Any one of us could imagine what it would feel like if we were going about our business, family or personal, and all of a sudden we found out that information was being forwarded to some security agency. We do not know what the information is, why we are on a list, or why we are suddenly being challenged and not allowed to board a flight. We have heard of so many of these cases. It concerns us that this bill would exacerbate and in many ways codify what we have already seen taking place.

As parliamentarians we should be wary of this. Our job is to create an equilibrium. Our job is to understand security issues, but also privacy issues and the civil liberties and political liberties that we all have. In the era of Big Brother, people react strongly to the government's collecting information about them and using that information in a myriad of ways.

We should recognize that since 9/11, groups in Canadian society have been targeted by these kinds of processes. I have worked with a number of individuals and organizations in my riding of Vancouver East who have brought forward cases of people being racially

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profiled and targeted, particularly at airports, for a different level of attention in terms of security concerns. The whole notion of profiling that goes along with this is concerning.

It is possible that many people think they have nothing to worry about. They think that if they have done nothing wrong, then they do not have to worry. If their names are on a list or if their information is being passed to a foreign government, why should they worry about that? A growing number of people understand that when an injustice or a process targets one part of the community, whether it is people with a Middle East background or people who observe Islam, then an injury to one is an injury to all. That is an old saying in the labour movement.

Although many Canadians may not feel they may be directly impacted by this kind of legislation, lots of people understand that the kind of broad mandate that would result from Bill C-42 would impact some people immediately but would also impact broader society. When the civil liberties and the privacy of some people are at risk, we should consider that it puts us all at risk as part of a democratic society.

● (1700)

We need only look at history to see how those things happen. Historically, the idea that we can remain naive, ignorant or in denial without that affecting us has caused very bad things to happen. Massive violations of basic human rights have taken place by the state. We are not talking here about other individuals. We are talking about the state itself and the enormous powers it has to use information gathering. We are talking about something as simple as a no-fly list and what happens when that kind of list is developed and information is gathered.

I note that Ms. Chantal Bernier, the assistant privacy commissioner of the Office of the Privacy Commissioner of Canada, actually made some excellent comments at committee last May when this bill was looked at. I would like to quote her briefly because she starts saying right off that "privacy and security do not have to be at odds".

In fact, she says that they should be integrated and that they do converge. She said:

The first one is that the right to privacy is a fundamental right that cannot be infringed upon, unless it is demonstrably necessary for the public good. It follows, then, that the collection of personal information can only occur when it is proven necessary, and it must be proportionate to that necessity. Third, that necessity must be assessed on an ongoing basis by verifying that the collection of personal information is indeed effective and necessary in relation to the identified necessity. Finally, it must also be demonstrated that there are no less privacy-intrusive measures available to reach the same goal.

I believe that is a very serious statement.

There are a couple of things happening here. If approved, this bill will set into motion a whole set of procedures regarding the transfer of information about Canadians who happen to be flying over U.S. airspace.

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Ms. Bernier is making the point that there has to be ongoing verification. Something can happen and we can respond to that. However, as the environment changes, where are those checks and balances to ensure that the provisions that are put in place are not of a nature so stringent that they take on a life of their own and begin to culturally assimilate into society until it is no longer noticeable that is taking place? She is making a very important point about the need for ongoing verification of the collection of personal information that it is actually effective and necessary.

The other point she makes is that work is required to show that other measures that are less privacy-intrusive could not have been used to achieve the same goal. I do not know if we have had that discussion. I am not on the committee and I do not know if it dealt with that. However, again, she has hit the nail on the head here in identifying another key principle. It is very easy for governments to sort of strike out and, in its almost absolute power over these things, create a mechanism that is all-encompassing, that casts a very wide net, much wider than need be.

Regarding the objective of a security concern, the assistant privacy commissioner sets out a test here that needs to be examined. If I paraphrase what she is saying it is this. What would be the lowest threshold measure that could be taken in respect of privacy to meet the needs of security and the public good without violating privacy? Again, we do not really have any information to allow us to determine whether or not that actually took place.

● (1705)

She also makes the point that it has to be demonstrated that any of the security measures, that violate privacy and people's rights, have to be for the public good. This is where members of Parliament need to come in because our job in this place is to uphold the public interest, not private interests, which includes privacy. I do not think that is a contradiction. It is the public interest based on checks and balances to ensure that any system put in place is not onerous to the extent that it has cast such a wide net that it actually is not appropriate and will have far-reaching consequences.

Again, the assistant privacy commissioner has made a very good point in establishing a test as to whether or not these measures are actually deemed to be for the public good, or the fact that they are so heavy-handed in infringing upon individual, human, and privacy rights, that they actually end up being offensive and intrusive measures that should not be allowed to be established.

Having said that, I think it is pretty clear that we do not like this bill. We do not think this bill should go through. We are very concerned that there was an attempt to rush it through Parliament when there has been no evidence that it needed to be. We would much prefer to apply the principle of caution when it comes to these kinds of measures. It seems to me that the federal government or any state has enormous resources at its disposal already to deal with security concerns.

I was in the House when the Anti-terrorism Act, then Bill C-36, was first approved. It was rushed through as well. That bill, in and of itself, has dramatically changed historically the way we deal with security in this country. It gives enormous power to the state to get involved in people's lives and to make decisions without due process, and without proper judicial oversight and review.

To me, Bill C-42 is just kind of a consequence of that. So here we are on this path. The course of least resistance is to say, "Let it go through". We are here today to say that we do not believe that and we do not think we should let it go through. We believe in that principle of caution. We believe in some fundamental values here of protecting Canadians' privacy. If we cannot do that as parliamentarians, then who will?

I do think there are some really excellent civil society groups in Canadian society that have done amazing work in bringing forward cases. One only has to look at the absolute horror of what happened to Maher Arar and information there that was passed to foreign governments and the price that he and his family paid. Certainly, his wife, Monia Mazigh, was an amazing person in her own right who led that fight. There were many groups that supported that struggle to ensure justice was done.

I do not diminish the work of those organizations and individuals who very courageously bring forward these issues, sometimes in a political climate of fear, in a political climate that becomes very divisive, where it is easy for the government to say it is them and us, and where we can play on people's fears. I really abhor that. I think it is the antithesis of what we should be doing as a democratic government and what we should be doing as parliamentarians.

However, the point I was getting to is that at the end of the day I do believe it is us as elected parliamentarians who represent that broad public interest, who have to do due diligence on this bill. We have to be cautious, challenging, and we have to be suspicious in many ways, and not necessarily accept the arguments given to us as to why this bill should be approved or why it should have been rushed through.

I am happy to have spoken to this bill and I hope that others in the House will as well.

● (1710)

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, none of us dispute the fact that the Americans have the sovereign right to protect what happens in their airspace, but we count on the Prime Minister to also take Canadian sovereignty to heart. Part of that involves taking the responsibility seriously to protect the privacy of Canadian citizens.

For me, there are four things that are really at the heart of this debate. First, under Bill C-42, the information forwarded to foreign governments will be the passenger name record and that is the file that travel agents create when they book vacations. It can include things like: credit card information, who people are travelling with, their hotel, other booking information such as tours or rental cars, and any serious medical conditions of passengers. Nobody should have a right to people's personal medical information except for the people it pertains to and their physicians.

*Government Orders*

Second, the information that is collected could be retained by the United States for up to 40 years. Third, this information could be forwarded to the security service of a third nation without the consent or notification of the other signatory. Fourth, no individuals may know what information is being held about them by the United States and may not correct that information if there are errors.

As I said earlier in the House, if somebody like the late Senator Ted Kennedy and the member of Parliament in the House, the member for Winnipeg Centre, can be on the no-fly list and they cannot figure out how to correct the record, what is the average Canadian citizen going to do? Is it not our responsibility in the House as Canadian legislators to protect Canadians against these kinds of problems?

If we are not doing that job, I would suggest that we are not acting in the public interest, which is really the point the member for Vancouver East was making. It is our obligation to protect the public interest. Unlike my Liberal colleagues, I do not think it is good enough to say that we should pass the bill and worry about it in regulations later. We have to perform due diligence at the front end and get this right.

I wonder if the hon. member for Vancouver East would care to elaborate on those really important points a little further.

● (1715)

**Ms. Libby Davies:** Mr. Speaker, I would be happy to elaborate on my colleague's points about this bill. She is correct that the four issues contained in the information that is passed to a foreign state is very troubling.

The other thing that is really worrisome is that a number of these agreements are being negotiated, but none of the details have been released. We know that Canada is negotiating agreements with the European Union, Mexico, Brazil, Argentina, Chile, Panama, the Dominican Republic and the United States, the one we are dealing with today. The member referenced details of the agreement between the European Union and the United States, so at least we have some of that information. However, what we have is scary and very worrisome.

The fact is that we do not have transparency on the other negotiations that have taken place with Canada and the countries that I mentioned, and perhaps there are others we do not know about yet, and this information can be retained for up to 40 years. We begin to see the very long-term consequences. That, for me, is one of the big issue with this bill.

Who will remember where it all began? How does one go back to trace that and figure out how these processes began that are debilitating in terms of fundamental rights and privacy? We are talking decades of something taking on its own life and dynamic. We end up in a place where people have less and less ability to, one, even know what is going on and, two, be able to access information or appeal if they feel they have been placed on one of these lists improperly or unfairly. It is actually very scary that this information would exist for so long.

I come back to the Privacy Commissioner's comments and the member talking about the need to have ongoing verification. At minimum, there has to be some kind of strong oversight that is

transparent, so the process itself is not behind closed doors. I thank the member for raising those comments because they help illuminate why we are so concerned about this bill and taking the time to debate it to alert people to what is going on.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, in listening to the remarks of my colleague from Vancouver East, I was reflecting on the notion that of all places in the Canadian Parliament, in the House of Commons, we should be using our time and be seized with the issue of strengthening and reinforcing those fundamental rights and freedoms by which we define ourselves as Canadians instead of bearing witness to the erosion and the undermining of those very rights and freedoms, one of which is the citizens' right to privacy, because members seem to have things upside down on that side.

We, as citizens, have a right to know what the government is doing with our money, and we have a right to know what the government is doing in terms of policy and planning on our behalf. But the government does not have a right to know everything that we are doing and certainly a foreign nation does not have a right to know everything that we are doing, our freedom of movement, our personal health records, our credit card information and who we travel with. That information could be very damaging in the wrong hands to our well-being, so the government has an obligation to uphold our right to privacy, not negotiate it away.

As I listened to my colleague's speech, it is so topsy-turvy for us to use precious parliamentary debating time on a matter that threatens to erode and undermine those basic fundamental freedoms on which we built our nation, those freedoms that define us as Canadians.

It frustrates me that we cannot convince our opposition colleagues of the basic truths that the member for Vancouver East was trying to convey, that these are things we have to hold on to and we have to be vigilant because it is a fragile, tenuous thread that holds our democracy together. Those threads are the rights and freedoms that we crafted in the formation of this country. It is at our peril that we let any of them be eroded or dissipated by legislation or regulation. Certainly the Government of Canada should not be negotiating away at an international bargaining table those basic fundamental freedoms that we enjoy here today.

● (1720)

**Ms. Libby Davies:** Mr. Speaker, it is rather ironic the perceptions of stereotypes that on the one hand the NDP is often characterized as being the defenders of big government and we hear about Conservatives who are there for the little guy with privacy and conservative values. I agree with the hon. member when he says it is very topsy-turvy, because the Conservative government and before it, unfortunately, the Liberal government, which was hell bent on legislation that was taking us down this path of erosion of rights. It has been left to New Democrats to stand and speak the truth about what is going on here in terms of more legislation such as Bill C-42, that will undermine and erode those very basic values of privacy.

*Government Orders*

It reminds me of other historical instances whether it was the Chinese head tax, the internment of Japanese Canadians or speaking against the War Measures Act. Sometimes it is not popular to stand up at those moments when something is taking place and to look beyond the frenzy, the fear and the politics that are created at that moment and to look beyond that to what is being created.

We have done that and we feel very proud of that history, but with the bill, it is part of the pattern of governments which are in effect data mining Canadians' personal information and sending it to foreign security services. There are no checks and balances. There is no verification. There is no process of transparency and accountability. This is one of those times that we have to get up and ask who is watching this. We are doing that and we implore other members of the House to do—

**The Deputy Speaker:** I will remind members that we are now into the part of debate where speeches are 10 minutes and questions and comments are five minutes.

Resuming debate, the hon. member for Eglinton—Lawrence.

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, I have spoken to this bill in the past and there are some themes that need to be repeated over and over again.

With all due respect to my colleagues from the NDP who have raised the issues of privacy and commercial rights, et cetera, and perhaps cast a net of blame and guilt to all parties, including the Liberal Party, inappropriately so in my view, and especially since the Liberal Party, when it was in government, resisted these incursions upon the sovereignty of Canada, incursions upon the privacy of Canadians by foreign states in the most vigorous fashion. It is a little disturbing to hear someone say that the Liberal Party would actually go in the opposite direction.

The truth of the matter, though, and many of the people who have been following this debate will bear this out, is that the Americans gave Canada notice more than a year and a half ago that by the end of 2010 their legislation would apply to their territory and the air rights associated with their territory. The consequences upon foreign carriers, or indeed even domestic carriers that would be carrying passengers over American territory whether they were to land there or just transit, was going to be subject to that American legislation. They gave a year and a half of warning.

The Privacy Commissioner gave the government an indication of what the implications would be for individuals and for commercial interests a year and a half ago.

All of this to say that the government, had it been interested in the issues of sovereignty, whether they would be commercial or private, did absolutely nothing.

I know it satisfies many people to talk about the ineptness of government or maybe the unwillingness on the Conservative government's part to protect the interests of Canadians and their sovereignty. But keep in mind that the legislation the Americans passed went into effect last December and that Bill C-42 would not do anything other than hold Canadian airline companies that go into the United States or fly over the United States safe, harmless from any liabilities under the Privacy Act. That is essentially it. For the Americans, security trumps privacy, it trumps commercial interests

and it certainly trumps the sovereignty concerns of other states, including Canada.

What is that security concern? I should not cast the blame to Liberals, the NDP, or the Bloc on this because they were not at the table. The Conservative Government of Canada was at the table and it was unable to negotiate for Canadians any kind of exemption.

Further, it was unable to eliminate from this current legislation the fact that any other state can apply the same sanctions that the Americans have done to Canada.

This business about security trumping virtually everything else has been the mantra of the government, but it is also the mantra of the United States. I am not going to criticize the Americans' concern verging on paranoia. They are applying that to us. However, the government has not been able to convince the Americans that the measures we have put in place for security, at least in the air industry, are sufficient to make them comfortable about Canadians travelling over the United States and into the United States by air.

Why do I say that? Take a look at the fact that last year the government, right out of the blue, provided \$11 million to put 40 body scanners in our main airports so that we can be extra sure there is not going to be any threat.

• (1725)

The body scanners and the new technology that have been put in place in many of the country's airports may do something to secure people's sense of safety. The fact that there was only one company allowed to bid and only one company to which that contract went is another story.

However, \$11 million for 40 body scanners, and none of those scanners have any way of finding trace elements of powder or chemicals. I know that the minister is asking what this has to do with anything. Well, it has to do with the investment we make in air security on the air side. The Americans are looking at this and saying they are not happy with what we have, so they are not even going to negotiate any mitigation of the legislation. Do we have air marshals on every one of those planes? The answer is clearly no, so what other mechanisms have been looked at in order to provide the sense of security they need with respect to safety on the air side?

On the land side, they can handle that, but the air side they are not convinced. Did the government make any effort? The answer is no. Did it take a look at the research and the development that is available, whether it is in the United States or in Israel, which is always touted as the place that has the best technology and the best procedures for security? Did it do that? No, it did not.

It washed its hands of any responsibility and in fact turned its back on the Americans and told them to make laws for their country and if it applies to our citizens and our commerce, well, then we will deal it. What we will do is sit down and talk about a security perimeter.

That is so old hat. It has taken the Americans five years to come forward with a proposal that in effect says to the Americans, "We will be responsible for the northern border in the United States and let us see if we can negotiate for you what that means".

*Government Orders*

What will the Americans accept? So far they have not accepted our body scanners, they have not accepted the fact that we make roughly \$500 million of investment in security as people go through airports. We have just increased taxes by \$3.2 billion over the next five years so that we can provide greater assurance at the airports, not necessarily the naval ports or any other land ports.

An additional \$3.2 billion of taxation the Conservative Government of Canada says it is now going to impose on everyone in order to make the security perimeter more or less feasible. We do not know what the government is going to spend that money on. Please tell us that it is on new technology. Please tell us it is on research and development of the technologies that the Americans, the Israelis and others who are absolutely paranoid about safety, and maybe rightly so, are using.

We have no clue where the Conservative Government of Canada wants to take us and what kind of submissions it has made with the Americans with respect to overflying or landing in the United States by Canadians who are no threat to anyone.

I can see that some of my Conservative colleagues opposite are saying that this guy is playing down the business of security. Nobody does that. Nobody in the House says that we should not ensure that the Government of Canada provides security for its citizens.

What everybody demands is that the Government of Canada make at least a token effort to protect the business interests of Canadians and the privacy interests of all Canadian citizens as they go about the business of travelling around the world. The Conservatives have not even done that.

It is easy for someone to say when we go to other countries, we abide by their rules. That is the only thing that the government believes in. If people leave the country, they are on their own. If they fly over somebody else's territory, they are on their own. There is more to government than simply saying "you are on your own".

If the Conservatives feel that their rationale for coming into government is to prove that they are ineffective negotiators, that they have no concern for Canadians and no concern for their commercial interests, Canadians are going to have to judge them on their rationale for being in office. What a shame.

• (1730)

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, our House is not the only one considering agreements with the U.S. around the issues of flights and passenger name records. As the member for Eglinton—Lawrence will probably know, the United Kingdom and the House of Lords committee looked at this issue in some detail. The following are some of its conclusions:

The Committee fully accept the potential value of PNR data in the fight against terrorism. But the data must be collected accurately, analysed correctly, and used only for counter-terrorism and related crimes.

The committee said in its report:

We believe that the use of PNR data for general law enforcement purposes, as opposed to countering terrorism and serious crime, is undesirable and unacceptable.

It is talking about the agreement between the U.S. and the EU. It went on to say:

The current PNR agreement with the US does not achieve this. Data can be used for many crimes other than counter-terrorism - even for protection against infectious diseases. Data are widely available, and distributed without appropriate safeguards. The US avoids its current undertakings about PNR; this cannot be allowed to continue.

If members have listened to the speeches in the House, they will know there is grave concern that there is no such protection in the agreement between the United States and Canada either. First, does the member want to comment on that? Second, would he then indicate to the House whether he will vote for or against Bill C-42?

**Hon. Joseph Volpe:** Mr. Speaker, I always enjoy debate in the House. Perhaps we should all enjoy it more often because it will give us an opportunity to raise the issues that are of concern to many Canadians.

My hon. colleague will know that about three and a half years ago the current Minister of Foreign Affairs, who was the then minister of transport, introduced what we would call a bite-sized bill, so members have an opportunity to advertise they are doing something, which was essentially a no-fly list. People's names could be put on a no-fly list and only the minister of transport at the time could remove it, but he had to go through the minister of foreign affairs and Homeland Security. Homeland Security was not about to answer phone calls from Canadian citizens, or any citizen, on the spur of the moment because their name was on a no-fly list.

The government already gave away individuals' privacy three years ago on a no-fly list. It said then that people were on their own. If they got on a plane, it was somebody else's problem if they got into trouble.

I believe the member was here when we had that debate and discussion. It is unfortunate we have to repeat it.

• (1735)

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, I have to claim some confusion. I read parts of the speeches that the member and other Liberals gave at second reading. I have listened to some of their speeches today and earlier at third reading and I am confused.

The member has just done it, as well as others from the Liberal Party. They attack the government on the merits of this bill, but, as far as I know, they still will vote for it, in spite of all of the problems with it and all of the potential risks that it poses to Canadian citizens and residents who at some point may be flying through U.S. airspace.

Could the member perhaps confirm that Liberals will vote for the bill in spite of his speeches and that of other members and if so, why will they vote for it when they know all the problems that will arise out of this bill if it becomes law?

*Government Orders*

**Hon. Joseph Volpe:** Mr. Speaker, I want to remove all doubt. I was the first and only member of Parliament from either side of the House who actually spoke on the bill when it was presented last June, on the last day of sitting. I took great pains to try to raise awareness. I did not hear very many people from the NDP party, because it is an NDP member who has asked this question, comment on it.

I pointed out all the difficulties associated with the bill and indicated at the same time that whether we voted for or against it, after the end of December, it would be a moot question. The Americans were already subjecting us to all of this and the Government of Canada wanted nothing to do with it. As I said, people are on their own.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, I am still waiting for the sky to fall. The end of December came, then January and now February 28 and the sky had not fallen. It is so typical, both of the official opposition and the government to fall into that trap. Anytime when dealing with a bully, one pushes back and does not cave. That is what we see happening on this bill.

It is a fairly innocuous bill when looked at initially. It has two sections to it. However, the impact it has on Canadian citizens flying is quite severe. This is not an issue in which we are saying this is what is likely to happen. We know it has already happened. That last member sat at the transport committee, where he heard the evidence from witnesses before the committee who described incidents where the United States had acknowledged the errors on its no-fly list and had also acknowledged the number of times the list had been used improperly.

I will talk about the errors on that list. This is the point we have to understand. What will happen is that more Canadians will end up on that no-fly list. More Canadians will have their ability to fly as they have traditionally, denied. Given the inability of the U.S. to manage the list, I think more Canadians will be in the middle of flights that will end up being diverted. I can give assurance that the list is not any better since then. If anything, it is worse because more names have gone on it. This was done by the electronic privacy information centre. It challenged the integrity of the list. It said that known or suspected terrorists were on this list and that the list remained filled with errors. That was the absolute conclusion to which it came. This is a U.S. government agency making that determination.

If we pass the legislation, and it will be the shame of Parliament if we do it, there will be hundreds if not thousands of additional Canadians being faced with that problem.

It has been difficult for me. I have a file right now of a very well-known individual in the Windsor area, and I will be very careful not to disclose it because the impact on him and his business would be horrendous. However, he and I believe he is on the U.S. no-fly list because of malicious information from a business competitor. I have been working on this file for over a year now. There is absolutely no way of finding out who made the initial allegation, who gave the Americans the information that he was a terrorist. There is no way of finding out how to get more specifics so we know what we are dealing with. The U.S. will not give us any of that. There is no process to get him off the list.

We have heard repeatedly in the House, and in committee in particular, of the abuse that has gone on. There are estimates that there are as many as 500,000 to 1 million names on the list.

Let me use another example of the ineffectiveness of that list. At Christmas a year ago, we had the Detroit underwear bomber incident. He was on the list. The Americans had been advised twice, once by his father and once by another source, that he would take that flight. They do not have the ability to manage that list. It is just horrendous that we are faced with the Kafkaesque type of responses that we get from that government. Yet the Conservative government and both opposition parties in the form of the Bloc and the Liberals are prepared to vote to allow more Canadian names to end up on the list.

● (1740)

It is not as if there is no alternative. We understand the sovereignty issues facing the United States. However, my riding is surrounded by the United States on three sides, and I am being very blunt on this, and there is a level of paranoia that exists around security in that country. We understand where it comes from, but Canadian government officials and Canadians have to understand how overblown it has become since 9-11. I believe we have a moral responsibility country to country to say to our neighbours that they are wrong and that there are ways to deal with this.

I will go through three points that we should be saying to the Americans before we allow any of this to go forward.

First, they have to clean up their list. That is an absolute precondition.

Second, they have to build in a process to allow individuals whose names have ended up on that list to counter the information that put them on the list. It should be a simple, straightforward and rapid process.

Third, we have to be absolutely clear that this information cannot be shared with other governments. We have seen all too many cases. The Maher Arar case is probably the most notorious case in the world. His information was transferred to another country. We saw the whole rendition process that he was put through and how it ended up. That would happen again at some point in the future with regard to this legislation. The government ended up apologizing to him and paying him \$10 million to \$12 million. How many more times are we going to have to do that because of passing this kind of legislation?

We also heard repeatedly about the threat from the United States, that if we did not get this bill through by the end of December, that they were going to cut us off and we would not be able to fly through its airspace. That has not happened and there was never any expectation, in our minds anyway, but there was in the minds of the government and I guess the Liberals.

Again, the Americans were very clear that when they were negotiating with us, they would be looking after their interests. I am not saying anything that would insult them. I think they would probably see it as a compliment. They expect one of two things from us. If they are being honest, they expect us to give in all the time. Also, reluctantly, they would respect us if we stood up to them and did not give in because it was wrong.

*Government Orders*

We should be telling the Americans that requiring us to submit our sovereignty rights to protect our citizens is not going to happen unless those three conditions are met as an absolute minimum. Also, if they are going to go ahead with this, then we should have access to the same information, which we do in other areas.

Why is the government doing this? Other than simply succumbing to that pressure, it is not standing up for our country or its responsibility to protect our citizens. The government simply gives in. There is no other explanation. This bill does not make any sense, looking at it from the perspective of Canadian citizens.

To put ourselves in this proposed position would be a total abdication of our responsibility as parliamentarians. The basic fundamental responsibility we have is to protect the interests of our citizens, their security, privacy and civil liberties. If we pass this bill, we will abdicate our responsibility in all three of those areas.

• (1745)

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, as I said earlier, I always enjoy hearing other people's views in this House. However, I wish that the member had not said what he did about the sky not falling because I can see the pencils being sharpened by my colleagues on the government side, saying there is justification for passing this bill right away because it is unnecessary, and the government of the United States and the Government of Canada have already accomplished what they needed to accomplish, so who cares.

I just want to correct something else for him. While it is true that I was a member of the transport committee, and I know the minister is looking at it and he is saying, "A great member, as well", I have not been a member of that committee since last June. All my commentary is associated with my having been a former member of that committee and having followed the issue from its inception. So, if somebody confused somebody else's presence on the committee, when the hearings on Bill C-42 were taking place, I am delighted that my presence had such an overwhelming impact on whomever was there that I am now confused for other members on that committee.

That having been said, I think that there are some valid points that have been made by my colleague and there are points that need to be addressed constantly because, as I said before, the government does not care. It says, "You're on your own". That is its mantra. Maybe he should address that.

• (1750)

**Mr. Joe Comartin:** Mr. Speaker, my colleagues were just speculating what that was all about, so I am having some difficulty responding.

I did not get an answer from that member as to whether his government, or his party, and I think he still thinks he is in government. He certainly talks, in terms of responding to questions, as if he were still on the other side of the House, in terms of not answering.

There is absolutely no reason, given the speech that he has made in this House repeatedly and that other members of his party have made in this House repeatedly, attacking this legislation and this kind of approach and attacking the government for being weak in its

negotiations. What is it he kept saying? "Just leaving them up in the air". Why are they voting for this legislation? Are they making the same error as the government? Are they caving in to the bullying tactics of our neighbour, as opposed to standing up for our citizens and saying, "We're not doing that. You're not going to abuse our citizens that way. Here's an alternative route you can go down. We're prepared to look at that. We're prepared to negotiate with you, country to country, but we're not caving in". As opposed to what they certainly are prepared to do by voting for this, and the government is clearly in favour of.

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, for me, the issue that the member raised that is most important is the issue of the no-fly list. When it comes to that list, no person may know what information is being held about them by the United States. Perhaps what is even worse, for me, is that they may not correct that information if there are any mistakes.

We have talked a number of times in this House about some of the people who were on that no-fly list. If the late Senator Ted Kennedy and the member for Winnipeg Centre, who I do not think anybody in this House would suggest is shy, cannot figure out how to get their names off that list, what are average Canadian citizens going to do?

The member referenced in his speech the case of Maher Arar who was also on that no-fly list. Let us look at what happened in that instance. We had a commission of inquiry which, as we know, was done by Justice Dennis O'Connor. He concluded by saying:

I am able to say categorically that there is no evidence to indicate that Mr. Arar has committed any offence or that his activities constitute a threat to the security of Canada.

The Prime Minister apologized. We paid compensation to the tune of \$10.5 million. Yet, the U.S. authorities refused to accept that he is innocent and to this day he is still on the no-fly list.

I know that the member for Windsor—Tecumseh is a lawyer. I wonder if he could tell us whether anyone can actually get their name off that no-fly list?

**Mr. Joe Comartin:** Mr. Speaker, the answer, in short, is no. There does not appear to be any way of being able to get one's name off that list.

As I say, I have this case that I have been working on for over a year. I have explored every angle, both legal and political, as well as administrative behind the scenes, and there does not appear to be any way that one can get one's name off that list.

I think we have had a Federal Court decision that said some similar thing, in terms of other cases. So, it is just not possible to do it and yet, we are prepared to expose more Canadians to that list.

**Hon. Rob Merrifield (Minister of State (Transport), CPC):** Mr. Speaker, I move:

That this question be now put.

• (1755)

**Mr. Joe Comartin:** Mr. Speaker, I rise on a point of order. We still have other individuals who are prepared to speak on this.

**The Deputy Speaker:** That is fine. The motion is that the question be now put. That is a debatable motion, so we can continue on with debate.

*Privilege*

However, right now we are in questions and comments. There is a five minute question and comment period for the minister of state.

The hon. member for Timmins—James Bay.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I find it interesting the way our colleagues in the Conservative Party have tried to shut down debate on this. They want to push this through. They do not want to be honest with Canadians. This is the party that ranted about the long form census and claimed that if two Canadians felt that there was a fear of black helicopters in the sky because of the long form census, they would trash an internationally respected data collection agency.

However, the provisions in Bill C-42 here will take the private information of Canadian citizens, who might be flying down to Cancun on a holiday, and they will have no idea that this Conservative government's plan is to allow foreign companies to data mine their personal information.

For example, a person who goes to a travel agency and books a flight to Mexico or the Dominican Republic, and happens to fly over United States airspace, their credit card, hotel booking, and rental car information can be passed on to the United States and held for up to 40 years, so that companies within the United States can access that information to data mine. It can be given to other third party countries without the consent of Canadians.

I would like to ask the hon. member, why has the government not had the decency to go back to the many average Canadians out there who look to parliamentarians to protect their interests and explain it to them why they are trading away the personal information of Canadians?

**Hon. Rob Merrifield:** Mr. Speaker, it is a very important piece of legislation that we have before us. It is important that it be passed in the sense that Canadians have the ability to move freely internationally, particularly into and over the United States.

What the United States is actually asking for in this piece of legislation is the information of those who fly over its airspace. It is a sovereign nation. It has been attacked by terrorists. It very much has the concern of who those people are who are flying over its airspace in those planes. It has nothing to do with personal information and the fearmongering that we are hearing from my hon. colleague and others in debate. This is absolutely ridiculous. It is a matter of who is in the plane. The U.S. wants to know that and rightfully so. It has a valid concern in that sense.

When 85% of our international travel is actually into the United States, it is important that we not compromise from that perspective. We have concessions with the United States on flying from Canadian point to Canadian point over U.S. airspace and there is no real concern.

This is an issue that we are dealing with in an effective way and we encourage the House to support this. The fearmongering that we get from the other side has nothing to do with Canadians' interests. This is all about politics and that is unfortunate, although we are in a political arena and we should not be surprised by it.

**Hon. Joseph Volpe:** Mr. Speaker, let me understand this now. Canadians who are watching this debate just saw something happen. Rightly or wrongly, opposition parties were actually debating the

substance of the legislation. Then the government stood up in its opportunity to debate the substance of a law that it is passing to give the reasons why it is a good law and convince Canadians to its side, but its response was to adjourn the debate.

In other words, it does not want to talk about it and it prefers that we end the discussion right now. Is that what Canadians would interpret as being an open and accessible government that takes responsibility or is it yet another manifestation of, "You're on your own"?

**Hon. Rob Merrifield:** Mr. Speaker, I am not sure if there was a question there.

A significant amount of debate has gone on with respect to this piece of legislation. Canadians' interests will not be served by us continuing to reiterate the kinds of concerns that the opposition has, which are not based on fact but based on hyperbole and fearmongering.

Canadians know full well that we are linked with the United States. It is our greatest trading partner and has been our greatest ally in every war and every battle we have ever fought. We are linked from that perspective. If Canada was attacked by terrorists, the Americans would defend us. When Americans are attacked, we do the same.

This is where we are at when it comes to flying over U.S. airspace and knowing who is in those planes that could potentially cause harm to either American or Canadian citizens. The right to know who is in those planes should not be of that large a concern to my hon. colleagues.

It is important for us to get this legislation through. We encourage debate to be completed, so we can get on with other business of the nation.

\* \* \*

● (1800)

**PRIVILEGE**

STATEMENTS BY MINISTER REGARDING KAIROS FUNDING

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, further to the interventions made on Friday, February 18, by members from all sides of the House and further to the intervention made by the member for Guelph earlier today, I would like to provide information that might be of further use to you in considering the alleged matter of privilege raised by the member for Scarborough—Guildwood.

With regard to the departmental document in question, as I pointed out to you the last time the House met, the CIDA document was sent to the Minister of International Cooperation by public servants who were seeking a decision from her.

The member for Ottawa Centre and the member for Scarborough—Rouge River, in their interventions last Friday, argued that this was a formal contract. As you well know, Mr. Speaker, an internal departmental document is not a contract requiring the parties, in this case the minister and her department, to agree. This document included a departmental analysis and a departmental recommendation. Public servants sent this departmental document to the minister so that she could review their analysis and make a decision. The departmental document then quite properly served a role to convey the minister's decision back to her officials so that they could implement the decision.

Across government, hundreds of these internal departmental documents cross ministers' desks every day. As members from all sides of the House would know, especially members from the Liberal Party who have served in government, this is how many elected officials transmit their decisions to the public service in our system of government. Indeed, the president of CIDA, a non-partisan public servant, who is the equivalent of a deputy minister, made this clear when she testified before the House of Commons Standing Committee on Foreign Affairs and International Development on December 9:

Yes, I think as the minister said, the agency did recommend the project to the minister. She has indicated that. But it was her decision, after due consideration, to not accept the department's advice.

This is quite normal, and I certainly was aware of her decision. The inclusion of the word "not" is just a simple reflection of what her decision was, and she has been clear. So that's quite normal.

I think we have changed the format for these memos so the minister has a much clearer place to put where she doesn't want to accept the advice, which is her prerogative.

Let me reiterate: "—it was her decision", referring to the minister, "to not accept the department's advice. This is quite normal.... The inclusion of the word 'not' is just a simple reflection of what her decision was".

That is direct testimony by the president of CIDA before the standing committee.

It is clear that the deputy minister understood the direction by the minister and how it was being transmitted to her. She even acknowledged in her response that the format in which the departmental document was drafted was confusing and that the department's internal practices have been revised to provide the minister with a clear and direct way in which to approve or not approve advice given, which, in the words of the deputy minister, "is her prerogative".

The Minister of International Cooperation was the only person with the authority to make a decision regarding this application for funding. In this case, the minister's decision was to reject the recommendation provided to her and to direct that CIDA not provide funding to KAIROS. The minister had reviewed the departmental document and made her decision not to approve the funding application. She also told the committee that she did not know who did it, but told the House that the word was inserted on her instructions. Again, as I pointed out last Friday, these are not contradictory statements.

### *Privilege*

On all the evidence before the House, it must be concluded that both statements are true. Once again, the member asking the question failed to pursue the inquiry.

Mr. Speaker, as I again pointed out last Friday, in their interventions in this place, no information has been presented by the members across the aisle that would establish how the minister could have intended, intentionally or unintentionally, to mislead these officials. As such, I believe there is no prima facie case of privilege before you.

For this funding request, there was only one possible decision-maker: the Minister of International Cooperation. Once she made a decision, it became CIDA's decision. Decisions of cabinet and decisions of ministers are decisions of the government. Decisions of ministers are the decisions of the departments they lead.

As I pointed out in my submission last Friday,

CIDA encompasses both officials and the minister responsible for CIDA.

● (1805)

Ultimately, while decisions are communicated on behalf of a department, it is the minister who is accountable for the decision, as she pointed out 11 times in her testimony to the Standing Committee on Foreign Affairs and International Development on December 9, 2010.

In conclusion, the minister has been clear that the department recommended providing funding to KAIROS. That is unquestionable; but she has also been clear that it was her decision alone not to provide funding to KAIROS. She has been clear that she provided the direction to her office to communicate her decision to the department.

As I also pointed out last Friday, the members opposite have raised several points but have not provided proof of a prima facie case that the House's privileges have been breached. The Minister of International Cooperation has indicated that the way in which she handled this matter was unfortunate, and that she had provided a lack of clarity about how paperwork was handled. She has apologized for this lack of clarity.

While a lack of clarity is, in the minister's own words, "unfortunate", it is not a prima facie case of privilege. The facts do not support the allegations made against the Minister of International Cooperation by members of the opposition, and I do not believe there is a prima facie case of privilege before you, Mr. Speaker.

Mr. Speaker, thank you for the opportunity to provide some additional information and, again, we look forward to your early ruling.

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, I think the opposition members have a duty and an obligation but also a right to ask questions to ascertain the veracity of the information presented to them.

Therefore, in the interest of establishing whether or not there is a prima facie case, perhaps the Parliamentary Secretary to the Leader of the Government in the House of Commons would tell the House on what date the minister signed the document and on what date she instructed that "not" be inserted.

*Government Orders*

While he is doing that, perhaps he can give us an indication on documentation the minister received on other projects that were accepted and not subject to contention, where she instructed that a “yes” be inserted.

**Mr. Tom Lukiwski:** Mr. Speaker, I know that my hon. friend wants to engage in debate on this, but it is quite clear that arguments have been presented by all sides of the House on several occasions now.

The case is before you, Mr. Speaker, for your consideration. I think the facts are clear, as I stated twice now in interventions on behalf of the government, that the minister's statements have not been contradictory. There is no proof of a prima facie case of privilege in this particular situation.

I ask all members, along with me, to encourage the chair to bring a ruling on this matter to the House as quickly as possible.

**Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC):** Mr. Speaker, I rise on a point of order. I would like to advise the House that tomorrow will no longer be the allotted day and that the House will continue consideration of Bill C-42. Wednesday, March 2, will be the allotted day.

**Hon. Maria Minna (Beaches—East York, Lib.):** Mr. Speaker, I just need to say something.

When a document goes to a minister's office, first of all, we must recognize that the Minister of International Cooperation is not CIDA incarnate. She is the Minister of International Cooperation. CIDA has a president and vice-presidents. The president is CIDA; the system is CIDA.

Having been there I know that in cases like this, the president does not sign the document, unless the president and the vice-president of CIDA and the people recommending the program have thoroughly checked it out, have thoroughly debated or discussed it with the minister's office and have then decided that it is to be approved or that it is being supported or not.

In this case, it was obvious that the president signed the document, as did the other official from CIDA. Therefore, the document was signed.

Now if the minister did not agree, the normal procedure would be to send the document back and to continue negotiations and to have some discussion. The minister does not sign a document and then stick in the “not”. That is never done.

I think what happened in this case is quite obvious: the officials signed the document, the minister signed the document as it had been approved, and then after the fact was told to put in the “not” by the PMO, or someone at the PMO put it in.

I can say this: the document was doctored. It was not done the other way.

• (1810)

**The Deputy Speaker:** This is not a point of debate.

The Chair is willing to hear arguments based on the specific question of privilege that was originally raised but not to engage in another round of debate on what may or may not have happened.

I would urge the hon. member to stick to the actual substance of the question of privilege that was raised.

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I will be brief.

I appreciate the member saying that all of the facts are on the table and that he is ready to vote. I just want to make sure that I have the facts right. My colleague does not have to answer the following, because it is not a question.

I am assuming that the form signed by CIDA went to the minister, who then signed it some time later. Some time later, the “not” was put in. If that is not true, then I hope the member will clarify this, but we are assuming it is true in this situation. The minister signed it, having at one time intended to approve it, and then later a “not” was put in.

Second, the member said he had put all of the facts on the table so that we can make a decision. However, now that it is a major parliamentary issue, could he let the House know who actually put the “not” in? I am sure he knows that.

**The Deputy Speaker:** I have heard enough on this issue for now. This is not a debate. Question period was at 2:15 p.m. and there will be another one tomorrow. If members have these types of specific questions, they can raise them then.

We are going to move on. I have heard from several members and not everything being raised is actually substantive to the question of privilege, so I am hesitant to give the floor to the member, but if he assures me he has something pertinent to this substantive question of privilege, I will hear him.

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Mr. Speaker, privileges need to be taken very seriously. When a member stands up and raises the issue of privilege, meaning that someone has really abused a rule within the chamber, and the parliamentary secretary to the government House leader chooses at 6 o'clock to start talking about a privilege that has been talked about inside this chamber, I would suggest that it just adds more confusion to the issue.

Mr. Speaker, if one starts to acknowledge the parliamentary secretary to just stand up to say what he thinks or just to read a statement, I do not see how that clarifies the issue. If anything, he put more of a cloud of confusion over it.

The Prime Minister—

**The Deputy Speaker:** Order.

I am going to stop the member there. I have not heard anything that would add to the subject before the Chair. It is not unusual to have members at various times of the day come in and argue points on questions of privilege. We will move on.

Resuming debate. The hon. member for Churchill.

\* \* \*

**STRENGTHENING AVIATION SECURITY ACT**

The House resumed consideration of the motion that Bill C-42, An Act to amend the Aeronautics Act, be read the third time and passed, and of the motion that this question be now put.

*Government Orders*

**Ms. Niki Ashton (Churchill, NDP):** Mr. Speaker, while I was preparing to speak to Bill C-42, I found it quite shocking that the government put forward a motion for closure just a few minutes ago.

The comments by the parliamentary secretary who prefaced that motion were equally problematic. He referred to the need to move on, that this was fearmongering and that Canadians are not concerned about the substance of Bill C-42, something I feel is both problematic and unsubstantiated.

When speaking with Canadians, issues of privacy in an increasingly globalized world are very much issues of concern. Whether it is the Internet, travel that many of us do in a much bigger way, or the way we move around in general across our country and around the world, the security of Canadians, our information and privacy is something we value.

As Canadians, we also have confidence in our government to protect that security. Unfortunately, Bill C-42, a bill that the government supports, flies in the face of the sense of security that Canadians want and the security that is tied in with the respect for privacy that they feel is critical. We are seeing the government shrug its shoulders and say the U.S. is making it do this, so this is how it goes.

This speaks overall to a larger question of sovereignty and the extent to which we stand up as a sovereign country and say that we have real problems with what is being asked of us, we do not feel that pieces of this legislation are in line with establishing a safer, more secure world and, in fact, the bill is rife with problems, gaps and challenges that we cannot even predict properly in terms of what kind of trouble they could bring.

Whether it is in committee or here in the House, I am proud to stand as a member of the NDP in saying that we need to put a stop to the bill. We need to go back to the drawing table to find a way of securing people's privacy, working toward more secure travel and standing up to the U.S. government, which has not only made clear what it wants but, quite frankly, has threatened our freedom of mobility as Canadians if we do not comply with what it wants. Many Canadians would want to see their government show some courage on this and stand up for our sovereignty on something that is as critical as individual Canadians' privacy.

The bill is problematic for many reasons and that is why we in the NDP are saying the debate ought not end and that we need to go back to the drawing board. For example, the information forwarded as a result of this bill would be the passenger name records, which are files travel agents create when they book vacations. These records can include credit card information, who people are travelling with, their hotels, other booking information such as tours or rental cars or any serious medical conditions of passengers.

Why would this information be pertinent? Who people are travelling with, what hotels they are staying in, or what tours they decide to take, whether it is sightseeing, snorkelling or whatever people do during their holidays, it is a completely ridiculous notion that this somehow has to do with maintaining national or international security.

Even medical conditions being shared is something we know can be problematic for many people. Without proper regulation as to

who might access this information, potential employers or corporate actors could use such information not only in a problematic way but in malicious ways as well.

Other problematic points include that the information collected can be retained by the United States for up to 40 years. This information may be forwarded to the security service of a third nation beyond the U.S. without the consent or notification of the other signatories.

● (1815)

It has been referenced in many cases in this House. We have seen how this has backfired in such a horrific way in the case of Mr. Maher Arar, someone who went through an incredible trauma. He has shared his story with our country. The government took a stand to compensate him, but we still see that the U.S. refuses to take him off the list. If this is the partner we are supposed to be reasonably dealing with to protect our own citizens, we can just go to past experience to find out quite quickly that a great deal of harm can be done by this kind of legislation.

Furthermore, no person may know what information is being held about him or her by the United States and may not correct that information if there are errors. Any Canadian who would hear this would be horrified to know that there would not be the opportunity to correct the record, whether it is the mix-up of a name, or a whole host of information that is going to be out there. The failure to recognize this as a gap, as potential for real trouble and not just for the individual, but for families, communities and Canadians in general, that their government would not stand up and say this is wrong, is quite shocking.

To bring closure to such a serious debate around security and privacy and recognizing that the two are not at opposite ends but in fact can complement each other, something that is not in Bill C-42, is certainly in line with what we have seen from the government time and again. It is an effort to silence debate and muzzle those who are speaking out against what is being said on behalf of Canadians. The effort is to silence those speaking based on past practices and experience and research by qualified witnesses who have said there are gaps that need to be looked at. We also need to recognize that pressure is being put on us as the Canadian Parliament by the United States. Why can we as a sovereign country not stand up and say this is wrong? It puts our citizens at risk. It is rife with problems and can only be problematic in the future. We need to look at it.

*Business of Supply*

Whether it is in terms of the government's muzzling of debate through prorogation, whether it is through its actions on important parts of our country, whether it is the census, the forced exodus of senior officials who have questioned the government's agenda, all we have seen is an effort to silence and muzzle time and again. The reasoning brought out is that somehow it is fearmongering or somehow Canadians do not think this. This comes from a party that has spoken for the importance of respecting individuals' privacy and respecting Canadian citizens. This is at the heart of respecting Canadian citizens and their rights. They feel this is a country that respects privacy and security and says we are not going to be put at risk and we are not going to be threatened by the U.S.

This is not the only example of this government's failing to stand up for us as a sovereign country. We see this on economic issues time and again. The House will have heard that I have stood up to fight for my home community which is suffering at the hands of a foreign takeover gone wrong by Vale, which announced that it would close the smelter and refinery in my hometown of Thompson. It is an unnecessary battle given that the reason we are at this juncture is because the government opened the door to the sale of a profitable Canadian company to a resource that is integral to us as a sovereign country and is now being called upon to stand up for Canadian workers, for Canadian people, and to stand up for our sovereignty, whether it is in terms of our economy, our resources, or our privacy.

That is what Canadians expect from their government and it is definitely not what we see with this closure motion or with Bill C-42.

• (1820)

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, this is a difficult issue for Canadians. It is an issue that will have numerous ramifications, one of them being the proposed perimeter security deal that the United States president and our Prime Minister have entered into.

Those details have not been made available to Parliament and we do not really understand how that particular information is going to be given up, whether we are going to be put in a position where our security services will be sharing information on flights within Canada with a secure perimeter with the United States again.

It is interesting to note that the United States gave an exemption to domestic flights that overfly the United States. What was behind that? Did the United States give that exemption because in the future we will be looking at a more complete information sharing deal on all passengers in Canada and this is just simply one part of it that has to be completed?

• (1825)

**Ms. Niki Ashton:** Mr. Speaker, I would like to thank my colleague for the work that he has done on behalf of our party as the MP for Western Arctic and as our critic on transportation issues. He has worked tirelessly going through this legislation, asking the tough questions, and opposing it.

What we see here is part of that slippery slope in seeing the government's failure to stand up to the U.S., in seeing the government's failure to note the major gaps, the potential for real abuse of people's privacy, for the mining of people's information

with not just the secret service of other countries but also third parties and however that list may go.

The government's failure to stand up for our citizens in this case will be seen as a failure to stand up for them in the future, and that is something that we ought to take seriously.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, the fact that we are still debating this bill on February 28, 2011 is proof that the scare has not worked. The government introduced the bill on the second last day of sitting in June. It told us that we had to pass the bill by December 31 or the planes would stop flying. Not only are the planes still flying but we even managed to get an exemption from the U.S.

The Americans were not planning on giving us an exemption for flights from a point in Canada to another point in Canada that flew over American airspace when those flights can be close to sensitive sites such as large cities. What is the American government's intention when it gives an exemption which could cut the heart out of what it is trying to accomplish?

The United States has not stopped the flights. The government should withdraw this bill and negotiate a better deal.

**Ms. Niki Ashton:** Mr. Speaker, my colleague made a comment with regard to the exemption and the fact that the sky has not fallen, that in 2011 we are still debating this legislation and the U.S. has not cut us off. That speaks to the fact that there might truly be an opportunity for us to take a stand, to say this is not working for us, that this will not work for Canadians. Let us go back to the drawing board and find a solution to our neighbour's concerns.

It is pretty ridiculous that such a significant threat is being put on us when we have been willing partners in working to ensure that our airspace and our countries are safer. We have an opportunity to make good out of a bad piece of legislation, good on behalf of our citizens, and we are not doing that.

The role of the Canadian government is to stand up for its people, to stand up for our security. It has to find a way of balancing that with privacy. What is the government's role?

\* \* \*

**BUSINESS OF SUPPLY**

OPPOSITION MOTION—DOCUMENTS REQUESTED BY THE STANDING COMMITTEE ON FINANCE

The House resumed from February 17 consideration of the motion.

**The Deputy Speaker:** It being 6:30 p.m., the House will now proceed to the taking of the deferred recorded division on the motion relating to the business of supply.

Call in the members.

• (1855)

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

*Business of Supply**(Division No. 187)*

## YEAS

## Members

Allen (Welland)	André
Andrews	Angus
Ashton	Asselin
Bachand	Bagnell
Bains	Beaudin
Bélangier	Bellavance
Bennett	Bevington
Bigras	Blais
Bonsant	Bouchard
Bourgeois	Brison
Brunelle	Byrne
Cardin	Carrier
Charlton	Chow
Christopherson	Coady
Coderre	Comartin
Cotler	Crombie
Crowder	Cuzner
D'Amours	Davies (Vancouver East)
DeBellefeuille	Demers
Deschamps	Desnoyers
Dewar	Dhaliwal
Dhalla	Dion
Donnelly	Dorion
Dosanjh	Dryden
Duceppe	Dufour
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)
East	Eyking
Faille	Folco
Foote	Freeman
Fry	Gagnon
Garneau	Gaudet
Godin	Goodale
Gravelle	Guarnieri
Guay	Guimond (Rimouski-Neigette—Témiscouata—Les Basques)
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Hall Findlay	Holland
Harris (St. John's East)	Hyer
Hughes	Jennings
Ignatieff	Karygiannis
Kania	Laforest
Kennedy	Lamoureux
Laframboise	Layton
Lavallée	Lemay
Lee	Lévesque
Lessard	Malhi
MacAulay	Maloway
Malo	Martin (Esquimalt—Juan de Fuca)
Marston	Masse
Martin (Winnipeg Centre)	McCallum
Mathysen	McTeague
McGuinty	Mendes
Ménard	Mourani
Minna	Murphy (Charlottetown)
Mulcair	Nadeau
Murray	Oliphant
Neville	Pacetti
Ouellet	Paillé (Louis-Hébert)
Paillé (Hochelaga)	Patry
Paquette	Plamondon
Pearson	Proulx
Pomerleau	Rafferty
Rae	Regan
Ratansi	Rota
Rodriguez	Savoie
Savage	Sgro
Scarpaleggia	Silva
Siksay	St-Cyr
Simson	Thi Lac
Szabo	Tonks
Thibeault	Valeriot
Trudeau	Volpe
Vincent	Wrzesnewskyj
Wilfert	
Zarac — 145	

## NAYS

## Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Allison
Ambrose	Anders
Anderson	Armstrong
Arthur	Ashfield
Baird	Benoit
Bernier	Bezan
Blackburn	Blaney
Block	Boucher
Boughen	Braid
Breitkreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Cadman
Calandra	Calkins
Cannan (Kelowna—Lake Country)	Carrie
Casson	Chong
Clarke	Clement
Cummins	Davidson
Day	Dechert
Del Mastro	Devolin
Dreesen	Duncan (Vancouver Island North)
Dykstra	Fantino
Fast	Finley
Flaherty	Fletcher
Galipeau	Gallant
Généreux	Glover
Goldring	Goodyear
Gourde	Grewal
Guergis	Harper
Harris (Cariboo—Prince George)	Hawn
Hiebert	Hoback
Hoepfner	Holder
Jean	Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)	Kenney (Calgary Southeast)
Kent	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Lebel	Lemieux
Lobb	Lukiwski
Lunn	Lunney
MacKay (Central Nova)	MacKenzie
Mayes	McColeman
McLeod	Menzies
Merrifield	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
O'Connor	O'Neill-Gordon
Obhrai	Oda
Paradis	Payne
Petit	Poilievre
Preston	Raitt
Rajotte	Reid
Richards	Richardson
Rickford	Ritz
Saxton	Scheer
Schellenberger	Shea
Shiple	Shory
Sopuck	Sorenson
Stanton	Storseth
Strahl	Sweet
Thompson	Tilson
Toews	Trost
Tweed	Uppal
Van Kesteren	Van Loan
Vellacott	Verner
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wong	Woodworth
Yelich	Young — 142

## PAIRED

Nil

**The Speaker:** I declare the motion carried.

*Adjournment Proceedings***ADJOURNMENT PROCEEDINGS**

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

## CREDIT CARD INDUSTRY

**Mr. Glenn Thibeault (Sudbury, NDP):** Mr. Speaker, late last year I asked this government when it would end credit card gouging. Families and small businesses across this country are still waiting for that answer. Last year this government rolled out its voluntary code of conduct for the credit and debit card industry. This code is little more than window dressing for Canadian consumers.

Who is benefiting from the voluntary code of conduct? Let us have a look.

For the full year of 2010, MasterCard reported a net income of \$1.85 billion, compared with \$1.46 billion in 2009.

National Bank kicked off the fourth quarter in December of 2010 with an earnings bonanza by reporting a profit of \$287 million for the three months ending October 2010, compared with \$241 million in the same quarter last year.

Scotiabank reported an increase of 21% in earnings over the same quarter last year, and its most profitable year ever. The fourth quarter saw the Bank of Nova Scotia earn \$1.1 billion, and the annual profit total was \$4.24 billion for all of 2010.

RBC did better than Scotia's record year, recording \$5.2 billion in net income for the year, an increase of 35% from a year ago. The fourth quarter saw RBC earn over \$1 billion in the latest three-month period.

Canada's fourth-biggest bank, the Bank of Montreal, reported last, and had a fourth quarter profit of \$739 million, up 14% from last year. BMO's annual profit for 2010 was \$2.8 billion, which was over \$1 billion more than last year, or 57% higher than the 2009 annual profit.

Total profits for the big six banks in 2010 equalled \$20.4 billion, smashing last year's record of \$14.66 billion. That is \$6 billion more in profits than last year.

Who is paying the price for this government's failed code? It is consumers and small businesses.

While the Conservative government feels it necessary to give corporations billions in tax cuts, it does not think that small businesses and retailers should be relieved of over \$5 billion in mandatory credit card fees. That \$5 billion represents the cost borne by small businesses for accepting credit cards and tracking transactions.

The big issue for retailers is the influx of premium cards—for instance, those that offer generous air miles. Consumers are lured to these cards because they offer a chance to collect points faster and reap rewards such as free flights, electronics and jewellery. The use of premium cards has risen dramatically since they first hit the market in 2008. That high-end plastic, such as Visa Infinite or World Elite MasterCard, costs more for retailers to process than other standard, gold or platinum cards.

Consumers do not know that their demand for freebies from the credit card companies is actually squeezing the profits of these small businesses because it is the merchants who really foot this bill.

Ordinarily, the cost per transaction ranges from 1% to 3% of every sale, whether the customer pays cash or pulls out a card. Premium cards require much more than that. Considering the razor-thin margins a competitive market demands, \$5 billion is a lot.

How is the government's inaction on credit card gouging affecting Canadians?

Family debt is on the rise. The debt carried by the average Canadian household has hit \$100,000, up about 78% from two decades ago. The debt-to-income ratio stands at a record 150%, meaning for every \$1,000 in after-tax income, Canadian families owe an average of \$1,500.

In summary, Canadian families cannot wait much longer. How indebted do families need to become before this government takes action to address the credit card gouging issue?

• (1900)

**Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC):** Mr. Speaker, unlike the NDP, our Conservative government stands up for small businesses by lowering their tax bills and helping protect them from big credit and debit card companies.

In recent years, we all heard concerns from small businesses about the practices of card issuers in relation to interchange fees and business practices. These concerns focused on what they viewed as a lack of choice and significant costs which small businesses were faced with when dealing with issuers. As these costs could be passed on to consumers and families, this became an issue of importance to all Canadians.

Troubled by the concerns of small business, our government quickly began to address the situation in an effective and balanced manner. This included consulting with small businesses, consumer advocacy groups, retailers, the financial service industry, and other public interest groups.

This led to the introduction of a voluntary code of conduct to govern the credit and debit card industry in May 2010. This code was quickly and formally adopted by all payment card networks, major credit and debit card issuers, and payment processors in Canada. The landmark code represents the first time in Canadian history that a government has moved to protect small businesses and merchants dealing with card issuers.

The code has worked to encourage choice and competition by giving small businesses the freedom to choose which card networks they use, by helping them control their costs, and allowing them to pass savings on to their customers and much more. For instance, listen to what the Canadian Federation of Independent Business said in an opinion piece written only a few weeks ago. It stated:

*Adjournment Proceedings*

Since its adoption this past summer, the code has served merchants extremely well. In fact, it has helped ensure that problems with the launch of a new Visa debit product were quickly addressed...the code has done an excellent job in ensuring some fair ground rules and maintaining Canada's low-cost debit system—

Our Conservative government went further, though. We introduced and passed legislation giving the Financial Consumer Agency of Canada the power to monitor compliance with the code. To further underline our commitment, we also passed legislation giving the government the power to regulate the conduct of the credit and debit card networks, if necessary.

We have been clear with credit and debit companies. We will regulate if the code is not respected.

Unfortunately and shockingly, the NDP voted against the code of conduct in Parliament. I ask NDP members, why did they not help small businesses before when they had the chance? Why did they vote against the code and against supporting small businesses?

• (1905)

**Mr. Glenn Thibeault:** Mr. Speaker, what the hon. member is overlooking is that there have already been breaches of the voluntary code of conduct. Yes, there was some reaction, but consumers are still having to pay the brunt of this bill. When small businesses have to start increasing their costs of a product because Visa and MasterCard have decided to increase their use of premium cards, which actually cost businesses more, we all pay.

A voluntary code of conduct does not have enough teeth right now to ensure that the large multinational banks, Visa and MasterCard, are there to protect the interests of small businesses. The voluntary code of conduct does not go far enough. We have already seen on numerous occasions that there have been breaches.

If this is what is happening now, what is going to happen in the future? The government has not corrected this and the voluntary code is not working.

**Mrs. Shelly Glover:** Mr. Speaker, it is nice to see that NDP members have come to the game, finally.

The member mentioned that there have been breaches, but he voted against even having a code of conduct. Unlike the NDP who stood and voted against that code, our Conservative government believes that small businesses deserve to be protected from unfair business practices. That is why we introduced the code.

While the NDP fought it, the code has been applauded by small businesses and other retailers. In the words of the Canadian Federation of Independent Grocers:

The Code of Conduct is a very positive step and we are very pleased to note... independent retail grocers...have been heard and responded to, by the government.

Rest assured, our government is constantly monitoring compliance with the code. Any possible violation will be investigated and we are ready to take further action, if needed, including making the code involuntary, if necessary.

The NDP still has not explained why on earth it voted against this measure to protect our small businesses.

**The Deputy Speaker:** A motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 7:09 p.m.)



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