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(HANSARD)

Tuesday, March 19, 2013

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Tuesday, March 19, 2013

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1005)

[*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 eight petitions.

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INTERPARLIAMENTARY DELEGATIONS

Mr. Earl Dreeshen (Red Deer, CPC): Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present, in both official languages, the report of the Canadian Section of ParlAmericas respecting its participation at the bilateral visit to Guatemala City, Guatemala, and to San Salvador, El Salvador, from January 19 to 26.

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COMMITTEES OF THE HOUSE

GOVERNMENT OPERATIONS AND ESTIMATES

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I have the honour to present, in both official languages, the 10th report of the Standing Committee on Government Operations and Estimates in relation to our study on effectiveness of public-private partnerships in the delivery of government services.

Pursuant to Standing Order 109 of the House of Commons, the committee requests that the government table a comprehensive response to this report.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, consistent with Standing Order 35(2), I am pleased today to rise to speak to the supplementary report by the New Democratic Party to the report of the Standing Committee on Government Operations and Estimates on its study of public-private partnerships, or P3s.

New Democrats adhere to the basic principle that the foundation for decisions on delivery and oversight of public infrastructure and services must be good governance and sound public administration, not mere reliance on an ideological preference for private over public. Consequently, our supplementary report presents more precise measures to ensure greater accountability and oversight for public spending on and management of infrastructure projects, including through the P3 model.

Many of the recommended safeguards, if considered and adopted, could enable improved transparency and efficacy in P3 projects, particularly for any assessments of value for money. The overall end goal must continue to be the delivery of accessible, affordable public services to Canadians.

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PETITIONS

GENDER IDENTITY

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, I have two petitions I would like to present this morning.

The first petition deals with the House of Commons and Parliament assembled to vote on Bill C-279 and to base future public policy decisions on that.

The second petition from my constituency also deals with Bill C-279.

ASBESTOS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I have the honour to present a petition signed by literally tens of thousands of Canadians from all across the country who call upon Parliament to take note that asbestos is the greatest industrial killer that the world has ever known. The petitioners point out that more Canadians now die from asbestos than all other occupational or industrial causes combined. They also point out that Canada has not banned asbestos and in fact allows asbestos to still be used in construction materials, textile products and even children's toys.

The petitioners call upon Parliament to ban asbestos in all its forms and institute a just transition program for asbestos workers. They call upon the government to stop blocking international health and safety conventions designed to protect workers from asbestos, such as the Rotterdam Convention.

SEX SELECTION

Mr. Gary Schellenberger (Perth—Wellington, CPC): Mr. Speaker, I have a petition to present today from my constituents that the House condemn discrimination against females occurring through sex-selective pregnancy termination.

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I have a similar petition to support Motion No. 408, which is a motion concerning discrimination based upon sex for unborn fetuses.

IMPAIRED DRIVING

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, I rise to present a petition from thousands of British Columbians.

The petition highlights that last year 22-year-old Kassandra Kaulius was killed by a drunk driver. A group of people who have lost loved ones by impaired drivers called Families for Justice say that the current impaired driving laws are too lenient.

The petitioners are calling for new mandatory minimum sentencing for people who have been convicted of impaired driving causing death. They also want the Criminal Code of Canada changed to redefine the offence of impaired driving causing death to vehicular manslaughter.

THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I rise today to present two petitions.

The first is very timely, given the announcements yesterday by the Minister of Natural Resources. Residents of Vancouver have signed this petition, calling for a permanent tanker ban along British Columbia's north coast. It is the only way to ensure that there will not be large oil spills.

EXPERIMENTAL LAKES AREA

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the second petition is also timely, as the clock is running out on the Experimental Lakes Area. This petition calls on the Minister of Fisheries and Oceans and the Government of Canada to reverse the decision to close the Experimental Lakes Area and maintain this world-renowned, irreplaceable source of expanding our scientific knowledge of freshwater ecosystems.

CITIZENSHIP

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, I present a petition today signed by my constituents in the city of Kingston. It concerns Canadian citizens who happen to have been born in the United States but have never worked there or lived there permanently. They are considered citizens by the U.S. government and therefore have to file tax returns and disclose maximum amounts in their bank accounts here in Canada.

They are calling on the Canadian government to forcefully demand that the U.S. government remove the unfair and burdensome requirements imposed upon them.

● (1010)

IMPAIRED DRIVING

Hon. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, I rise to table a petition on behalf of numerous British Columbians with regard to last year, when 22-year-old Kassandra Kaulius was killed by a drunk driver. This group of people has come together as an organization called Families for Justice. They are calling on the government to redefine the Criminal Code of Canada offence of impaired driving causing death to vehicular manslaughter and for new mandatory minimum sentencing for people who have been convicted of impaired driving causing death.

EXPERIMENTAL LAKES AREA

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, I rise again today with yet more petitions rolling in from across Canada, including Toronto, Whitby, Peterborough, Waterloo, Long Lake No. 58, Kenora and Winnipeg, exhorting the government to restore funding and reverse its ill-advised decision to close the Experimental Lakes Area in Northwestern Ontario.

[*Translation*]

DEVELOPMENT AND PEACE

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, I have the honour to present a certified petition signed by many people in my riding of Brome—Missisquoi and in the Eastern Townships with regard to financial support for Development and Peace. These individuals sent me a petition that calls on the government to fulfill its international responsibilities by recommitting Canada to contribute 0.7% of its GDP to overseas development assistance. They want the government to give priority to funding NGOs that Canadians support and that have had their funding cut by CIDA. In the spirit of global solidarity, these individuals are calling on the government to fully restore the $49.2 million in funding requested by Development and Peace over the next five years. I am very proud to present this petition on their behalf.

SHARK FINNING

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, I have the honour to rise today to present a petition signed by people in my riding with regard to banning the importation of shark fins. Shark finning is a cruel practice that involves cutting off a shark's fins and then throwing its body back into the ocean. This practice kills 73 million sharks a year. Many people in my riding have therefore signed this petition against the importation of shark fins.

[*English*]

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, if Question No. 1157 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. 1157—**Mr. Rodger Cuzner**:

With respect to the Gabarus Seawall, also referred to in existing federal documents and plans as a groyne or breakwater, and all other properties built and previously or currently owned or administered by the government in Gabarus, Nova Scotia: (*a*) as a result of a Transfer of Duties Act based on an Order-in-Council (P.C. 1979-2522) September 20, 1979, (i) what specific properties, structures or facilities did Fisheries and Oceans Canada (DFO) acquire or become responsible for which were formerly owned or under the administration of the Department of Transport, (ii) did this specifically include a fishermen's breakwater and two groynes and, if so, what specific structures in Gabarus did these terms refer to; (*b*) has there been any mechanism other than the Transfer Of Duties Act by which DFO took over ownership or administration of any other federal properties or facilities in Gabarus since 1979; (*c*) from 1979 to present, have there been evaluations, assessments or reports or other similar documents commissioned or received by DFO concerning these properties, structures or facilities, specifically the Gabarus Seawall and, if so, (i) what are the reference numbers and titles of said studies or assessments or other relevant documents including the dates they were performed and when they were released to DFO, (ii) under whose signature and authority; (*d*) have properties, facilities or structures or assets, specifically, the Gabarus Seawall, in Gabarus been divested by DFO since 1979 and, if so, (i) what asset, (ii) when did divestiture take place, (iii) to whom, (iv) by what process, regulations or Act of Parliament was it allowed, specifying all reference numbers, titles of agreements and details of maps, or other such relevant documents concerning the transfer; (*e*) since 1979 have there been efforts by DFO to divest itself of properties, structures, assets or facilities, specifically the Gabarus Seawall in Gabarus that have been unsuccessful and, if so, (i) what asset, (ii) when, (iii) to whom were such offers made; (*f*) when did the harbour in Gabarus come under the administration of DFO's Small Craft Harbours Program; (*g*) when was the determination made under the Small Craft Harbours Program to designate Gabarus Harbour as a non-core fishing harbour; (*h*) what criteria were used to make this determination; (*i*) what were the criteria that would have applied on January 1, 2001 to qualify a harbour for either core or non-core status under DFO's Small Craft Harbours program and (i) were these criteria applied nationally, (ii) were they applied uniformly, (iii) were variations allowed from jurisdiction to jurisdiction or harbour to harbour and, (iv) if so, what were the justifications for such variations; (*j*) was there any process provided for appeal of DFO's assignment of non-core status to a harbour; (*k*) was there any formal or informal provision included in the DFO Small Craft Harbours divestiture program allowing for a reconsideration of harbour status, if relevant harbour activities changed over time; (*l*) was one of the specific criteria applied to Gabarus Harbour for purposes of determining its designation as a non-core fishing harbour the measurement of metre length at waterline of all commercial fishing boats that use Gabarus Harbour and, if so, (i) on what date(s) were these measurements or assessments taken, (ii) by what federal department(s), (iii) what statistics are recorded as a result of these measurements; (*m*) beyond those members of the Gabarus community with commercial fishing interests in the local harbour, did DFO inform the broader community of Gabarus in regard to planned divestiture actions before its divestiture of the former government wharf to the Gabarus Harbour Association in 2001; (*n*) what properties were transferred by DFO to the Gabarus Harbour Association and what were the terms of this divestiture; (*o*) what harbours in Nova Scotia determined by DFO as not being qualified to retain core harbour status chose to establish multi-harbour affiliations under a single harbour authority and, if any, (i) where are the harbours located that took advantage of this provision, (ii) what are the harbour authorities under which they operate, (iii) on what dates(s) did they begin operation in this capacity; and (*p*) did DFO, within the context of their Small Craft Harbours program, offer all harbours determined not to qualify for core status individually an opportunity to form a multi-harbour cooperative operating agreement under a single harbour authority in order to retain core-harbour status?

(Return tabled)

[*English*]

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

RESPONSE TO THE SUPREME COURT OF CANADA DECISION IN R. V. TSE ACT

Hon. Alice Wong (for the Minister of Justice) moved that Bill C-55, An Act to amend the Criminal Code, be read the third time and passed.

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I am pleased to speak in support of Bill C-55, the response to the Supreme Court decision in R. v. Tse act.

Bill C-55 is essential in maintaining the ability of police to protect Canadians from serious harm. It aims to ensure that the police retain their power to conduct wiretap without prior judicial authorization where it is needed immediately to prevent tragedy from occurring. The exceptional authority under section 184.4 of the Criminal Code allows police to proceed to intercept private communications without prior judicial authorization when an interception is urgently needed to respond to an imminent threat, such as kidnapping, a bomb or a hostage situation.

The Supreme Court of Canada held, in R. v. Tse, that the authority under section 184.4 of the Criminal Code was unconstitutional. However, the court suspended its declaration of invalidity until April 13, 2013, in order to allow Parliament to address the constitutional deficiencies of section 184.4. The amendments in the bill would respond to this decision, make 184.4 constitutionally compliant and add some additional limitations and accountability safeguards to use as exceptional authority for situations of imminent harm.

The authority to intercept private communications, under section 184, must be carefully tailored to balance the competing interests of the protection of privacy and the need to act quickly to protect persons and property from serious harm. The amendments to section 184.4 of the Criminal Code proposed in Bill C-55 would ensure needed accountability and transparency, while maintaining essential capability for police to respond swiftly in a critical situation.

Bill C-55 was studied by the Standing Committee on Justice and Human Rights and has been returned to the House without amendment. I would like to signal that the government greatly appreciates the assistance the House has provided in moving this essential bill forward as quickly as possible, while giving its important proposals due consideration.

To assist in its deliberations, the committee received written submissions from the Canadian Bar Association's national criminal justice section and heard from witnesses representing the Criminal Lawyers' Association and the British Columbia Civil Liberties Association. I am happy to report that these witnesses expressed support for the main elements of Bill C-55 and made very positive comments on the value and importance of the bill.

I would like to take a few minutes to go over the major components of Bill C-55. As indicated by the bill's title, and as I previously mentioned, the amendments proposed in the bill are needed to respond to the Supreme Court of Canada's decision in R. v. Tse. In the decision, the Supreme Court of Canada held that the authority under section 184.4 was unconstitutional, due to the lack of an accountability safeguard such as an after-the-fact notification. Bill C-55 would remedy this constitutional deficiency by adding requirements to the Criminal Code for after-the-fact notification to persons whose private communications have been intercepted under section 184.4. The notice would need to be provided within 90 days, unless an extension was granted by a judge.

In the decision of R. v. Tse, the Supreme Court also suggested that the government might wish to consider adding a reporting requirement, although it was not needed for constitutional compliance. The government is implementing this suggestion in Bill C-55, which proposes to amend the Criminal Code to require detailed annual reporting by the federal minister of public safety and the Attorneys General of the provinces on the use of section 184.4. This requirement essentially mirrors the existing reporting requirement under section 195 of the Criminal Code, which has always been considered an important mechanism to increase transparency in the use of wiretaps. Such annual reports are intended to form the basis for a public evaluation of police use of section 184.4 of the Criminal Code.

Bill C-55 also proposes to limit the availability of the authority to wiretap under section 184.4 to offences listed in section 183 of the Criminal Code in place of the broader reference to "any unlawful act". This limitation was not seen as necessary by the Supreme Court, although it was favoured by the lower court in the Tse decision. The amendment was also commented on favourably by the witnesses who appeared before the committee to discuss the bill. The proposed change to the term "offence" makes for a narrower category of unlawful acts and is consistent with other wiretap authorities in part VI of the Criminal Code, which are also limited to offences listed in section 183 of the Criminal Code.

● (1015)

The Supreme Court of Canada also indicated in its decision in R. v. Tse that the government might wish to consider whether the broader category of peace officer under section 2 of the Criminal Code was too broad and whether to restrict the use of section 184.4 to a narrower group of individuals, such as police officers. The Supreme Court observed that this might be beneficial from a constitutional perspective, although it did not rule on this issue. The government agrees with the Supreme Court's suggestion. Accordingly, Bill C-55 restricts the use of section 184.4 to police officers instead of peace officers. As the law presently stands, section 184.4 powers can be used by peace officers, which is a broader category of persons that includes officials such as mayors and reeves as well as fishery guardians and customs and excise officers.

I would like to take this opportunity to assure the House that the proposed definition of "police officer" already exists in the Criminal Code in the context of dealing with forfeiture of proceeds of crime. It also exists in other statutes. It has been judicially interpreted as only including those who are statutorily appointed to carry out duties of preservation and maintenance of the public peace.

Privately hired individuals, such as security guards in shopping malls or office buildings, do not fit within this definition, as they are not statutorily appointed. I should also mention that in looking at section 184.4 of the Criminal Code and the additional restrictions on its use proposed in this bill, it is important to remember that section 184.4 already provides a number of important limitations on its use. It can only be used where other powers are not available due to the urgency of the situation. The interception must be immediately necessary to prevent serious harm, and the communications that are to be intercepted must be those of the victim or the perpetrator. These restrictions, together with the amendments proposed in this bill, would ensure that the use of this exceptional authority is appropriately circumscribed.

The Standing Committee on Justice and Human Rights has carefully reviewed the bill and supports it. The proposed safeguards and requirements in the bill not only meet but exceed the court's directives for constitutional compliance under section 184.4 of the Criminal Code.

I encourage all members to support Bill C-55.

● (1020)

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I would like to thank the Parliamentary Secretary to the Minister of Justice. I am glad that he understands the almost superhuman effort that we have all had to make to ram through this bill.

We all know that the Minister of Justice introduced this bill on February 11, despite the fact that it is a fairly important document given that it responds to a Supreme Court ruling.

We have had one question throughout the process and for a fairly long time now. The decision rendered by the court on April 13, 2012, in R. v. Tse gave the government one year to respond. Yet this question has not yet been answered. As we approach the final stage of consideration of this bill in the House, I believe it is important to better understand why the government waited so long and to see whether there is a lesson that can be learned here.

We have had to examine amendments to the part of the Criminal Code entitled "Invasion of Privacy" faster than a speeding bullet. I think that the government should learn something from this.

I am wondering whether the Parliamentary Secretary to the Minister of Justice can say whether the government has learned anything from the process that just took place.

Mr. Robert Goguen: Mr. Speaker, to begin, I would like to thank the members of the opposition who are part of the Standing Committee on Justice and Human Rights for having worked with us to get this bill passed quickly. It is very important for the safety and lives of those we should be protecting.

We are being criticized for how long it took for this bill to be introduced. But the justice department wants to be sure that it diligently examines a law's constitutionality.

We know that in this case, the Supreme Court suspended the bill, saying that it had shortcomings but that it was neither completely useless nor completely unconstitutional.

We therefore made another attempt and took our time going over it with a fine-tooth comb in order to correct the flaws and to ensure that it meets all of the constitutional requirements. We know that intercepting a person's communications is still an extreme measure to take.

[*English*]

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, since we have the decision of the Supreme court in R. v. Tse, one would think that we now would be very cautious in this place to ensure that we not do just barely enough to ensure charter compliance but that we take every single step recommended to us by experts to ensure charter compliance.

I ask the parliamentary secretary why we did not take the advice of the Canadian Bar Association, the British Columbia Civil Liberties Association and the Criminal Lawyers' Association to ensure that we have additional oversight measures, including having lists that show when a wiretap did not lead to arrest and ensuring that the policemen who make these decisions without warrant record their reasons for having reasonable, probable grounds for doing so.

Mr. Robert Goguen: Mr. Speaker, we all aspire to ensure that matters of constitutionality are safeguarded. However, in instances when there are emergent needs to protect the safety of the public, it is not always possible to take measures such as making very copious notes or taking steps that may slow down the process that ultimately leads to guarding our safety.

While we respect the member's amendments in regard to having a full and complete record as to why a wiretap was used versus having obtained judicial authorization, emergent circumstances dictate that it is not possible to always write copious notes as to why such emergency measures were taken.

It is a matter of balancing the security of the public and the charter rights of citizens, and we feel that the bill, as it stands, meets all those requirements.

● (1025)

[*Translation*]

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, I would like to thank the parliamentary secretary for his speech. He said that the justice department paid close attention to constitutionality. As we know, the government's initial reaction to the R. v. Tse case was to introduce Bill C-30.

Could my colleague explain why Bill C-30 was so bad? Why did the minister push the bill so far given that it went against the will of the people but particularly given that it went against the Charter of Rights and Freedoms and what the Supreme Court was asking for?

Mr. Robert Goguen: Mr. Speaker, Bill C-30 will not move forward. We listened to what the public was saying and we reconsidered. That does not mean that in the future we will not propose bills that give police the tools they need to protect the public. However, Bill C-30, as it was written, will not move forward.

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, I appreciate the praise from my hon. colleague regarding our cooperation in meetings of the Standing Committee on Justice and Human Rights.

I would like to ask my colleague if his party will learn from this and if, in the future, the justice priority will pertain to respecting the charter and the Constitution, rather than the Conservative political agenda, as has often been the case.

Mr. Robert Goguen: Mr. Speaker, when we talk about legislation that has an impact on the private rights of individuals, it is always easy to allude to a political platform. However, the exercise requires finding the balance between the rights of individuals and the rights of the government to protect those individuals.

I will not comment on the political platform. We believe that we always do what is necessary to find the balance between the rights of the public and the rights of the government.

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, I would like to ask my Conservative colleague some questions.

I would like to know why the minister waited so long between introducing Bills C-30 and C-55 if we are in such need of a bill like this in Canada.

I would also like to ask him if, like the NDP, he also disagreed with the minister when the minister made very disgraceful comments to the effect that anyone who opposed the original bill was siding with pedophiles.

Mr. Robert Goguen: Mr. Speaker, resolving constitutional deficiencies sometimes takes longer than we would like. This time, we are convinced that we have resolved the issue identified in R. v. Tse.

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I find this bill very interesting, because it recognizes the emergency needs of police officers to get information to save lives. However, as the Supreme Court pointed out, there was a lack of accountability measures, which would, in the long term, affect the free and democratic rights of citizens.

In light of the Supreme Court decision on this, was that part of the reason the government killed the lawful access bill, in which there were very few provisions to protect accountability for average citizens, let alone potential criminals?

Mr. Robert Goguen: No, Mr. Speaker.

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I have a question for my colleague, the hon. Parliamentary Secretary to the Minister of Justice.

What process must a bill go through in order to obtain the constitutional approval of public servants? Some would say that this process is not as clear or as effective as it should be.

How did Bill C-30 manage to get through that process and make it to the House of Commons, where we immediately saw that it was unconstitutional? How did that bill make it to this House, only to be withdrawn by the Conservatives, who then introduced Bill C-55, which is before us here today?

What was the process and why was such a process needed, when it probably cost taxpayers money since this had to go before the Supreme Court?

● (1030)

Mr. Robert Goguen: Mr. Speaker, when the constitutionality of legislation is reviewed, a very rigorous process is always used. This procedure has been in place for many years. It has been used by our government as well as the previous Liberal government.

I also note that a number of decisions have been brought before the courts, which ultimately recognized the constitutionality of our legislation. Thus, a rigorous process is in place. I will not speak to Bill C-30, because, as I said, we are not moving forward on that.

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, with his question, my colleague from Sherbrooke put his finger on the problem that resulted in the introduction of Bill C-55. It is very clear; it is obvious. The government can indeed say that Bill C-30 was withdrawn as a result of public pressure because that is true. I hope those who are watching us right now are happy realizing that it is possible to take action together when something is as absurd as Bill C-30. The problem was so obvious that it was extremely easy to raise a public reaction.

I cannot repeat it enough: section 184.4, which the government is trying to save following the decision in R. v. Tse, appears in a part entitled "Invasion of Privacy". This is an exception provided for in the Criminal Code for extremely specific cases.

When the government, through the Minister of Public Safety, introduced Bill C-30, it launched an attack against anyone who would dare say anything against the bill. We were off to a very bad start. That behaviour triggered a popular movement such as we rarely see in matters concerning the federal government.

I said that my colleague from Sherbrooke had put his finger on the problem. For several hours now, we have been debating that deficiency, which was reported by a government employee, a Department of Justice lawyer concerned about the orders he was receiving from his superiors and his department. When a compatibility analysis of government or Senate legislation is needed, public servants are asked to cut corners.

This is an allegation. As a lawyer, I take note. Thus far, it is strictly an allegation, not a proven fact. However, it has to raise serious doubts. If we take our role as legislators seriously, this should immediately raise red flags.

Make no mistake about it: the problem with Bill C-30 was so obvious that the government decided to reverse course. We are not used to that with a government such as the Conservative government. The government is not very humble when it comes to admitting its mistakes. This is a major admission, and I believe a mea culpa is absolutely in order.

However, this situation raises the question that my colleague from Sherbrooke asked. Bill C-30 should never have passed the charter compatibility test. Is that clear enough? The government was bent on saying that that bill was the way to solve all surveillance-related problems, pedophilia-related problems and whatever other problems. It had cast a wide net.

It did not take a brilliant legal mind to realize that there were serious problems of invasion of privacy. It did not take a brilliant legal mind to realize that the government had to be stopped and told that Bill C-30 would not pass a court test. It did not even solve the problem raised in R. v. Tse. It was very broad. Thank goodness the government reversed course.

However, the question remains: how did this bill pass the compatibility test, which is mandatory? It is not the official opposition, the NDP, that says so, but rather the Department of Justice Act and the Canadian Charter of Rights and Freedoms. They provide that no legislation shall be introduced in the House where there are serious and reasonable doubts as to its constitutionality or compatibility with the charter. Bill C-30 is the most striking evidence that there is a problem somewhere in the Department of Justice in transmitting this analysis which has been conducted for the benefit of the Minister of Justice. I am giving him the benefit of the doubt.

● (1035)

I am not saying that his intention is to mislead the House. Telling us that this is the way things have been done since the Canadian Charter of Rights and Freedoms came into force is not a compelling reason to say everything is fine. It is not fine at all, and no one seems very concerned about it. They just coast along, hoping that cases will not wind up in court.

I moved a motion in the Standing Committee on Justice and Human Rights to strike a committee that would analyze the question and assess the kind of directives that could be given so that legislators in the House could determine whether their role was being properly fulfilled. The question was discussed for two days, and I have to say that a Conservative colleague considered siding with us because he agreed that this was important. It does not matter whether we are left-leaning or not, everything must be done properly and we must take the time to examine the bill, failing which we may cast doubt on all bills introduced in the House.

Every colleague who sits on a committee must question the minister on the kinds of studies that have been done to ensure compatibility with the charter and the Constitution of Canada. We have some doubts that this is being done properly. Even a Conservative nearly gave in. Probably two days elapsed before he was intercepted by the party's higher powers, who told him not to get involved. The official response was that it had been done like that since the time the Liberals were in power. To me, it is no excuse to say that we can do something wrong because someone else did it just as wrong. I believe there has to be a readjustment, and Bill C-30 was a good example of that.

Bill C-55 has been introduced. I want this to be clear in people's minds: Bill C-55 is much more limited than Bill C-30, and it caused a shake-up when it comes to wiretapping and invasion of privacy.

Why did the official opposition go along with the minister and the government, who had to pass Bill C-55 at the eleventh hour? The decision in R. v. Tse is like Damocles' sword. The Court gave the government until April 13, 2013, to make the changes required by the ruling in R. v. Tse. As a result of the decision, section 184.4 had to go.

Some people, like me, truly believe in human rights and the importance of privacy and rights that are protected by the charter. I also believe that we must have this kind of provision in a free and democratic society such as ours. At the time, section 184.4 stated:

> A peace officer may intercept, by means of any electro-magnetic, acoustic, mechanical or other device, a private communication where
>
> (*a*) the peace officer believes on reasonable grounds that the urgency of the situation is such that an authorization could not, with reasonable diligence, be obtained under any other provision of this Part;

Therefore, he must have reasonable grounds to believe that the urgency of the situation is such that it is impossible for this peace officer to obtain an authorization on the basis provided for in this section.

I will continue reading section 184.4:

> (*b*) the peace officer believes on reasonable grounds that such an interception is immediately necessary to prevent an unlawful act that would cause serious harm to any person or to property; and
>
> (c) either the originator of the private communication or the person intended by the originator to receive it is the person who would perform the act that is likely to cause the harm or is the victim, or intended victim, of the harm.

This section is very important in the context of police work. In addition, it is applied in exceptional circumstances. However, in R. v. Tse, the Supreme Court of Canada held that there were problems of accountability and that it was very likely, when applying section 184.4, that there was no reference to the fact that the person who has been the subject of a wiretap must be notified. A person could have been wiretapped without ever knowing it because they were never taken to court or charges were never laid against them.

● (1040)

That was the only way individuals would know they had been wiretapped and a communication intercepted.

The Supreme Court said:

> In its present form, the provision fails to meet the minimum constitutional standards of section 8 of the *Charter*.

The Court was referring to minimum standards, minimum constitutional standards to bring section 184.4 into compliance with section 8 of the charter.

The Supreme Court went on to say:

> An accountability mechanism is necessary to protect the important privacy interests at stake and a notice provision would adequately meet that need, although Parliament may choose an alternative measure for providing accountability.

The Supreme Court of Canada also considered whether section 184.4 was meant for not only police officers, but also what are known as peace officers.

Once again, I encourage people to read the definition of "peace officers", which is several pages long. It includes municipal mayors, meter readers, and much more. Pretty much anyone who moves and has an official public service title falls under the definition of "peace officer".

The Supreme Court reserved judgment on this because it was not the subject of the argument or evidence before the court.

I am glad that the Minister of Justice took this matter off the Minister of Public Safety's hands. That is one good thing because then he spent some time reading and trying to understand what the Supreme Court of Canada said on April 13, 2012, even though there was not much time left for that.

As an aside, when the parliamentary secretary said that they had done a thorough job of ensuring their bill was constitutional, I had to laugh because, up until February 11, the government's response was Bill C-30. That left very little time to come up with Bill C-55. Maybe that is why the government did not want to take any chances. For once, they figured that they could not be too careful, so they limited the definition of "police officer" and even removed the notion of "peace officer". They also added accountability mechanisms with respect to the people whose communications are intercepted and to reporting to the House of Commons.

Is it perfect? No, as my Green Party colleague said. That is the conclusion we came to in committee. Much more could have been done. If I had been in charge of drafting this bill, I would probably have added a few things.

However, the House will have to answer this fundamental question. Would we rather get rid of section 184.4 and end up with no provision, or do we think that Bill C-55 answers the questions and carries out the orders of the Supreme Court of Canada?

To us, the answer was very clear. Some witnesses even came to tell us that they supported the bill. The Canadian Bar Association, the CLA, the groups that sent us briefs: they all agreed. Would they have added some additional provisions regarding the reports? The Supreme Court of Canada never said that Parliament should receive reports regarding the Attorney General of Canada or the provinces. However, we looked into it and examined this issue. It is not easy, because it is difficult to move forward if there is no discussion.

This bill was rushed. Normally, if things were done properly, we would have taken the year that the Supreme Court gave us to consult and see what could have been done better, to see whether the provinces were with us and whether they had a problem with sending us the reports that they will have to provide. All of this was clear to us.

People in committee were clearly asked whether Bill C-55 in its current form was a suitable response to R. v. Tse.

● (1045)

The context in which the court only asked the person whose communications were intercepted to provide notice within a certain time, without specifying that time limit, fully meets the criteria established by the Supreme Court of Canada. Furthermore, time limits were specified and the concept of a peace officer dropped.

For once, things were properly anticipated. This does not mean that there will not be any challenges. On the other hand, the witnesses we heard said that these kinds of provisions are not applied often.

Yesterday, the Green Party member said that it would perhaps be necessary to withdraw the proposed amendment. I am relieved to hear this, because we were told the same thing in committee. A 24 hour time limit was suggested. It becomes difficult when you begin to examine these criteria. The danger is the tendency to treat situations that are not dealt with consistently in every part of the country the same.

Here in Gatineau, it is probably much easier to obtain the authorization of a judge than in a more remote part of Canada where a judge may not be present at all times.

Clearly the provision is only applicable if it is impossible to obtain authorization within a reasonable time period. The basic rule in terms of interception of communications will still be to obtain authorization and to have reasonable grounds for the wiretap. Furthermore, the person doing the wiretapping will have to explain why.

As a result of the amendments, there is now an obligation to inform the person under section 184.4. If a person, whether or not that person has been charged, feels that his or her privacy has been completely invaded, recourse is possible and the police agency in question will have to defend its decision.

However, even the experts tell us that this provision is not used frequently. The expert on the committee reported that there had not been any requirement of this kind for almost six years. Sometimes things need to be placed in perspective.

While I do not want to lecture anyone, I am going to do so anyway. I seriously believe that the government should be aware of just how dangerous a game this is. The provisions of section 4.1 of the Department of Justice Act and section 3 of the Canadian Charter of Rights and Freedoms, which anticipate this exercise, are designed to prevent these situations as much as possible.

All lawyers know very well, as I do, that it is sometimes difficult to tell a client that their case is a sure thing. However, if our priorities include decency, prudence and the public good, then we would be reasonably satisfied that this law met the criteria and principles of the charter and the Constitution. We would not raise a point that had only a 5% chance of meeting our constitutional obligations and tell people, as I was told in the Standing Committee on Justice and Human Rights, that if they are not happy they can take legal action. It really bugs me when I hear things like that.

We are here to help the public and yet we tell them that if they are unhappy about our laws, they should take legal action and claim that there was an infringement of human rights. We already have some serious problems with access to justice. Not everybody is in a position to take legal action.

The government is grateful that we worked with it. However, we did not necessarily work with the government. We worked for Canadians, for the people and for the police forces that have to make use of section 184.4, an essential factor in the exercise of a police officer's duties in investigations. This section could not be allowed to simply disappear solely because the government stubbornly decided to introduce Bill C-30.

● (1050)

I am not at all unhappy that the government backtracked on that. We hope that things will work out better with Bill C-55. This will no doubt not be the last time we have to discuss these invasion of privacy provisions.

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Mr. Speaker, I would like to ask my colleague a question. Much like everyone on this side of the House, I find it a bit too easy for the government to downplay Bill C-30, as though it were a foolish mistake. That excuse worked up until last week. I felt insulted to have been associated with criminals and pedophiles. The entire debate completely shifted. It was shameful, and those who witnessed it were horrified. We are not the ones who counted Mr. Flanagan as a friend. I am tempted to use some unparliamentary language here, but I will refrain.

We feel that crime must be stopped, and we feel that it must be stopped effectively, not any which way and not with a piecemeal approach, as the newspaper headlines state.

Could my colleague elaborate on that?

Ms. Françoise Boivin: Mr. Speaker, those were probably the harshest and most hurtful comments I have heard in this House over the course of my relatively short political career. We do not always agree with the government, just like it will not always agree with us. However, there is a way to disagree respectfully. We are here to represent our own constituents.

Bill C-30 likely got away from them because the debate became personal and personal attacks were being made. The Minister of Public Safety personally attacked the people who opposed his bill, which was flawed. The Prime Minister realized this and relieved the minister of his responsibility for the bill. Then the government had to scramble to solve the problem.

It is not always easy. I think that if the government did things right the first time, it would not spend so much time and money trying to talk people into something that is ill-conceived. In the end it does the right thing, but the process takes so much sweat and hard work, starting on our side. We spoke out against these personal attacks on people who dared to ask questions about Bill C-30.

This bill has fortunately been thrown out. However, as my mother always said, many a true word is spoken in jest. I sometimes get the impression that this government's true colours shine through in every one of its bills.

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I listened very closely to my colleague's excellent discourse. We see here an attempt to deal with a Supreme Court decision that said yes, as is normal with Canadian law, it is possible for law enforcement officers to obtain data in order to save someone's life; however, there are the issues of accountability and oversight.

When we look at the government's previous Bill C-30, we see it completely disregarded the privacy rights not in the case of criminals but of ordinary citizens. It would have allowed undefined police services, whoever they might be, to gather all manner of private information without warrant oversight. The attempt to shut down debate by accusing anybody in Canada who was concerned about the privacy rights of law-abiding citizens of being supporters of child pornography is probably one of the most baseless slurs that has ever been uttered in the House of Commons.

I would like to ask my hon. colleague what she thinks would have happened had Bill C-30 gone to the Supreme Court, because it was such an outrageous abuse of the privacy rights and democratic rights of an enfranchised citizenry.

● (1055)

Ms. Françoise Boivin: It is my humble opinion, Mr. Speaker, that it would have been blatantly torn apart by the Supreme Court of Canada. We should carefully read R. v. Tse and what the court thinks about people's privacy under section 184.4.

[*Translation*]

This provision is a very important tool to combat serious crime and serious harm to individuals. Imagine what it would have to say about other situations.

I think this bill shows there is a problem with requiring the Minister of Justice to guarantee, for the benefit of the House, that bills introduced by the government or by the Senate are consistent with the charter and the Constitution. This raises doubts about whether this important work was done. I do not know who had their hands on Bill C-30, and I do not know if it was given to someone with no legal background, but there were some glaring problems with that bill.

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I would like to ask my colleague a question. She hit the nail on the head.

Does she think the trust between parliamentarians, legislators and the mechanism for approving the constitutionality of legislation is now somehow broken or reduced?

How does she see the relationship between parliamentarians, legislators and the fact that Bill C-30 was introduced in the House of Commons? Does she believe a bond of trust has been broken?

Ms. Françoise Boivin: Mr. Speaker, I rose in the House yesterday to address the question of privilege raised by my colleague from Winnipeg Centre.

I cannot speak for everyone, but I think something is clear. We have recently heard a lot about Bill C-30 and other bills, including certain aspects of Bill C-10. Time will tell if I am right or not. Some legislation that is before the courts has already been overturned. This legislation did not all originate with the current government. I am laying it on thick. I am even laying it on the heads of our Liberal friends.

Even the member for Mount Royal said that, when he became Minister of Justice, he had some concerns about how this test was conducted.

Certainly, my trust level is at about 1%. Every time I read a bill now, I do not just read the content to find out if it will fulfill its purpose. Now, I am practically obliged to put on my hat as a lawyer specializing in constitutional law and the Charter of Rights and Freedoms. In fact, I must do the work that I did not think I had to do, because I had the minister's assurance. When a bill is introduced in the House, if it is not flagged as problematic, we assume it is okay. We can no longer make that assumption. Something has tarnished this assumption, and what we are going through with Bill C-30 proves it every day. This should worry all members of the House, in all parties.

● (1100)

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

The hon. member for Brossard—La Prairie.

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, I will try to be brief.

Could my colleague explain her motion to study this problem? The government often says that the system was in place even when the Liberals were in power. However, we know that there is a problem because now we are talking about laws have been ruled unconstitutional. Could my colleague talk about her motion on that subject?

Ms. Françoise Boivin: Mr. Speaker, I will do so very quickly.

The motion that I moved was not a cause for concern for the government. It merely asked that the Standing Committee on Justice and Human Rights conduct an in-depth study of the implementation of subsection 4.1(1) of the Department of Justice Act since it was passed. According to this subsection:

> Subject to subsection (2), the Minister shall, in accordance with such regulations as may be prescribed by the Governor in Council, examine every regulation transmitted to the Clerk of the Privy Council for registration pursuant to the Statutory Instruments Act and every Bill introduced in or presented to the House of Commons by a minister of the Crown, in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of the Canadian Charter of Rights and Freedoms and the Minister shall report any such inconsistency to the House of Commons at the first convenient opportunity.

That leads us to believe that, without this certificate, the law is presumed to comply with the charter. We have come to realize that the test may not be applied in a serious manner.

[*English*]

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I am pleased to take this opportunity to speak on Bill C-55, An Act to amend the Criminal Code, alternatively cited as the response to the Supreme Court of Canada decision in R. v. Tse Act.

My colleague and our public safety critic, the member for Lac-Saint-Louis, outlined why this bill is necessary in his original remarks in the House. I will not go back and quote those reasons, but he certainly outlined very extensively why the bill was necessary and why we are now supporting Bill C-55 to overcome the problems that were actually created by the government itself in bringing in Bill C-30 and by the remarks of the minister at the time, which the previous speaker talked about, which created such great controversy in the country.

I might mention as well that about two weeks ago the member for Winnipeg Centre spoke at length on the fact that government bills are not reviewed by legal counsel to see if they meet the test of the Charter of Rights and Freedoms. He raised raised a point of privilege, in fact. What he was talking about, and I agree with him, was this regime's lack of testing legislation against the Charter of Rights and Freedoms.

We have a Senate made up a majority of senators appointed by this Prime Minister. More senators have been appointed by this Prime Minister than any prime minister in Canadian history. It has become as if the senators who are appointed are loyal to the Prime Minister, and they are not doing their work as a sober second thought. The Senate is almost a rubber stamp to the government.

The next safeguard, as the member for Winnipeg Centre said, is the courts in the country, not only the Supreme Court but other courts as well. Legislation passed in this place, which we as members assume has been tested by Department of Justice legal counsel and others to see if it meets the Charter of Rights and Freedoms, in fact has not been. Then legislation is in fact tossed back, and that is in part why we are dealing with this particular bill today.

We know we have a problem with the way the government operates in introducing legislation without first having it tested by legislative counsel on how the Charter of Rights and Freedoms applies to it, and I know, Mr. Speaker, that in your role as speaker you will be coming forward with a decision on what the member for Winnipeg Centre raised in his point of privilege on that matter.

I will get into the specifics of the bill in a moment. This bill, or rather the need for this bill, is symbolic of what is wrong with how this place is now functioning under the guidance of the current regime. I would call it the undermining of our democracy.

There are several areas that I have to mention. First, as noted, the government brings forward legislation that we know now has not been tested, as it is supposed to be tested, in terms of how it applies to the Charter of Rights and Freedoms. Therefore, without that application, it is definitely going to make more unnecessary work for the courts further down the line.

● (1105)

Second, in this place we see omnibus bills put forward with almost everything in them but the kitchen sink. As a result, parliamentarians are unable to take all the parts of a bill to the appropriate committee where members of Parliament who have taken on the responsibilities for specific issues—and I would not call them experts, but they are knowledgeable in those areas—can test that legislation. Instead, these omnibus bills coming forward cover so many areas that Parliament is not given the proper discourse, discussion and debate to find any problems, as we have seen is needed in this specific bill.

Third, another aspect we have seen all the time with this regime in the undermining of democracy is the use of closure. The government only allows a bit of debate and prevents the representatives of the people from doing the proper analysis and research and coming forward with amended legislation. It has introduced more closure motions to limit debate in its short term as a majority government than any government in Canadian history.

Our critic for justice has put forward all kinds of amendments for justice bills, but because they are coming from an opposition party, the government ignores them. It does not accept amendments mainly put forward by opposition parties, even when the amendments make improvements to the bill. That is a problem.

I see the parliamentary secretary for international trade shaking his head over there.

There is another undermining of democracy that does not necessarily show in the bill but that is clearly a problem around this place: at the committee level, when we move motions in committee, whatever they may be, the Conservative regime moves the committee in camera, in secret, so that Canadians cannot even see the simple debate on a motion as simple as asking the minister to come before a committee. What do the Conservatives have to hide? It is another aspect of the undermining of democracy.

The last point I want to make before I get to the specifics of the bill is with respect to the Senate. As I said a moment ago, the Senate has become a rubber stamp for the Prime Minister, because he has appointed most of the senators. I know that my senator is not even a resident of the province and region that he is supposed to be representing, which is a constitutional requirement. However, my key point with respect to the Senate is this: it is no longer the body of sober second thought; it is almost a rubber stamp to what the government does.

I make all those points on the undermining of democracy to point out that for bills such as Bill C-55, it is the undermining of democracy that allows a bill that does not meet the tests of the courts to be passed and become law in this country.

I will now go to the specifics of the bill. I would like to quote from a Library of Parliament report. As the House knows, the Library of Parliament does very good research. I want to quote from its report, because it is the best there is in terms of a summary.

● (1110)

Its report on the bill states:

> On November 18, 2011, the SCC heard an appeal in the case of *R. v. Tse* concerning the constitutionality of the emergency wiretap provisions. In this case, police used s. 184.4 to carry out warrantless wiretaps when the daughter of an alleged kidnapping victim began receiving calls from her father stating he was being held for ransom. Approximately 24 hours later, the police received judicial authorization to carry out the wiretaps. The trial judge in the Supreme Court of British Columbia found that s. 184.4 contravened the *Charter* right to be free from unreasonable search or seizure.... The decision was appealed by the Crown directly to the SCC.

The Supreme Court then believed in its decision that section 184.4

> ...strikes a reasonable balance between an individual's right to freedom from unreasonable searches and society's interest in preventing serious harm, insofar as it allows warrantless interceptions to be used only in exigent circumstances. However, the Court found that in its present form, s. 184.4 violates s. 8 of the *Canadian Charter of Rights and Freedoms*, the right to be secure against unreasonable search or seizure. It was the lack of any accountability measures, particularly notice to persons whose communications have been intercepted, that proved fatal. The appeal was therefore dismissed, and the SCC suspended its declaration of invalidity for 12 months

—in other words, giving time for this place to deal with it appropriately—

> to allow Parliament to make it constitutionally compliant by adding safeguards.

That is the background on what happened. The Government of Canada had previously passed legislation allowing those warrantless wiretaps, and the Supreme Court is basically saying that safeguards need to be put in place.

To summarize what the safeguards in the bill are and why we support it, the safeguards are basically these: the bill requires the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interceptions of private communications made under section 184.4. That is a good step.

The bill provides that a person who has been the object of such interception must be notified of the interception within a specified period, and I will get into that in a moment as well.

The bill narrows the class of individuals who can make such an interception.

Finally, the bill limits those interceptions to offences listed in section 183 of the Criminal Code.

Therefore, Bill C-55 adds three major safeguards to section 184.4 of the Criminal Code. It first restricts the use. It narrows the offences for which the wiretapping can be used, and they are spelled out in sections in the bill. Second, it names specifically the category of the people who can use those measures. Basically it narrows the category of people who can use it to police officers only. Previously it was debatable as to which people with authority could introduce wiretaps. It might be fisheries guardians or others who do not have formal training in the law or on the seriousness of wiretapping measures. The third point is that wiretapping measures could only be used to prevent an offence as listed in section 183 of the Criminal Code.

● (1115)

One of the most important questions for our party, for Liberals, going into committee consideration of this bill was why the use of section 184.4 would be limited to the offences listed in section 183. It was done despite the Supreme Court of Canada's advice to the contrary.

The Supreme Court specifically said:

> There may be situations that would justify interceptions under s.184.4 for unlawful acts not enumerated in s.183.

However, the minister, to his credit, and department officials testified that this change was necessary to bring section 184.4 more in line with the rest of part IV. The change was also supported by a witness from the Criminal Lawyers' Association, who said that the narrower any provision of the Criminal Code can be, the better.

The definition of "police officer", which we had a concern about, was also discussed at committee at length. The term "police officer" is obviously preferable to "peace officer", for reasons that I think are pretty clear. It is not as broad. It is narrow.

However, committee members sought assurances that the definition of "police officer" in Bill C-55 could not be construed to include private security guards or mall cops, as they are called, for example. The minister clarified that this term has been interpreted a number of times by the courts. Therefore, it is not security guards, mall cops or commissionaires; it is Sûreté du Québec, Ontario Provincial Police, RCMP, and provincial law enforcement agents.

We accept the interpretation by the minister. We think, therefore, that the bill should be allowed to pass, because the minister, in his interpretation, is quite narrowly focused on what a police officer is. They are the only ones, in our understanding, who would have the ability to authorize the use of this power.

In the time I have left, it may be important, I think, to go back and review one of the key points, which is why the Supreme Court of Canada made the decision it did and to look at the safeguards put in place as a result of the Supreme Court decision.

Clearly, the Supreme Court, in its original ruling, basically said that there was a serious lack of accountability in the use of the warrantless wiretaps. It recommended that notice be given to the subject of an interception and that the notice be provided after the fact. That is kind of standard procedure. It happens in other areas with wiretaps.

Bill C-55, therefore, would require that either the Minister of Public Safety or the relevant provincial Attorney General provide notice of the interception, in writing, within 90 days of the day the interception occurred.

Extensions could be granted, but those would certainly be, in the case of ongoing interceptions, if it related to organized crime or to terrorism.

The other important point, and I will close on this point, is that reports from ministers at the provincial level or at the Attorney General level within the province, or from the Minister of Public Safety, ultimately—whoever is responsible—on the number of interceptions made under section 184.4, the number of notifications given and a general description of the methods of interception used for each of those interceptions must be tabled in the House and in others if it is their jurisdiction, outlining what those are.

● (1120)

For all those reasons outlined above, we, as a party, will be supporting Bill C-55, which we believe overcomes the concern of the Supreme Court of Canada as it relates to warrantless wiretaps.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, what is very interesting about the Supreme Court decision is that it says that the rule of law still applies in this country, even when dealing with criminal matters, despite the Conservative government's attitude sometimes. The Conservatives seem to believe that if they throw the word "criminal" out there, they can suspend all manner of civil liberties and due process.

In the act on the issue of warrantless wiretaps, the reasonable choice is that if police officers believe that a life is at stake or that a crime is being committed, they can obtain that data. However, they are accountable. Later on there has to be a written record of how it was used so that we know that this was not some personal vendetta or wild goose hunt.

Bill C-55 is very narrow in its definition. I think the Conservatives were forced to be narrow in their definition, because the Supreme Court held them to account. Compare that to Bill C-30, with which the government was looking to obtain all manner of information on Canadians on the Internet. The Conservatives would have allowed the minister, under section 34, to designate persons as inspectors who could go to a telecom operation, but they did not describe what those inspectors were. They could be police officers. They could be political staffers for all we knew. They were writing into the bill a wide variety of opportunities to throw as wide a net as possible to go after ordinary Canadian citizens.

The Supreme Court says that even in the case of dealing with criminal activity, the rule of law has to be in place. Whether on this bill or on deporting landed immigrants with crimes of six months without any due process, what does it say about a government that is that uninterested in the basic rule of law that has made Canada the democracy it is?

Hon. Wayne Easter: Mr. Speaker, I would answer quite simply and expand on it a little.

I think what the member said is absolutely correct. If we break down to the simpliest terms some of the things happening on the law and order agenda of the Conservative government, I have to ask if it is really justice the Conservatives believe in or revenge.

Looking at the mandatory minimum sentences the Conservatives are introducing, the laws have some implications. We hear about double- and triple-bunking in prisons now.

The way the Conservatives have handled some of these legal bills, there will be more court time taken up, because if a deal cannot be worked out between the defence and the prosecution, the defence will fight it all the way. As a result, some people will get off who should not, and some will have longer terms than they should have. It takes more court time. There is more cost to the system. Actually, at the end of the day, there is probably less justice. That is why I make the point that I think the Conservative government is more interested in revenge than in justice itself.

On the specifics of the question, thank goodness for the Supreme Court. In my earlier remarks I outlined why, with some of the laws the government has passed, the courts are turning back to Parliament legislation that was improperly passed. That, again, is how the Conservative regime operates in a dictatorial fashion.

The member is right in terms of accountability. There are two points in the bill that come as a result of the Supreme Court decision and the changes in the bill. One is that notice of a wiretap has to be provided within 90 days of the day the interception occurred. Second, ministers and Attorneys General have to report to Parliament or to the various houses on the methods of interception used and the numbers used. That is a safeguard after the fact. It brings some accountability to warrantless wiretaps.

● (1125)

[*Translation*]

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Mr. Speaker, I would like to thank the hon. member for Malpeque, who serves with me on the Standing Committee on International Trade. He is always very careful about following the rules and procedure.

I have witnessed the same thing that he has, and I have seen the cavalier way that the Conservatives have of cutting corners and always proceeding in camera so that people do not know what is happening in committee. I do not think that that is right.

We are now being forced to ram through a bill at the last minute when the work should have been done months ago, perhaps because of the Conservatives' partisanship and stubborn attitude. They have waited until the last minute and now they are trying to pass another botched bill.

What does my colleague think?

[*English*]

Hon. Wayne Easter: Mr. Speaker, my colleague is absolutely right. In fairness, we have only seen the tip of the iceberg in terms of laws that have been passed by this place that will be turned back for this or future parliaments to look at. The way the government rams these laws through is sure to create problems down the road, and we will likely see that in future years.

In this particular case, the court has ruled on a flaw in the law. This is just one example, but I believe that there will be many more.

I outlined in my remarks earlier that the government's agenda and the way this regime operates is to limit debate, limit discussion and limit analysis. That is being done in several ways. It is being done through, first, not testing legislation against the Charter of Rights and Freedoms, as we said earlier. That should have been done. We assumed that it was.

The point of privilege of the member for Winnipeg Centre should tell us more when the Speaker rules. That is a grave concern, because we, as members of Parliament, believed that the Department of Justice did that as a natural course of practice, and it obviously has not been happening.

Omnibus bills, which are bills that are all over the map, covering many subjects, probably never get to the committee with the expertise on them. Therefore, they are not debated or discussed properly.

The use of closure in the House is another measure that rams bills through without proper debate and discussion and a look at the safeguards.

As my colleague indicated a moment ago, even in committees we cannot even debate a simple motion on whether the minister should come before our committee in public. Conservative members drive the committee into what is called in camera, which is in secret. What is secret about having a minister before a committee?

This is the way the Conservatives operate, and it is prone to problems down the road. We will be responsible for the passage of bad legislation because of the way this regime operates.

● (1130)

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, I am happy to rise today in support of Bill C-55, An Act to amend the Criminal Code. I will be splitting my time with the member for Terrebonne—Blainville.

Finally, we have a helpful, useful intervention by the government, a crime bill we can support, not one laced with poison pills. That owes to the circumstances under which the bill comes before the House. It is really the force of circumstances in the form of a Supreme Court imposed deadline operating here, serving in a sense to take the matter out of the government's control.

It is the Supreme Court that has forced this amendment by way of its ruling in R. v. Tse, a case that dates back to April 2012. The case involved the issue of unauthorized wiretapping and, in response to the constitutional challenges raised, the Supreme Court ultimately ruled that such a practice could be considered constitutional if the matter were authorized properly by way of legislation. Therefore, the Supreme Court gave the government some time to figure this out, a year in fact, and Bill C-55 is the response. It represents the government's effort to ensure such unauthorized interceptions of private communications be done constitutionally, and it succeeds.

This bill would amend the Criminal Code to provide required clarity, oversight and accountability to the rules with respect to wiretapping in circumstances alleged to be too urgent for prior judicial authorization. Oversight and accountability do not come easily to the government, so it is encouraging to see the bill in Parliament. In fact, it is something just short of a miracle perhaps in light of the progenitor to this bill, Bill C-30.

The history of Bill C-55 is interesting and worthy of comment. Indeed, it explains why the bill is before us at the 11th hour, and indeed the last minute thereof, to boot.

The Supreme Court decision that we are discussing today was rendered a year ago, and yet here we are rushing this through before the April 13 deadline, which is looming. I will not be too critical of that because the timing of the bill is very much linked to the content of it and, frankly, what would make it succeed and be worthy of our support. It is the urgency of the circumstances that seem to have rendered the bill uncharacteristically brief and straightforward. It is in a twisted and counterintuitive way that we perhaps owe the Minister of Public Safety some thanks for his tendency to a debating style that is reductionist in the extreme and that very often ends up posing distorted binary options. It is usually some framing of the issue that places sympathy for victims in opposition to a respect for civil liberties and constitutional freedoms. The case in point today was the minister's claim that people were either with the government or with the child pornographers.

That was the framing for the now dead Bill C-30, the so-called "lawful access bill". I call it the case in point because Bill C-30 was really the government's first crack at responding to the Supreme Court's invitation to put in place a legislative framework that would render constitutional the unauthorized interception of private communications. However, it was both and alarming and cynical overreach that attempted to exploit all of our disgust and abhorrence for terrible crimes against children in an effort to bully Canadians into giving up their right to privacy in online communications.

It was dubbed the "protecting children from Internet predators act". That bill would have allowed law enforcement agencies to access Canadians' personal information without a warrant at virtually any time for virtually any reason. It would have given the minister and the government unprecedented powers to access information and to force telecom, Internet, telephone and wireless providers to allow the government to spy on customers. Bill C-30 would have effectively criminalized all Canadians.

● (1135)

That is the legislation the Minister of Public Safety brought to Parliament a little over a year ago when he thought he had a bit of time to play games with the legislation. That is what the Conservative government thought was reasonable: unlimited and unaccountable access to private communication. Luckily, Canadians, Canadian privacy commissioners and civil society organizations were watching, and they did not like what was being proposed. Also lucky was the minister exceeded even himself with offensive hyperbole and sabotaged his own bill in the process. Yes, it is for that and that alone in a strange way that we owe the minister some thanks.

The lesson of Bill C-30, of course, is not lost on anyone. It is that with time to play and left to its own devices, the government will gladly snatch from Canadians their right to privacy. Therefore, we can be sure that Canadians are watching and guarding that right very closely, as are we. Thankfully, this bill is a far cry from Bill C-30. It stands in contrast and, in fact, is short, simple, direct and straightforward.

The task to be accomplished by way of the bill is to amend the Criminal Code to comply with the Supreme Court's 2012 order to change section 184.4 of the code to comply with the Canadian Charter of Rights and Freedoms or to lose it. Section 184.4, as it is currently written, allows peace officers to intercept private communications in emergency situations where the officer or officers have reasonable grounds to believe the situation is one of imminent harm to life or property. The urgency of such situations necessitates actions before the proper judicial authorization can be obtained. There are times when this is an appropriate action that can prevent crime and protect Canadians and for this reason section 184.4 exists.

Where it has fallen short up to now is in the area of accountability, largely. Two things have been missing: first, a system of oversight to inform Canadians of when and how this legislation is used; and, second, a requirement to notify individuals whose communications have been intercepted within a period of time defined within the bill. The court found in the R. v. Tse decision that this gap in the legislation constituted a violation of the charter.

Bill C-55 would close this gap, perhaps not perfectly but through the use of four mechanisms. First, the bill would require that the Minister of Public Safety and provincial Attorneys General to make public a report on the use of section 184.4 to intercept private communications on an annual basis. Second, the bill would require that persons whose communications had been intercepted must be notified of the interception within a given period of time. Third, the bill would narrow the definition of who could conduct this surveillance and would change it from "peace officers" to "police officers". Finally, the bill would specify the list of offences for which section 184.4 could be invoked to those offences listed in section 183 of the Criminal Code.

These four will result in an improvement to the section of the code that serves to both limit the use of warrantless wiretapping to certain individuals, circumstances and offences and to increase the accountability in cases where it is invoked. The Supreme Court of Canada has spoken on the issue and Bill C-55 is Parliament's answer and, in the our view, the right one. Enhanced accountability and transparency is something the NDP will always support.

We know from experience where a lack of oversight and accountability takes us. We get massive omnibus bills, tax bills and omnibus crime bills passed at the last minute, with no time for parliamentarians to vet legislation, as our constituents rightly expect us to do. We get bills like Bill C-30, which outraged the public, and the minister managed to shame himself in that process.

Bill C-55 would revive at least a bit of what the government had run over and left for dead, which is accountability, by requiring the Minister of Public Safety to report annually to Parliament on the use of section 184.4 and the frequency of warrantless wiretaps in emergency situations. It would also require provincial Attorneys General to make this information public as well.

This is the kind of legislation we need, not the kind that gives cabinet ministers or other officials unprecedented powers but one that upholds Canadian law and increases accountability of police to the public. This why my colleagues and I in the NDP will support the bill.

● (1140)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, my colleague from Beaches—East York's presentation was, as always, thorough and helpful.

I am taking us back to the day that Bill C-30 was tabled in the House. It has become convenient to have revisionist history that the Minister of Public Safety was somehow off message when he attacked all of us in the opposition as either standing with child pornographers or with him. It is worth remembering that at first reading no one could find a copy of Bill C-30 in the opposition lobby that did not call it a bill for warrantless access. The use of the term "a bill for the protection of children from Internet predators act" was such a last-minute change that it was not even possible to find a single copy, other than the one that had been tabled for first reading.

My theory on those facts is that it was a PMO-approved bit of spin-doctoring and the mistake the Minister of Public Safety made was delivering the line with too much zeal.

Mr. Matthew Kellway: Mr. Speaker, I appreciate my colleague's hypothesis on this. She may very well be correct. I do not want to be interpreted today as suggesting that the minister was off message. It is a message that is too frequently given. As I said in my speech, it is this juxtaposition of sympathy for the victims and civil liberties and constitutional freedoms, but somehow we cannot be for both.

In this case, the binary option was expressed with the government or with the child pornographers. It was perhaps a little overzealous. It has been described as being hurtful and offensive. It is certainly all that, but it is also extremely juvenile and it brings shame upon the minister himself and, frankly, upon this institution to have that level of debate and discourse in the House.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I listened with great interest to my hon. colleague's excellent discourse on this issue. I have a number of questions that I will try to get to in the limited time I have.

I am concerned because what we saw with Bill C-30 was an attempt to use the spectre of crime, the very debate of the accusation of an ordinary citizen supporting child pornography because we dared question the wisdom of the minister.

Bill C-30 would have used the cover of crime to allow all manner of attacks against basic privacy rights, including the fact that the minister could designate persons, and it was not clear who those persons were, to go in and demand warrantless access to information from telecom service providers on undisclosed persons. Who knows, it could be a political staffer who would be able to go in to telecoms to demand ISP information. That was under clause 35 of Bill C-30.

We still have a bill in the House, Bill C-12, which is supposed to be protecting personal privacy data, but we see that is creating all manner of loopholes. Bill C-12 would allow telecommunications companies to disclose personal information to government institutions, and it is unclear exactly who in the government, without the knowledge and consent of individuals for the purpose of "policing services". This is under clause 6(6) of the proposed Bill C-12. The language is in there again to undermine the rights of ordinary citizens to know that there will be due process and oversight.

Why does my hon. colleague think the government is so fixated on undermining the basic legal private rights of Canadian citizens?

● (1145)

Mr. Matthew Kellway: Mr. Speaker, I thank my colleague from Timmins—James Bay for his struggle on behalf of Canadians and their interest in their privacy rights, in particular with respect to the bills he mentioned, Bill C-12 and Bill C-30.

I cannot speculate on why the government has such callous and obvious disregard for the privacy rights of Canadians. I cannot account for the zealotry of the minister himself and, perhaps as my colleague suggested, the PMO, nor the disregard for the charter, the Canadian Bill of Rights and the other legislation that, frankly, obligates the government to bring forward legislation to the House only after it has been vetted for conformity with the charter.

There is obviously a trend here. I reflect on past speeches I have given and all of these issues ultimately go to accountability. Bill C-42 had the opportunity to provide the House with oversight of the RCMP, and the Conservatives ignored that. They go to Senate omnibus bills and so on and so forth.

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, we know this government has very little respect for privacy. We have seen this in the speeches made by my colleagues here, and in the bills this government has introduced. We also see that it has little respect for the provisions of the Canadian Charter of Rights and Freedoms, the rights and freedoms that are guaranteed to Canadians. From time to time, it introduces bills that are at odds with the Constitution.

I am very happy that this time, it decided to comply with the provisions of the charter and amend the Criminal Code so that section 184.4 protects individuals' privacy, as guaranteed by the charter.

We know that section 184.4 applies to the interception of private communications, and the Supreme Court recently ruled on this subject. Bill C-55 adds measures that would require persons whose private communications have been intercepted to be so informed at least 90 days after the interception, and reports to be produced annually.

These measures are essential. The fact is that when you take away the need to obtain a warrant in order to intercept private communications in extreme situations where a life is in danger, it is important that there be oversight, with a system in place so that we know what happened and why someone found it so important to intercept those private communications without a warrant.

The NDP understands how important it is for the police to have the tools to respond appropriately in dangerous situations, but at the same time, we cannot neglect the rights entrenched in the charter. Even in cases involving criminals, even in extreme cases, we have to respect the law as it stands. We have to respect the principles of Canadian law, the Canadian Charter of Rights and Freedoms and the Constitution. It is essential.

While I am happy that this government is finally respecting the Canadian Charter of Rights and Freedoms in adopting these measures, I should emphasize that this government, given the espionage agenda we saw with Bill C-30 and with Bill C-12, amended this bill to make it consistent with the charter only after being compelled to do so by a Supreme Court justice. So this was not something it decided to do on its own; it was an obligation flowing from the Supreme Court decision. If this government truly had the interests of Canadians at heart, it would have done this itself, instead of waiting for the Supreme Court to rule on the matter.

It should also be noted that this bill was introduced as the government was announcing the death of Bill C-30, which enabled designated persons, who were none too clearly defined, to gain access to personal information without a warrant and without judicial oversight.

Once again, this government tried to go after personal information, and to treat all law-abiding Canadians as criminals, with no warrant or judicial oversight. If this government wanted to, it would have said that it is important, when looking for information without a warrant, to have a reporting mechanism or something of the kind, so that people are accountable, that personal information is sought only in extreme cases, and that law-abiding people are not treated as criminals, in contrast to what Bill C-30 proposed.

While Bill C-55, following the Supreme Court decision, ensures respect for section 8 of the Canadian Charter of Rights and Freedoms when private communications are intercepted, Bill C-30 introduced measures that were inconsistent with the right we are guaranteed under section 8 of the Canadian Charter of Rights and Freedoms to be protected against unreasonable search or seizure.

There were two bills. The first was withdrawn, and I am very happy about that. Canadians are also very happy that the government decided not to continue with Bill C-30. The second bill says that Bill C-30 was inconsistent with the Canadian Charter of Rights and Freedoms. I hope the government will realize to what extent its own bill, its espionage agenda—I am going to call it that because this is not the first time we have seen attempts of this kind—seriously affected the protections Canadians are guaranteed under the Canadian Charter of Rights and Freedoms.

● (1150)

The people of Canada were opposed to the measures contained in Bill C-30. The government accused its opponents of siding with pedophiles. I was myself accused of being a friend to pedophiles because I opposed that bill, like millions of Canadians right across the country. It has nothing to do with being friends to pedophiles, and everything to do with believing in the protection of Charter rights and in the content of our Constitution. It is absolutely essential to protect the provision set out in section 8 of the charter. We cannot go against it, and the Supreme Court judgment demonstrates that.

If Bill C-30 had been passed, it would have empowered designated persons, again not specified, and selected by the minister, to require Internet service providers to supply names, IP addresses and email addresses without a warrant and without judicial oversight. The Supreme Court decision demonstrates the necessity at all costs of protecting the privacy of Canadians, and shows that the rights and freedoms guaranteed by the charter are not negotiable, contrary to what this government thinks. I trust it has learned its lesson.

I mentioned this already, and I would like to say it again. It seems that a little more reflection is needed on this. The government introduced Bill C-12, which still has not been debated, but which also contains measures regarding surveillance without a warrant. Instead of explicitly saying that it would allow the collection of personal information without a warrant, this bill expands the definition of people who have access to that information and who can consult Internet service providers, based on a vague, sketchy definition. The Privacy Commissioner even raised some concerns about that clause, which was included in the bill.

The mandate for online spying that the government has given itself is not finished. I hope the government has learned its lesson and that, in light of the Supreme Court decision regarding the proposal in Bill C-55, it will drop any attempts to spy on Canadians online, when they are obeying the law.

I want to emphasize that the government cannot cast such a wide net and treat all Canadians like criminals when they are online. Of course, there are criminals and people who disobey the law, and it is important that police officers have the tools they need to intervene. That said, the government cannot contravene the charter. It must respect all rights and liberties guaranteed in the charter.

Once again, I really hope the government has learned its lesson and that it will scrap its plan to spy on people online.

● (1155)

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I would like to pick up on that. The hon. member for Terrebonne—Blainville is hoping that the government has learned its lesson. I would like her to take that a bit further.

Is that hope realistic? Is the government making amends because Easter is just weeks away? The government is not truly making amends. It is not being sincere; this is just a matter of circumstance.

Ms. Charmaine Borg: Mr. Speaker, my colleague raises an excellent point. This ruling was made last summer, if I remember correctly. The government waited nearly a year before introducing this bill. Section 184.4 has been in the Criminal Code for years, but the government did not do anything until the Supreme Court said that the section violates the charter. The government is not doing this by choice; it has an obligation.

I hope that in the future, it will take this ruling into consideration and will understand that it cannot violate the Charter of Rights and Freedoms. These rights and freedoms are guaranteed for all Canadians, no matter what the circumstances. That must be respected.

I hope that it has learned its lesson. I do not know if it has really learned anything because it was forced to introduce this bill, but I am optimistic.

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I would like to thank the member for her speech.

I would like to ask her a broader question about the fact that police authorities can access Canadians' personal, private communications.

Why is it so important that this does not violate the Constitution? Why is it so important that we properly examine this power before we move forward? What are the consequences of giving the authorities these powers? Why is it so important to provide a proper framework for them so that Canadians' rights are not violated?

Ms. Charmaine Borg: Mr. Speaker, as I said in my speech, these are important measures, and it is vital that police officers have the tools and measures they need to take action in situations where they could save a life. At the same time, when the need to obtain a warrant is removed, it is truly important to have a system of accountability in place to ensure that those powers are not abused.

Bill C-55 also requires that within 90 days, people be informed that their messages or private communications have been intercepted.

Personally, I would not like my messages to be intercepted without my knowledge. I think this is a serious problem. We need these measures to ensure that section 184.4 is consistent with what is in the charter.

● (1200)

Mr. Pierre-Luc Dusseault: Mr. Speaker, I thank my colleague for her response.

I would like to know her thoughts on the comments made by the Minister of Public Safety, who lumped together everyone who was against his bill. Finally, he is realizing today that he, himself, was perhaps in the same boat, because the Conservatives decided to reject that bill.

Can she give her thoughts on the minister's comments? Does she think he realized the import of his actions later and that he is now in exactly the same position as the opposition, in other words, against the bill?

Ms. Charmaine Borg: Mr. Speaker, this proves that the government's strategy is simply to divide people. In this example, it is basically like saying, "You are either with us or you are with pedophiles."

In this situation, the Minister of Public Safety openly insulted anyone who opposed the bill for privacy reasons. It was clear that the minister did not want to listen to Canadians. It took him a year to withdraw his comments. In the end, he did not even apologize to Canadians.

Such comments really demonstrate how little confidence this government has in Canadians and how it would rather divide people instead of listening to them, even though they might be right.

[*English*]

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I appreciate the opportunity to rise today. I will be sharing my time with the hon. member for Brome—Missisquoi. I know the member well because I serve on two committees with him.

I am very pleased to speak again in the House on the NDP's views on this piece of legislation, Bill C-55. It would amend the Criminal Code in response to the Supreme Court ruling referenced several times here this morning in previous speeches.

The point that has to be reiterated is that this is all coming about with a very few days remaining to meet the deadline that was provided to the House by the Supreme Court. It stayed a decision for a year to give the government the opportunity to bring forward an improvement to legislation that is much needed. We have supported this legislation throughout the process, although we found the process daunting because of the delay that took place in getting it here. We supported the government because it is an important tool for our police services in this country.

However, on the counter side of that, it is very important for the official opposition to look cautiously at any legislation that authorizes people to look into people's lives in the manner that this would. This enactment seeks to amend Canada's Criminal Code, and the Supreme Court ruling talked about the need for safeguards for Canadians, because this allows for authorized, and I want to stress the word "authorized", interception of private communications, done prior to judicial authorization as foreseen in section 184.4 of the act.

It is worth noting that the enactment states that it:

> requires the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interceptions of private communications made under section 184.4;

and

> provides that a person who has been the object of such interception must be notified...within a specified period;...

The assumption is that those persons have not been found to be taking part in any criminal activity, and thus they have every right to be informed; and if they were involved with criminal activity and are part of an ongoing investigation, there could be an extension.

It narrowed the class of individuals who could actually make such interceptions, and those limited interceptions to particular offences are listed.

I was speaking a few moments ago about the fact that we are within three weeks of a deadline supplied to us by the Supreme Court. There was the benefit of a year from the Supreme Court to act on this, and the government has not done so until the very last minute. I have to question what the delay is. Why did it take close to a year for the government to respond to this? This was not a great difficulty, from the standpoint that the Supreme Court identified the areas in which the government had to make changes.

I would go so far as to say that when any government or any party in government looks to put forward legislation, a significant part of the process is debate in this place. Another significant part is the opportunity for all parties to come together, which we did in the instance of Bill C-55 at committee, to look at it, to hear witness testimony, to do those things necessary to offer any piece of legislation the due diligence necessary to make it as good as we possibly could. That is the concern over the timeframe, the concern over the fact that we had a couple of days to try to do things that could have well extended beyond, had we brought in more witnesses. It is troubling because that impedes the due diligence we have to administer on behalf of those people who sent us to this place.

I tend to repeat myself in my remarks, because that troubled me to the degree that I felt it was worth repeating.

● (1205)

There have been other times in this place that the opportunity to debate and to consider various bills has been impeded. I would ask how many times the Conservative government has moved time allocation on bills. It is not the delay just in this particular bill, but in other bills. We must be closing in on 30 times that it has occurred in this Parliament. It has to be close to that by now. I hear other members agreeing.

We have seen budget bills and other legislation affecting services, which Canadians rely on, shut down or extremely limited by the Conservatives, at what appears to be almost every opportunity. It stifles the opportunity for us to make those bills better. It stifles the opportunity we have as members to point out what they have done well and what they have done not up to the standards Canadians expect. We get to do that in this public forum. That has been curtailed too many times.

Once again, that is part of my concern with this bill, Bill C-55, and how it got to committee after such a delay. It has the potential of impacting ordinary Canadians in a very negative way if the protections of which the Supreme Court has spoken to us were not put into place.

Bill C-55 is simply an updated version of wiretapping provisions the Supreme Court previously deemed unconstitutional. That is quite a statement when we think about it. Fortunately again for the House, the Supreme Court set the parameters of what it saw as the need to protect Canadians' rights.

I have to say that Canadians have good reason to be concerned about privacy legislation that comes out of the government. To date the government has not had what I see as a good record in that area. It is not encouraging at all.

There is an obligation on the official opposition to work for the public good in upholding the rule of law, our Constitution and the Canadian Charter of Rights and Freedoms. It was in February 2012 that the Conservative government tabled Bill C-30. Members will recall that gave authorities the power to access personal information in a way to which the Supreme Court responded.

It raised very serious concerns across the country, as I recall, about personal privacy and fundamental rights. That was due to the manner in which it was constructed and the powers it was seeking to give out. I will add that it was kind of a compilation of previous bills that have been before this House, Bill C-50, Bill C-51 and Bill C-52 from a previous parliamentary session. The Conservatives were attempting to build on the original legislation from 1999 to provide public safety authorities with extensive surveillance powers over digital information. As I said a moment ago, there was a significant backlash from the people of Canada in regard to this.

Now we have the government with these much-needed changes, I will commend the government. It reached across to us in the committee. We did work better on that bill than we did on some others in the past. If we did not meet the deadline or the provisions required by the Supreme Court, then these emergency powers would be thrown out.

I began my remarks talking about the need for police officials of our country to apply these. In this particular case, these provisions are intended to happen at the worst possible time, when somebody is under physical threat of injury or harm. It was important for us to go a little deeper into it.

I am looking for what really needs to be summarized here, and that is the fact that our role is to ensure that the privacy rights of Canadians are balanced with the police officials' needs to investigate, particularly in a time where someone is under the threat of physical harm. I have to say that, working together, I believe we accomplished that. Thus, we will be supporting this bill.

● (1210)

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I would like to thank the member for Hamilton East—Stoney Creek for his very good overview of this bill, Bill C-55, particularly the context in which this bill came forward.

I guess the comment and the question I have is that it is really shocking to me that the original bill, Bill C-30, which was brought forward in the House, finally had to be withdrawn because of the massive opposition, both in the House from us, the NDP, and also out in the broader community. People across the country rallied against that bill. It was commonly known as "spying on the Internet". It was a bill that was way over the top and, of course, we all recall the remarks from the Minister of Public Safety at that time.

To me, the bill that is before us today serves as a very good example of why an opposition, and Parliament itself, is so important. If we had not been here, that original bill would have been rammed through by the government. It did everything it could to try to put pressure to put the bill forward. However, because of the massive public reaction, the government had to finally stand down.

I wonder if the member would comment on that. To me, it serves as an example of what the role of this Parliament, and the opposition, is all about.

Mr. Wayne Marston: Mr. Speaker, I want to say to the member that in this place, the duty of the official opposition is to call into question those times when a government, particularly one with a majority, is starting to proceed with a kind of cavalier attitude that it has the right to proceed in certain areas. Part of what we did, as the official opposition, was raise concerns and draw Canadians' attention to the issues. Once they came to understand the potential for the negative impact upon their lives, there was certainly the push-back to which she alluded.

However, there is a positive side to this, too. When the government was forced to bring the legislation back in a new form, the opportunity to work together on it made that a better piece of legislation, more compliant with the Supreme Court's view of the legislation.

The sad part is that in this place we have the opportunity of doing that on a number of different bills, but in this particular government's case, it tends to just turn its back on the offer to try to make legislation better, better for Canadians, and that is who we are here to serve.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I have yet to ask the blunt direct question, and maybe it is unfair that I pick the member out of his whole caucus, but he has spoken of how it is important to make the bill as good as it could be. Although I am also going to vote for this bill and did at report stage, I am very sad that members of the official opposition caucus who usually support my efforts for civil liberties did not support my amendments yesterday. They were all derived from the recommendations of the Canadian Bar Association, the BC Civil Liberties Association and the Criminal Lawyers' Association. They would have made the bill better. They would have made it more charter compliant.

I wonder if he can fill me in on why, in this instance, the official opposition decided to go along with the Conservatives on the bill.

● (1215)

Mr. Wayne Marston: To be very frank, Mr. Speaker, the official opposition did not see the merits in those amendments, so we did not support them.

[*Translation*]

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, I wish to thank my hon. colleague, whom I have the pleasure of working with on the Standing Committee on Justice and Human Rights.

My colleague, our party's official justice critic, raised all of our concerns related to how this government acts when it comes to bills, which quite often violate the charter. In this case, my colleague had moved a motion specifically in order to avoid situations like Bill C-30.

I wonder if my colleague could talk about the advantages of having a system in place and how important it is that MPs understand this system, in order to ensure that all bills comply with the charter.

[*English*]

Mr. Wayne Marston: Mr. Speaker, the fact of the matter is that anybody putting a bill forward in a responsible manner, one that has this potential for an impact upon Canadians, first should ensure it is charter compliant and ensure that the bill would stand up to a review by the Supreme Court. The member put forward a motion to that effect, that we put a process in place, and I would recommend that the government give it serious consideration.

[*Translation*]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, I am very pleased to take part in the debate on Bill C-55.

First of all, I want to thank my colleague, the member for Gatineau and official opposition justice critic, as well as all of my colleagues, in particular the members for Brossard—La Prairie and Hamilton East—Stoney Creek, who have been working diligently to bring these matters forward.

I want to start by saying that we support this bill because we have the public good at heart. Respect for privacy, accountability, proper oversight, the rule of law and respect for the Constitution and the charter are extremely important to us.

The member for Hamilton East—Stoney Creek noted that the government has moved time allocation close to 30 times. Time allocation is not used in committee, but causes that we espouse are systematically rejected along with many amendments that we bring forward. A climate of co-operation does not usually prevail.

Things were different this time as far as co-operation goes. However, the government had a knife to its throat, so to speak, because of the looming April 13 deadline. In R. v. Tse, the Supreme Court directed the government to provide safeguards related to the authority to intercept communications. The Court declared that interceptions made under section 184.4 without a prior court authorization were unconstitutional.

The bill requires the Minister of Public Safety and the Attorney General of each province to report on the interceptions of private communications made under section 184.4. It furthers provides that any person who has been the object of such an interception must be notified of the interception within a specified period. It narrows the class of individuals who can make such an interception and limits those interceptions to offences listed in section 183 of the Criminal Code.

I would remind the House that this new Bill C-55 is simply an updated version of wiretapping provisions that the Supreme Court deemed unconstitutional. New privacy safeguards have been put in place. We believe the bill meets the standards in this area.

The Conservatives have a less-than-stellar record when it comes to privacy. That is why we took steps to ensure that this bill respected as much as possible the rule of law, the Constitution and the Canadian Charter of Rights and Freedoms.

This bill comes on the heels of the Conservatives' abject failure with Bill C-30. This piece of legislation failed to meet the charter test because it was not properly crafted.

The Conservative government is making a desperate attempt to comply by the April 13, 2013 deadline with the Supreme Court decision in R. v. Tse.

Section 184.4 of the Criminal Code provides for safeguards, notifications and reports. Firstly it would require that a person whose private communications have been intercepted in situations of imminent harm be notified within 90 days. Secondly, it would require that annual reports be produced on the use of wiretapping under section 184.4. These amendments would limit the authority of police officers to use these provisions and would limit interceptions to offences listed in section 183 of the Criminal Code.

The problem is that the current section 184.4 violates section 8 of the charter. Not enough thought went into it. It does not contain accountability measures to ensure proper oversight of police officers as they exercise the authority conferred upon them.

● (1220)

The court therefore called for some accountability measures which were introduced in Bill C-55. Among other things, this is the reason why we support this legislation.

I would now like to turn my attention to the prior notification requirement. The bill also requires that persons who are the object of interceptions be notified. Section 195 also makes it a requirement to report to Parliament, including producing reports on the use of interceptions under section 184.4 of the Criminal Code.

For all of these reasons, we will be voting in favour of the bill because it attempts to strike a balance between personal freedoms and public safety considerations. However, the question is why it took the government so long to act. Bill C-55 is a step in the right direction, but why is the government not working together with the opposition at all times to resolve problems and improve proposed legislation?

Where justice is concerned, our priority is ensuring respect for the rule of law, for Canada's Constitution and for the Charter of Rights and Freedoms, not for any political agenda.

Michael Spratt from the Criminal Lawyers' Association testified in committee in March 2011. He supported this bill. He felt that it was fair and constitutional and did an admirable job of incorporating the Supreme Court of Canada's comments from R. v. Tse. Mr. Spratt confirmed that the recurring theme is the balance between the protection of the public and the protection of privacy.

The Canadian Bar Association submission to the Standing Committee on Justice and Human Rights also indicated that, overall, the CBA is in favour of the amendments the bill proposes to comply with the ruling in R. v. Tse.

A representative of the British Columbia Civil Liberties Association, Raji Mangat, also said that this is a sensible and necessary privacy bill. She is pleased that Bill C-55 limits the application of warrantless wiretapping to circumstances in which the goal is to prevent the commission of an offence.

The notice requirement provides transparency and serves as an essential check on this extraordinary power to intercept communications without judicial authorization. This bill also includes reporting requirements in order to increase oversight in the use of warrantless wiretapping by police.

For all of these reasons, we agree with the committee witnesses that this remedies the problem. The government missed the mark with Bill C-30, but has made the necessary changes.

I am wondering about something and I will end on that note. Why does the government not work with our committee to improve other bills? The government should not just work with the opposition only when the Supreme Court puts a knife to its throat. The government must work with the opposition in the months and years to come. This would be a win-win situation for Canadians, as well as in terms of the rule of law and respect for the Canadian Constitution and the Canadian Charter of Rights and Freedoms.

● (1225)

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, I thank my hon. colleague for his speech.

Since he is a member of the Standing Committee on Justice and Human Rights, I would like to ask him a question about how the government has proceeded with other bills, including Bill C-30, for example.

How has the government proceeded and what could be done to improve this aspect? The opposition has proposed concrete solutions. I wonder if my colleague could talk about what this government could do better.

Mr. Pierre Jacob: Mr. Speaker, I like the correction. The government could do so much better. It could not do any worse than what it is currently doing.

Instead of systematically rejecting any amendments or proposals made by key witnesses, the government should work with the opposition to improve these famous bills, like it did, as though with a knife to its throat, for Bill C-55.

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I listened with interest to my hon. colleague, and what struck me was the fact that within Parliament it is the role of parliamentarians of all parties to work toward the development of good legislation and legislation that will stand a test in the courts.

Unfortunately, the government has time and time again ignored input from the other parties and also tried to defy the courts. With Bill C-30, the Conservatives were completely slapped back because it was such an intrusive, invasive attack on the basic civil liberties of law-abiding Canadians. We see with Bill C-55 that the Conservatives have gone for a much narrower range in terms of legislation that would actually pass the charter test.

Does my hon. colleague not think that the Conservatives would have been wiser, and may be wiser in future, if they actually learned the lesson that at the end of the day they are not supreme in this land, that it is still the Supreme Court, that they still have to work with other organizations and other parties to ensure that legislation would be to the benefit of all and not just for their attack ads?

[*Translation*]

Mr. Pierre Jacob: Mr. Speaker, not only in the House of Commons but also in committee, the government would do well to work with the opposition in order to improve legislation. My hon. colleague from Hamilton East—Stoney Creek said that about 30 time allocation motions have been imposed. This really undermines democracy. Committee meetings are being held in camera, and witnesses and amendments are being systematically rejected. This will not serve to improve bills.

I hope the members opposite will listen to the truth.

● (1230)

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I thank my colleague from Brome—Missisquoi for his speech.

I would like to ask him a very simple question. I know that he has a legal background and training, and I believe he is still a member of the Barreau du Québec. I would like to know why it is important that laws presented to Parliament comply with the charter and that they first pass the test of the justice department's officials.

Why is it important for parliamentarians to be assured that the legislation they debate respects the Canadian Charter of Rights and Freedoms, in view of the fact that Bill C-30 was introduced in the House and that Bill C-55 is the response to an unconstitutional provision of an existing law, namely section 184.4 of the Criminal Code?

Why is it important for our laws to respect the Canadian Charter of Rights and Freedoms? That is my question for my colleague.

Mr. Pierre Jacob: Mr. Speaker, I thank my colleague from Sherbrooke for his excellent question.

I would say that it is a basic function of the law to ensure that a bill respects the charter and the Constitution. My colleague from Gatineau spoke about access to justice. Not everyone can go all the way to the Supreme Court. It is also a question of time and money.

Whenever possible, we must ensure that the laws passed by Parliament are adequate and meet the constitutionality test. In our society we have the rule of law and it is important to respect that.

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Mr. Speaker, I will be splitting my time with the member for Rosemont—La Petite-Patrie.

I am surprised, even flabbergasted, to be rising today in the House to support an intelligent piece of legislation from this government. I never thought that this day would come in my lifetime.

To date, everything that I have seen from this government has been so shoddy and botched that I certainly did not expect such a bill to ever see the light of day. Perhaps pressure from the Supreme Court has forced the Conservatives to introduce this legislation.

In supporting this bill, however, we want to prove that we are not blind partisans. Even after being insulted on virtually a daily basis for the better part of a year and being associated with wrongdoers, pedophiles, terrorists and all manner of criminals, we have understood one thing, because we think things through and use our good judgment: this is an extremely important issue. Indeed, an entire part of the legislation needs to be reviewed and circumscribed so that rights are upheld. It would be a disaster if nothing were done.

The Conservatives can count themselves lucky that we are not blind partisans. At any rate, they would pass the bill regardless. They do what they want. The fact is, however, that what needs to be in the bill is there. The use of section 184.4 is limited.

I get the sense that all the Conservatives came here with a misguided view of power. They thought that they could do whatever they wanted because they had a majority. The Supreme Court has just reminded them that laws must be obeyed and that there is a Canadian Charter of Rights and Freedoms that is replete with requirements. I hope that the Conservatives will learn from this experience and that they will think things through a bit better in the future.

In a democracy, parliamentarians must be given the opportunity to express themselves, and their opinions must be taken into account, as must those of witnesses who appear in committee. That is democracy in action. By going about things in a partisan and obtuse manner and by acting as they see fit, rejecting everything that they themselves have not put forward, the Conservatives are doing a disservice to society.

Each and every time that—

● (1235)

[*English*]

The Acting Speaker (Mr. Barry Devolin): Order, please. The hon. member for Selkirk—Interlake is rising on a point of order.

Mr. James Bezan: Mr. Speaker, we are debating third reading of Bill C-55. I have been listening quite intently to the member and to the opposition members speaking before him, and their comments have not been relevant to the issue at hand.

I would remind you, Mr. Speaker, that O'Brien and Bosc, chapter 13, page 626, states:

> Debate on third reading is intended to permit the House to review the legislative measure in its final form and is therefore strictly limited to the contents of the bill.

I would also like to remind you, Mr. Speaker, that also in chapter 13, "Rules of Order and Decorum", on page 623 under "The Rule of Relevance", it says in a ruling made back in 1882, J.G. Bourinot, then Clerk of the House, felt the need to add this comment to his overview of parliamentary practice. It states:

> A just regard to the privileges and dignity of Parliament demands that its time should not be wasted in idle and fruitless discussion; and consequently every member, who addresses the house, should endeavour to confine himself as closely as possible to the question under consideration.

Only once have I heard the member from across the way mention the amendment to section 184.4, which we are debating and for which the government has brought forward a bill in accordance with a Supreme Court ruling. I ask that he get down to the discussion at hand rather than editorialize.

The Acting Speaker (Mr. Barry Devolin): The Chair appreciates the intervention from the hon. member for Selkirk—Interlake and once again reminds all hon. members in this place that given that there is a matter before the House, speeches, questions and comments should be related to that. Having said that, it is also the practice of this place that a significant amount of latitude is offered to members. Secondly, from time to time, hon. members seem to take a circuitous route to their point. However, the Chair trusts that there is a point.

Specifically regarding the hon. member for Selkirk—Interlake's reference to the rules related to third reading as distinct from other matters that may be before the House, I would again thank him for his intervention and hope that it might serve as a reminder to all of us that when we are speaking in the House, we should be dealing with the matter at hand.

We are today dealing with Bill C-55 at third reading. I trust that the hon. member for Laurentides—Labelle will proceed in that fashion.

[*Translation*]

The hon. member for Laurentides—Labelle.

Mr. Marc-André Morin: Mr. Speaker, today we are voting, at the last minute, on a bill that addresses a problem that should have been resolved months ago. I was attempting to put things in context.

I must say that I am proud, today, to support the bill. A lot of work has gone into it, and it will have a positive impact on Canadians. I simply wanted to stress the fact that it is not the result of happenstance. The reason we are here today, and the reason that the Conservatives have done their job, is because of all of our criticism over many months regarding the previous bill, which was botched and did not stand up to scrutiny.

● (1240)

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, I listened very carefully to my colleague. I would also like to correct what my colleague opposite said. My colleague has always talked about the process the bill had to go through to get here, about the reason why we have reached third reading of that bill and about the fact that the government took so long. I very much respect your decision, Mr. Speaker.

I have a question for my colleague. Before Bill C-55 got here, the government spent a great deal of time drafting Bill C-30 and demonizing all those who opposed that bill.

The Conservatives subsequently admitted their mistake, reversed course and drafted Bill C-55 at the last minute. That bill is nevertheless a step in the right direction, since it is consistent with what the Supreme Court requested. I would like my colleague to comment on the process the government used to table Bill C-30.

Mr. Marc-André Morin: Mr. Speaker, it was quite a simple matter. It was not a very complex bill. The problem could have been solved quickly if it had been properly studied in committee. The proof of that is that the bill emerged very quickly and efficiently from the process. I do not see why they were unable to act six or eight months ago. Demagoguery means something.

As Voltaire would say, those who can make you believe stupidities can make you commit atrocities. That is their principle.

[*English*]

Mr. James Bezan: Mr. Speaker, again under Standing Order No. 18, it is clear that we are not supposed to be using unparliamentary language. He has just accused our side of being stupid.

The Acting Speaker (Mr. Barry Devolin): Once again, the Chair appreciates the intervention of the hon. member for Selkirk—Interlake and would remind all hon. members that there are practices and precedents surrounding unparliamentary language. There are some grey areas, but there are some areas that are quite clear.

The English translation of stupid is clearly not parliamentary language in this place.

[*Translation*]

Mr. Marc-André Morin: Mr. Speaker, that must be a translation problem, because I would point out that I never called anyone stupid. I was speaking instead about people who tried to make us believe stupidities. It is possible for someone very intelligent to try to convince us of something that is not. That is very different.

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, I agree with my colleague from Laurentides—Labelle: I believe there was a translation problem.

However, the people in this House also need to be aware that a Conservative government minister is accusing the official opposition of siding with pedophiles. I am not sure that is parliamentary language either.

I would also like to hear my colleague from Laurentides—Labelle talk about the Conservative government's wish to invade people's lives through Bill C-30, which was fortunately scrapped because it ran entirely counter to Canadian and Quebec values and to the Canadian Charter of Rights and Freedoms.

The Conservatives are doing the same thing with Bill C-377, under which they would compel labour organizations to provide information concerning them.

What does my colleague have to say about the Conservative government's desire to invade people's privacy?

Mr. Marc-André Morin: Mr. Speaker, clearly Bill C-30 was a nightmare for people. People were wondering who the bill could have targeted. In truth, just about anyone could have been targeted, from political opponents to environmentalists.

When someone acquires a weapon, usually they have a potential victim or target in mind. When such a destructive weapon is acquired, there is good reason to be worried about who the potential target might be.

● (1245)

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, I want to thank my colleagues for their moral support. I hope that my comments on Bill C-55 will stay on point. I would also have liked to hear my Conservative colleagues speak out about this important bill that their government has brought forward. Their silence today is deafening, aside from a few points of order that can be construed as attempts at badgering.

Fundamentally, the debate on Bill C-55 takes us back to the history of Bill C-30. Finally we have a Conservative government that has backed down and admitted the error of its ways, a government that has been forced to go back to the drawing board. This is not the first time the Conservative government has been taken to task, but it should happen more often. Unfortunately, we have a government that delights in improvising most of the time. It is guided by its ideology and completely blinded by certain libertarian or conservative principles, so much so that its actions are not guided by the facts, by science or by reality, but rather by personal views, as the justice minister pointed out.

Members may recall that Quebec's justice minister had asked the federal justice minister some questions about a bill on minimum sentences for young offenders and in that instance, personal views had specifically come into play. In my opinion, Bill C-30 was also based on personal whims. It is a shame, really, because the privacy of our country's citizens was threatened by the Conservative government, which adopted a very hostile attitude toward all those who dared call its bill into question.

Members may recall that the Conservative minister accused the opposition parties of siding with pedophiles simply because they criticized and opposed Bill C-30. Highly ideological stances like this adversely affect debate in Parliament as well as in our democracy.

It is important that I mention the employment insurance reform, which should have been based on impact studies illustrating the impact of the reform on a number of regions, on workers, and their families. It came to our attention that no impact studies were conducted. All's well that ends well, however, when it comes to Bill C-30 because the bill was scrapped. This proves that when there is public outcry, and when people mobilize, the government can be forced to backtrack, even the Conservative government.

Let me come back to Bill C-55. It is fortunate that we still have courts in this country. It is fortunate that we have a Supreme Court of Canada to tell us which provisions need to be amended, because the Conservatives do not respect the Charter of Rights and Freedoms. I said this in my previous remarks. I also know full well that the private member's bill, Bill C-377, which is a direct attack on unions and workers' associations, also appears likely to end up in court.

It is good that the courts are reviewing these Conservative bills as they are probably unconstitutional, invade privacy and violate the right to organize. It is fortunate that we still have courts in our society that force the government to amend legislation that is unconstitutional so that it complies with section 8 of the charter, for example, which is the case currently with Bill C-55.

We need to remember that the reason the bill is before us today is because a judge determined at trial that section 184.4—which is the section that is being amended—violated the right, guaranteed under section 8 of the charter, to be protected against frisking, searches, abusive seizure, and that it is not a reasonable limit under the first section.

Today, the situation is being addressed and our legislation is being amended to ensure that it is consistent with our values and principles as a society, which not only seeks to ensure the safety of its citizens, but also to protect their privacy.

● (1250)

In this debate, it is important to remember what section 184.4 of the Criminal Code is about. It reads:

> A peace officer may intercept, by means of any electro-magnetic, acoustic, mechanical or other device, a private communication where
>
> (*a*) the peace officer believes on reasonable grounds that the urgency of the situation is such that an authorization could not, with reasonable diligence, be obtained under any other provision of this Part;
>
> (*b*) the peace officer believes on reasonable grounds that such an interception is immediately necessary to prevent an unlawful act that would cause serious harm to any person or to property; and
>
> (*c*) either the originator of the private communication or the person intended by the originator to receive it is the person who would perform the act that is likely to cause the harm or is the victim, or intended victim, of the harm.

It is important to know exactly what we are talking about but, for members of the NDP and most people of good faith, oversight and accountability mechanisms are also important. That is why the official opposition finds the provisions of section 195 and Bill C-55 acceptable; they give police officers less arbitrary power in certain situations.

In terms of public safety needs, we are aware that police officers must have these tools and access to them. However, such interception should not then be forgotten about. There must be follow up. That is why we are pleased to have these oversight mechanisms. We understand the concerns of those who were upset about the Conservative government's Bill C-30. This bill was a real attack on privacy given the authority it gave police to intrude on people's private lives.

We also must find a balance between the protection of privacy and the police forces' ability to do their work and maintain public safety. This balance has to exist even when the police are wiretapping and intercepting communications in order to protect the physical integrity of our constituents and prevent people from committing wrongdoings that could endanger the lives and safety of Quebeckers and Canadians.

It is all a balancing act. For once, we must admit that the bill before us is reasonable and balanced. I do want to reiterate that it was the court that twisted the government's arm and forced it to make changes. There is a deadline. Today we are debating this bill because we no longer have the choice. The court said that we had to resolve this issue by the beginning of April. We are lucky to even have this.

I would like to quote some testimony from committee. It demonstrates how the New Democratic Party feels. On March 6, 2013, Raji Mangat, the counsel for the British Columbia Civil Liberties Association, said the following at the Standing Committee on Justice and Human Rights:

> ...the BCCLA [her organization] is pleased to see that Bill C-55 will limit the use of section 184.4 to police officers. This is in our view a sensible and necessary amendment that supports the rationale behind the provision, to provide a means by which law enforcement can prevent serious and imminent harm on an urgent basis.
>
> On that note, the BCCLA is also pleased that Bill C-55 limits the application of warrantless wiretapping to circumstances in which the goal is to prevent the commission of an offence. The addition of a notice requirement to individuals who have been subjected to warrrantless wiretapping brings section 184.4 in line with other provisions in the Criminal Code. The notice requirement provides transparency and serves as an essential check on this extraordinary power to intercept communications without judicial authorization.
>
> The reporting requirement in Bill C-55 is also a welcome amendment, as it will enhance police accountability. Together, the notice and reporting requirements bolster accountability and oversight in the use of warrantless wiretapping, and the BCCLA [her organization] supports amendments to gather more data.

If I may, I would like to digress and speak about safety, particularly the safety of people in Rosemont—La Petite-Patrie when it comes to the railways and pedestrian crosswalks. It is important to have measures that encourage active transportation so that people can safely cross the railways we have in Montreal. I support all the groups and elected officials who are lobbying for this. It is important for improving the quality of life of the people of Rosemont—La Petite-Patrie.

● (1255)

[*English*]

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, over the last couple of years as we have been debating Bill C-30, it has been very clear that Canadians right across the country had very serious concerns about the intent and the reflex of the government with respect to protecting Canadians' privacy while pursuing criminals in the most expedient way possible.

Essentially it has taken the Supreme Court to put the government's back up against the wall in order to table this legislation. I am wondering if my hon. colleague would like to comment on the general reflex of the government around privacy issues.

[*Translation*]

Mr. Alexandre Boulerice: Mr. Speaker, I thank my colleague for his comment and his question.

In fact, he is absolutely right. The government says it wants a minimal state, to intervene as little as possible and let people do what they want. However, what it is doing is drafting bills that run completely counter to Conservative discourse and values. The government wants to be persnickety and impose more red tape and bureaucracy.

We saw this with Bill C-377, which also intrudes into the private lives of individuals. We saw it with Bill C-30, which gave the police forces a completely unlimited mandate so that they can go and see what people are doing, so that they can go into their computers and intrude into their private lives.

We know that there needs to be a balance between security and protection of private life. That is why the NDP supports the bill. However, the government is systematically going back on its promises and is even going against its own values and principles. Canadians are starting to realize this.

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, first of all, I would like to congratulate my New Democrat colleague for his speech and in particular for his last intervention, in which he spoke about how Canadians wanted more public safety, whether in terms of safer pedestrian railway crossings or preventing criminals from killing them and their loved ones.

People are also very concerned about their personal freedom. Historically, there have been abuses in connection with a variety of conflicts and events around the world, including during the aftermath of 9/11, which was highly problematic.

Perhaps the member could reassure Canadians on whether a balance has been achieved between personal freedom and public safety in this bill?

Mr. Alexandre Boulerice: Mr. Speaker, I would like to thank my colleague from Chicoutimi—Le Fjord for his excellent question.

We feel so strongly about principles like those contained in the Charter of Rights and Freedoms that it is important to reiterate our belief in these values. It is unfortunate that it took a court order before our government was willing to ensure compliance with section 8 of the Charter of Rights and Freedoms. Being willing to ensure that these principles and values are respected and never circumvented should have been a no-brainer. Unfortunately, there are already many examples of the Conservative government failing to understand their importance.

I would also like to thank the member for his comment about our belief in safety for people in general. I would like to comment again on the issue of pedestrian railway crossings. People sometimes have to make holes in the wire mesh to get through. This is certainly unsafe. There is a risk that they could be hit and they could also be fined if they are caught.

Montreal has been sliced in two. There is no flow. At a time when there is an emphasis on enabling people to walk or ride bicycles, the government has been totally inactive on pedestrian crossings in Montreal. The NDP will work together with everyone to ensure that something is done.

● (1300)

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is with pleasure that I rise to address Bill C-55. It is important right from the beginning to mention why we are debating the bill today. On April 13, 2012, the Supreme Court of Canada sent a very strong message to the House of Commons, in particular to the Prime Minister, that section 184.4 needed to be amended. It made a sunset by saying that the Government of Canada would have one year to pass the necessary legislation to validate the Criminal Code.

What is section 184.4? It talks about a police officer's ability to intercept a private conversation in some fashion without having to get a warrant. That is what this is all about. The government has been aware of it for a number of years. The Supreme Court of Canada having made its decision on April 13, 2012, and having put a time limit on it has now forced the government to act on it.

I will talk about the lack of the timely fashion in which the government has made the decision to bring in the bill. However, prior to doing that, I would like to reflect on what I believe is very important to all Canadians.

All Canadians believe in private rights and want to ensure their rights are protected. At times we might get a little spooked. We see cameras popping up all over the place, whether it is photo radar cameras, speed cameras, cameras at high density intersections, or even nowadays on sidewalks or public buildings and public areas where people gather. Every so often I hear from constituents who want to talk about private rights. It is important for us to recognize that as individuals we do have private rights that need to be protected at all times.

I was a very strong advocate for the Charter of Rights and Freedoms for many years. This year we celebrated 30 years of having the charter, which has stood the test of time. A vast majority, 90%-plus of Canadians, have grown to respect and believe in the charter as something that protects them.

I remember when my girlfriend, now my wife, and I watched the signing ceremony between Pierre Trudeau and the Queen in 1982. It was a special moment and it was something my girlfriend appreciated. It was important to me and I believe it was important to her. It is because we recognized how important it was that individuals had rights. That is why Bill C-55 is very important legislation.

I have had the opportunity to speak about it at second reading. Unfortunately, I was unable to be at committee, but I did to get to speak very briefly yesterday because we were limited to 10 minutes to the amendments brought forward. However, it is important legislation that needs to be addressed.

If we look at it from a historical point of view, whether it was Pierre Elliott Trudeau, or Jean Chrétien or one of Canada's best Attorneys General, the member for Mount Royal, it speaks so well on individual rights and the need to protect them. Quite often when individuals of that calibre stand and talk about individual rights, we need to listen because it is a very important aspect of being Canadian.

● (1305)

We turn on the news and we watch throughout the world where individual rights are virtually walked all over. There is a general lack of respect for individual rights throughout the world. I believe Canada has a leadership role in demonstrating to the world that we value the Charter of Rights.

A number of years ago I had the privilege and the opportunity to travel to Israel. When I met with one of the politicians there, he made reference to Canada's Charter of Rights and how he thought it was an important thing that Canada did in 1982. What we are doing here has an impact that goes beyond our own borders. That is why there is an onus and a responsibility for us to be very careful in behaving and acting on important legislation in a more timely manner.

Before going into some of the details of the bill, I will talk about why we have the bill. I made mention of the Supreme Court of Canada and also that the government knew about it well before that. The Supreme Court of Canada has in essence said to the government that it really has messed up. It did not have to go to the Supreme Court of Canada.

The Conservatives had an opportunity to deal with the issue previously. Many parliamentarians here today will recall Bill C-50. I was not here at that time. That bill was an attempt to deal with what the Supreme Court of Canada was forced to deal with, but because the Conservatives prorogued the session, in essence killing all legislation before the House, that attempt was defeated.

That was not the first or second time. The most recent time would have been Bill C-30 from last year. That bill came with a great deal of fanfare. A lot of allegations were made and the overwhelming reaction was quite significant, to the degree that we saw the Government of Canada push the hold button, and that bill has never seen the light of day.

The bill was introduced almost a year ago, and it would have dealt with this issue, at least in part. It also would have dealt with other things, which raised the ire of hundreds of thousands of Canadians and opposition parties, definitely the Liberal Party of Canada. However, we saw the Conservatives failing to address what was a very important issue, and I will comment on that issue very shortly. Instead of doing the right thing, which would have been recognizing that Bill C-30 was going nowhere back in June, the Conservatives could have introduced this bill last fall, in September or October, and reviewed some of the other legislation that we were talking about then.

There were opportunities for the government members to deal with this legislation. It is not like there is overwhelming opposition to Bill C-55. In fact, the members of the Liberal Party have been very clear that we support the passage of the bill. We have done nothing to slow down its passage. We recognize that the bill has to be passed through Parliament by April 12 or 13 of this year. We have committed to working to do that.

● (1310)

However, we also believe the legislation needs to go through due diligence and through the process in a timely fashion.

What does that mean? It means the government and, in particular, the government House leader. This is another wake-up call for him. He needs to get his legislative agenda in order. He needs to perhaps meet with the Prime Minister and some of his other ministers and get a sense in what kind of legislation is coming down the pike into the House of Commons. If he did his homework, then at the very least the legislation we have today could have been, and should have been, introduced back in October last year, give or take a month. Had the Conservatives done that, there would not be this sense of urgency we have today to pass the legislation.

That decision, many of my caucus colleagues would say, was intentional. The government continued to hold back on introducing this legislation. I cannot blame them for thinking that. All we have to do is take a look at all the legislation that has been brought forward and the record number of time allocations on a wide variety of legislation. Remember those huge budget bills containing dozens of pieces of legislation amended through the backdoor of a budget. We can understand why members of the Liberal Party are a little skeptical in how the government chooses to bring in legislation.

The timing is a very important issue.

We have Bill C-55 today. It is expected the bill will pass. As I say, it does have the support of the Liberal Party and we will assist the government allowing the bill, ultimately, to pass.

However, we ask the government to take responsibility when it brings forward legislation, to take into consideration that the House of Commons has a very important role to play. When it brings a bill in for second reading, members of Parliament of all political stripes are should be afforded the opportunity to provide their contributions, whatever they might be. Even if it is a sense of repetition speaker after speaker, it has to provide for that and then allow for it to go to committee in a timely fashion where we can bring in different stakeholders.

I would like to think that under Bill C-55, in a normal process, there might have been a higher level of interest from the different stakeholders from coast to coast to coast with respect to what type of legislation they wanted to see. That would have been very productive.

There was an attempt. It could be very discouraging to move amendments inside the House since there has been a Conservative majority, a different type of Conservative Reform Party going back to the old Reform roots, possibly. However, there has been a different attitude. Even I have detected that. It can be a challenge to move amendments inside the House. I have seen amendments stonewalled. I remember when the member for Mount Royal attempted to move amendments in committee and, ultimately, at third reading and the government turned them down. It took the Senate in order to pass it.

If Bill C-55 were provided the opportunity that it should have been in allowing for not only that fulsome debate within the chamber but equally an opportunity to have stakeholders from across Canada contribute to the debate, I believe we would have had more of a contribution at that point in time.

It is important to allow for that. We are talking about are private communications that can be interrupted or listened to by the police without any warrant. That is very serious. I think many Canadians could have made presentations if it was felt that we had the time to listen thoroughly to our stakeholders or even affording opposition parties or individual members to consult on the legislation in advance.

● (1315)

From committee, we come now to third reading. The bill has been here for a couple of days. We in the Liberal Party want to see the bill pass. I suspect that the New Democrats will support us. However, the timing is a huge concern.

The bill requires appropriate ministers in Canada to report whenever they have an intercept. That means that a minister of justice in a province, such as Manitoba, Ontario, or wherever it might be in Canada, would be notified when an interception occurred in their jurisdiction. Those provincial entities would then be obligated to report to the House of Commons, through the Minister of Public Safety, and ideally, to have it tabled it in some form in the House. It is a very important measure.

We would like to think that the frequency of any police agency having to use clause 184.4 without a warrant would be very low. There is nothing wrong with trying to find and accumulate information that allows us to make valued opinions regarding its usage. We should be reviewing that, because we are talking about individual rights.

Where a person's rights have been overlooked because it is believed that it is in the public interest, that individual has the right to know that a wiretap was done without a warrant. We are not saying that we should give a person a call to say that the telephone is going to be tapped. Once it has been done, there is an obligation to let that individual know that it has taken place. From what I understand, that is being done within this legislation.

The bill would provide more accountability and oversight. It would narrow the number of individuals or offices that could actually use clause 184.4. Today, one could be a mayor of a municipality and have the authority to listen to a private conversation without a warrant. The legislation is saying that this is too wide. We need to narrow the number of individuals who can do that. Bill C-55 narrows it down to police officers.

It also limits the types of interceptions. It should be used very rarely. For example, in a situation where someone's life is at risk or a child has been kidnapped, we need to ensure that police officers have the ability to save that life or ensure that a child is not molested. Bill C-55 moves in that direction.

● (1320)

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, I was intrigued by some of the member's comments, which is unusual. The member indicated that he believed in individual rights. I was astonished. Liberals do not tend to believe in individual rights; it is more collective rights.

I want to go down that path. He talked about the Charter of Rights and Freedoms, but what he did not talk about was a very important change that occurred between the Bill of Rights and the Charter of Rights and Freedoms. It was property rights. It was eliminated by the Liberal Party. Now we see it extended to the point where, in the province of Ontario, for example, residents who are fighting fiercely to prevent wind turbines from being built on their doorsteps are finding that they have no property rights on which to stand. That is because the Liberal Party eliminated them. I wonder if the member would support reinserting property rights into the charter.

The Acting Speaker (Mr. Barry Devolin): Order. Before I go to the member for Winnipeg North, the issue of relevance has been raised a couple of times this morning. The hon. parliamentary secretary has put a question. I will give the floor to the hon. member for Winnipeg North to respond to that comment. I remind all hon. members that the matter before the House is Bill C-55.

The hon. member for Winnipeg North.

Mr. Kevin Lamoureux: Mr. Speaker, I think it is important to recognize that when Pierre Trudeau negotiated constitutional reform and brought in the charter for all Canadians, it guaranteed those individual rights. The Liberal Party does not have to take a back seat to any political entity in Canada regarding the protection of individual rights. We are in the front seat. We are the driving force in protecting individual rights.

Having said that, had the member, back in 1982, when I was but 20 years old, listened to that constitutional debate, as I did, he would have found that there were issues related to property tax. There was no consensus. I suspect that we might find some Conservative members or premiers who might have had some issues related to property rights. Again, I am digressing from the bill itself.

The Acting Speaker (Mr. Barry Devolin): Once more, the hon. member for Winnipeg North had the opportunity to respond to that question. However, I would not only ask but would request that members make their questions and comments relevant to the matter before the House related to the member's presentation in order that we can stick to the matter before us.

Questions and comments, the hon. member for Timmins—James Bay.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I listened with great interest to my hon. colleague. Since we are near the end of the Lenten season, I believe that there can be a road to Damascus and that a bright light can come down and throw one off one's horse, and one can wake up and realize that one's whole life has been wrong.

I am listening to the Liberal Party suddenly now interested in protecting privacy rights in terms of warrantless access. In fact, the Conservative government initially took the Liberal bill off the shelf and it became the lawful access bill that would have allowed all manner of wireless snooping on the rights of citizens. We know that the Liberal critics supported that.

I would like to ask my hon. colleague if, at this moment of conversion, he has realized that yes, the privacy rights of Canadians need to be protected, and we need to limit how it is done, unlike how it was defined under the Liberal legislation.

Mr. Kevin Lamoureux: Mr. Speaker, the member is being somewhat unfair. Maybe wonderland is where most New Democrats are at times.

When in government, members bring forward legislation. Quite often, it is not necessarily perfect all the time. I know that the member has high expectations of the Liberal Party, as I do, but believe it or not, much like New Democratic governments at the provincial level, at times one needs to make changes and amend legislation. However, you will find that when there is a need, and it is fact-based and justified, the Liberal Party never fails Canadians.

The Acting Speaker (Mr. Barry Devolin): I want to remind all hon. members to direct their comments to the Chair rather than to their colleagues.

Questions and comments, the hon. member for Bonavista—Gander—Grand Falls—Windsor.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I want to thank my colleague for his speech. I want to stick to the specifics for a moment.

In the bill, section 184.4, the section that is most contentious, talks about allowing certain officers, police officers if we narrow it down, to be involved in intercepting communications for the public good and public safety. However, this could have been avoided, as the member pointed out. As a matter of fact, Bill C-30 was an overarching bill. When the Conservatives brought it into this House, there was a public backlash. They pulled it off the table faster than one can say "jurisprudence", and here we find ourselves with this bill at the very last minute.

I wonder if the member could comment on the process and how this has become how to amend laws at the direction of the Supreme Court, Monty Python style.

● (1325)

Mr. Kevin Lamoureux: Mr. Speaker, as I indicated earlier, the government had plenty of notice. There is nothing new. We have known that there was a need for change prior to this issue going to the Supreme Court of Canada. Unfortunately, it has taken the Supreme Court of Canada to make a decision, and not only to make a decision, but as part of that decision to say that the Government of Canada has one year to get its act together or the law will not be valid. The government has put Canadians at risk because of its failure to bring in legislation in a more timely fashion.

At the end of the day, if it were not for the Supreme Court putting in that timeline of April 13 of this year, who knows whether we would still have the bill before us today. We might have had to wait until 2015 to get the legislation necessary to make the appropriate amendments.

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, the member said in his speech that the Conservatives had set records for time allocation motions. To be fair to those on the other side, they are tied with the Liberals for the number of time allocation motions that have been brought before the House.

I am wondering if that is consistent with the member's argument that what the Liberals say in opposition is different from what they do in government.

The Acting Speaker (Mr. Barry Devolin): Before I go to the hon. member for Winnipeg North, once again I want to remind all hon. members that questions and comments ought to be related to the matter before the House. That definition is stretched, but there are times when it is impossible to make it stretch.

The hon. member for Winnipeg North can make a brief response, but once more, in future, if members ask questions that are clearly not relevant, we will simply move along to the next question.

The hon. member for Winnipeg North.

Mr. Kevin Lamoureux: Mr. Speaker, one could accuse me of listening to my colleagues a little too much when they say that something is not the case. However, even New Democrats, some of the member's own colleagues, have said that it is the Conservatives who have set records on time allocation. Maybe the member should meet with his own House leader, and if he confers with him—

The Acting Speaker (Mr. Barry Devolin): Order, please. There is time for one more question or comment. If the question is clearly not relevant to the matter before the House, I will interrupt the member immediately. The hon. member for Davenport.

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, this pertains to comments my hon. colleague made earlier, because what we are also talking about is the context in which the bill is being tabled. The context is Canadians' widespread disapproval of and anger over the government's proposed online spying legislation, Bill C-30.

The member in the corner, in defence of his own party's record when it was in government, said that people make mistakes. In fact, the Liberals introduced this kind of legislation in 1999, and then they tried it again in 2005, so they did not learn from their mistakes the first time or the second time. I am wondering if the member opposite could maybe answer this question: Is that why they are sitting in that corner over there?

The Acting Speaker (Mr. Barry Devolin): Order, please. I appreciate that members are enjoying a rather spirited debate today. Having said that, I would like to remind all hon. members that the rules exist for a reason, and that is to make efficient use of the time in this place. It is also to show respect for their colleagues, both those who have spoken and those who are here listening to or participating in the debate.

The question period we have just gone through clearly strayed well beyond anything that had anything to do with Bill C-55, the bill before this House.

I will point out that on a couple of occasions when related pieces of legislation such as Bill C-30 were referred to, in the opinion of the Chair that was relevant in the context of Bill C-55, but many of the other matters have not been.

The time for questions and comments is complete. Resuming debate related to third reading of Bill C-55, the hon. member for Timmins—James Bay.

● (1330)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, as always, it is a great honour to rise in this House on behalf of the people of Timmins—James Bay, who have put their trust in me to work on the issues of legislation before the House.

I am going to speak today on why the New Democratic Party is supporting Bill C-55 and what works about this bill, but also on the issues we need to look at and the prism that needs to be applied in terms of how the legislation was crafted, what it was in response to and how it ties into two other key pieces of legislation that this House has been asked to deal with.

One is Bill C-30 and the other is Bill C-12. Within each of the bills are key issues that reflect on the ability of the government to move forward with legislation and on how legislation is actually brought forward.

What is striking already, off the top of Bill C-55, is that it is a very narrow bill. It is simply addressing a section of the Criminal Code, section 184.4, that the Supreme Court struck down.

What we find is that legislation that is limited is usually more effective than legislation that is broad. Legislation is a very a blunt tool. Unfortunately, we have seen that the government likes to throw in all manner of legislation, often without thinking of the consequences or with very little regard for the consequences. We have seen one omnibus bill after another brought before the House without proper review and without a proper understanding of how they related to basic issues like charter rights.

I would like to say that I think the government is doing the right thing with Bill C-55 by having very narrowly defined legislation that addresses a major problem. I would like to think that the government thought this approach up on its own and that this is how it is going to start dealing with criminal matters and the reform of the criminal justice system, but that is not really what has happened here.

The government is responding to the fact that the Supreme Court struck down section 184.4 of the Criminal Code and gave it a deadline of April 13, which is only two weeks away, to address the problem.

I am going to speak a little about Bill C-55 and then explain how the implications of the Supreme Court legislation tie in to Bill C-30 and Bill C-12.

Under section 184.4, the Supreme Court ruled in R. v. Tse that police use of a warrantless wiretap to secure the safety of an individual is a correct step to take. If a life is at stake, law officers have the ability within Canadian jurisprudence to go in, get the evidence and secure a life. That is a long-standing practice within the Canadian law system.

However, the problem with section 184.4 is that there are no accountability mechanisms. What I find very interesting about the Supreme Court decision is that it says that even in the case of criminal activities—and what we were dealing with in this case was a kidnapping, a very horrendous attack against a citizen—basic charter rights still remain and have to be balanced.

The Supreme Court took the larger view and recognized that the spectre of criminality cannot be used to undermine the basic rights of citizens in this country. This is a concept that seems absolutely foreign to the Conservative Party, whose backbenchers jump up whistling and dancing every time they can come up with some extreme case of a criminal activity as a cover to allow them to undermine all manner of privacy rights, all manner of basic citizen rights. They have done it time and time again.

The Supreme Court has said no. The test of law in this country is what is reasonable versus unreasonable. What is reasonable is that if law officers know someone is at risk and need to get that information immediately, it is reasonable to go for the warrantless wiretap to gather that information without the judge's warrant, which can then be obtained later. What is unreasonable is to do that without any oversight mechanism.

Section 184.4 will clarify this, because it defines—and this is a very important thing again in dealing with Bill C-12 and Bill C-30—who is eligible, the police; how it is to be used, under specific circumstances; and why it is to be used, to protect the rights of citizens balanced against the right to bring safety to people who are perhaps under threat of criminal activity. The definition of how this breach of law would be allowed is crucial to Bill C-55.

● (1335)

When we look at Bill C-30, which was the bill that this was supposed to be a part of, we see that none of these definitions of the who, the how and the why are there. In fact, it is so broad that the privacy commissioners from across Canada, in an unprecedented response to the government, wrote against the government's attempt to undermine the basic civil rights of Canadian citizens.

Whenever the Conservative government attempts to do something that it knows will not pass a charter challenge or attempts to pull something that it knows the Canadian public will not stand for, it uses a bogeyman. The minister used perhaps the most baseless attack that has ever been uttered in the House of Commons when he said that anybody who was concerned about privacy rights or the individual rights of citizens in this country or who dared raise a question to him was on the side of child pornographers.

That was about as ugly as it can get. Of course, now we see who is on the side of child pornographers: Mr. Tom Flanagan, who said that it is a victimless crime. We see the right-wing media is concerned about Mr. Tom Flanagan, a very famous and very rich right-wing white man. It was his rights, we are now being told, that were somehow trampled upon. One reporter said that he thought it showed the fundamental shallowness of Canadians that they were outraged that Mr. Flanagan was defending the rights of child pornographers.

However, that was the kind of language being used by this minister to cover up the fact that there were major flaws in Bill C-30. If we tie it back to Bill C-55 in terms of the Supreme Court, the government must have known that none of its provisions would have passed the charter challenge because they did not meet the basic standards of jurisprudence.

Let us look at the lack of the who, the how and the why in terms of Bill C-30 as compared to Bill C-55. Bill C-30 may be brought back by the government; we are not yet sure. Under clause 33, the government would be allowed to designate an inspector to go into a telecom to demand information for being in compliance with Bill C-30.

The minister may designate inspectors, that is his choice, but there is no definition of what those inspectors are. Are they police? Are they private security? Are they political staffers? We do not know. Bill C-30 would allow the extraordinary ability of the minister to appoint inspectors. Under clause 34, these inspectors would be allowed to go into public telecoms to gather information on private citizens. That is clearly something that would never pass the charter challenge.

In contrast, in Bill C-55 we see that they have defined the right to ask for warrantless information to just the police, which is the proper place it should be. We should know who is able to gather that information on us.

What they wanted to do under Bill C-30 was allow warrantless access to subscriber information on the data use of anybody with a cellphone or an ISP address, which would pretty much mean 95% or 96% of the Canadian public. Unspecified persons could gather that information.

The privacy commissioners of Canada spoke out against this. They said that contrary to the Conservative Party's claims, it had nothing to do with being just like a phone book. Ann Cavoukian said that this was "one of the most invasive threats to our privacy and freedom that I have ever encountered". About being able to demand and being forced to turn over this information, she said:

> ...customer name and address information ties us to our entire digital life, unlike a stationary street address. Therefore, "subscriber information" is far from the modern day equivalent of a publicly available "phone book". Rather, it is the key to a much wider, sensitive subset of information.

That is what the Conservatives wanted to be able to gather.

The abuse of privacy rights did not end there. Under Bill C-30, they also wanted to force telecoms to basically build in back-channel spy communication, so that as they expanded their networks, they would have to build in the monitoring system to keep track of any citizen the government felt it should be able to look at at any time, again without any oversight and without citizens knowing they would be spied upon.

Ann Cavoukian, the Information and Privacy Commissioner of Ontario, said that what they were in fact doing, although they perhaps did not realize it, was creating a hacker's paradise. If we allow wormholes throughout the telecom system to allow police to spy on it, then certainly the hackers, who are usually about three steps ahead of everybody else on this—and we see massive international gangs using sophisticated cyberhacking—would be able to benefit much more than the police or security services.

● (1340)

In terms of the how, Bill C-55 limits the ability to get a warrantless wiretap based on the possibility of a threat to a person. Afterwards there would have to be oversight mechanisms and reports would have to be published and reported to Parliament so that we would know how these warrantless wiretaps are being used. Bill C-55 defines and protects this breach of the private rights of citizens, whereas under Bill C-30, the door was kicked down and all the basic rights of citizens were thrown out.

Of course we know that Bill C-30 was responded to in a massive and very exciting and positive response from the public, a backlash that said that we demand that our privacy rights be protected and defined under the rule of law in this country. It was an unprecedented backlash against the government. The Minister of Justice has been pretty much hiding under his desk publicly ever since. It is a good sign that we have a engaged citizenry here that knows the difference between what is reasonable and unreasonable.

In Bill C-55, the government is limited to gathering information under the reasonableness of protecting an individual who is facing threat compared to the unreasonableness of doing away with all manner of privacy rights whatsoever. In this manner, I would say that the Canadian public are foremost across the world in standing up for their rights, much more than the government, which has very little respect for the privacy rights of Canadians. In other democracies with privacy rights in the digital age and the age of big data and CCTV cameras, other citizens are steadily having those rights eroded, whereas in Canada we want to maintain those rights.

In Bill C-12, which is the other piece of legislation to compare Bill C-55 to, again we see the government showing no respect for the privacy rights of Canadians. There is no understanding of the importance of privacy rights. We certainly saw that with the massive data losses of private financial information on over 500,000 Canadians at HRSDC. We have seen other data breaches. We saw the government's cavalier attitude when, rather than warning citizens that their personal financial data may have been breached, its only desire was to protect the minister, and it kept the breach quiet for two months. Any manner of international gangs could have had that data, gone after people's credit and created massive widespread fraud, because that is what can happen if the public is not alerted.

Under Bill C-12, the government wants to change the reporting threshold for private business when these privacy breaches happen. This is very important in terms of defining how we protect the rights of citizens. Under the changes the government is bringing in Bill C-12, private companies that have our data, whether a bank, a Sony PlayStation, or all manner of online transactions, would only have to report the breach to the Privacy Commissioner if they thought there was a significant risk of harm. "Significant" is an extremely high bar to set. Meanwhile, all manner of abuse could happen underneath it.

Also, private businesses would be very wary about the idea of going public with the fact that they may have lost Visa card information or personal data information for 100,000 or 200,000 or 500,000 people, because it affects their basic online business model. Everything is now done online. However, we see the government telling private businesses that they only have to report a privacy breach if it might cause significant harm. That completely fails the basic test and the understanding of the importance of privacy rights in this country.

We believe that there has to be a very clear rule that if companies fear they have been hacked and that privacy data has been breached, it has to be reported to the Privacy Commissioner, who has such an extraordinary role to play in protecting and reviewing the evidence and deciding whether action must be taken.

● (1345)

However, we see that again the government is undermining the role of the Privacy Commissioner and we have to ask why. As more and more Canadians operate their businesses online and as our financial transactions occur online, the last thing we want to do is create a hackers' paradise in Canada, while the rest of the world moves further ahead of us. Ann Cavoukian has spoken about this.

It is extraordinary that Canada was once seen as the world leader in privacy data. Our Privacy Commissioner is definitely seen as a world leader, but our legislation is falling further and further behind where the Europeans and the Americans are going. As our Privacy Commissioner is asking for the tools to update, to deal with the cyberthreats and to deal with the protection of personal information in the age of big data, the current government is undermining the legislation.

How does that relate to Bill C-55? There are direct connections in the language among Bill C-12, Bill C-30 and what we have seen in Bill C-55. Bill C-12 would allow organizations and companies, including telecommunications companies, to disclose personal information to government institutions, perhaps the police or perhaps not, without the knowledge and consent of the individual when performing policing services. This is under subclause 6(6), but there is no definition of what "policing services" are.

Again, it is the language of Bill C-30, the lawful access and online snooping language, that would allow some undefined security person or force to obtain information on private individuals from telecommunications without defining who would be eligible to gather that information, whereas Bill C-55 would limit it to the police so that is very clear.

I agree with my colleague on the Conservative side and I am telling him that they are going to need to bring Bill C-12 to the same standard, where we define who is eligible to ask for that information. Without doing that, we will end up going before the courts again. If we define that it is the right of the police to ask for that information, then that would meet the test that would be laid out in Bill C-55, but Bill C-12 would not meet that test right now. The issue is that there is no oversight mechanism in Bill C-12. If they did ask for this ISP information on individual users, there are no mechanisms under Bill C-12 for reporting what was happening, and that would fail the test of Bill C-55.

It is clear that what the Conservatives had been attempting to do was to take Bill C-30, which was their desire to be able to snoop on as many people as they wanted as often as they wanted and however they wanted, and build in a number of other subsets in other legislation to make that operable. Bill C-12, which includes changes to the Privacy Protection Act, would certainly allow them to do that. However, being that we have had the public backlash on Bill C-30 and being that we now have defined Bill C-55 very clearly regarding the who, the how and the why of this being allowed, we would need to clarify the same mechanisms under Bill C-12.

We see that the Conservatives are on the straight and narrow right now. They did not want to come. They were dragged, kicking and screaming, and it is our job to ensure they stay on the straight and narrow. We want to work with them. It is hard for them and we will do our part to keep them on the straight and narrow. We will do that 12-step program of accountability and I want to work with my colleagues on that, but they just keep sliding off that wagon. They want to go after personal freedoms. They want to go after individuals. They want to do that spying thing. However, they cannot do it because we have the rule of law in this country.

We are asking them to come work with us and learn from some of their colleagues who might have a little more experience in some of these matters. Certainly the Supreme Court has laid down the test that has to be met. Now that Bill C-55 is in place, the problems with Bill C-12 are too clear to ignore. Then, what we need to do with Bill C-12 is to ensure that Bill C-30 will never come back and that the online snooping provisions of the current government will not come back.

● (1350)

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, just on a quick point of clarification, I appreciate the parallels the member drew with Bill C-12 and ensuring that the "officer" is defined as a "police officer" and not just a "peace officer", but my understanding from the decision from R. v. Tse is that it has more to do with the notification of the person whose communications were intercepted. That was the breach. There was an add-on after that about defining the police officer and such. However, I would like the member to comment on this further, because he is onto a good point.

Mr. Charlie Angus: Mr. Speaker, section 184.4 of the Criminal Code was struck down by the Supreme Court because the lack of definitions was seriously problematic. To put it in context, we were dealing with a criminal activity that was brought to the court. This was not about spying on ordinary Canadian citizens, which some of my colleagues on the other side would like to be able to do. This was about a criminal act and still the Supreme Court said that even in the case of a criminal act, the rule of law must apply. Therefore, the government had to define who was eligible to get that information.

In order for Bill C-55 to be charter compliant and compliant with the Supreme Court, the government has to define who is eligible and under what circumstances this breach of personal information is going to be allowed. We do not have that same standard on Bill C-12 yet. The government wants to be able to force telecommunications companies and other private businesses to turn over data and subscriber information, but it does not define who is eligible to gather it. That is very disturbing because under Bill C-30, which was the other piece of this triad of puzzles we had before us, a minister was able to designate inspectors. Who were the inspectors that he was designating? That was a very bizarre and wide loophole the government was creating for itself.

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I thank my colleague for his speech and would like to ask him a very simple question.

Does he feel that it is important to strike a balance between police access to information to solve crimes or conduct investigations, and the privacy of Canadian citizens? Why is this balance important? Does the bill allow for a mechanism like this that would enable the authorities to conduct investigations while respecting the rights of Canadian citizens?

[*English*]

Mr. Charlie Angus: Mr. Speaker, I would like to thank my hon. colleague for his excellent work as chair on the ethics committee, which has been dealing with some of these issues. These issues are very timely for the Canadian Parliament and for members from all parties to actually begin an open debate on them.

We have a situation now where more and more of our lives are spent online. We do everything online. The economic, social and democratic potential of living online is an unprecedented opportunity in the history of our civilization. However, at the same time, the unprecedented threats and international cybergangs that are beyond the rule of law are able to hack and steal information.

We need to ensure that police have the tools, but the balance goes to this test in Bill C-55 of what is reasonable and unreasonable. It is reasonable to ensure that we craft legislation that provides police with the tools needed to go after criminals and stop these kinds of activities. However, it is unreasonable to say that because people now live in the age of Facebook and Google their right to privacy and to maintain who they are is wide open and the government should be able to spy on them at any given time, whenever and however it wants. That is the unreasonable test. The reasonable test is crafting narrowly defined legislation to provide the tools necessary to address the changes in the cyberworld.

● (1355)

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, we have seen time and time again that the government has to be led kicking and screaming into the arena of accountability and transparency. This was one of the many reasons that Canadians had such profound disagreements with the government over Bill C-30.

With regard to the piece of legislation we have before us, Bill C-55, in light of the fact that the Parliamentary Budget Officer has had to take the government to court to get documents, in light of the fact that the Truth and Reconciliation Commission has complained that the government has been slow to release documents and in light of the fact that in the 40th Parliament the government was found in contempt of Parliament, I am wondering if the member for Timmins—James Bay has concerns about the reporting mechanism in the bill. Does he feel confident that the government is going to be forthcoming with the reports the legislation requires?

Mr. Charlie Angus: Mr. Speaker, what is at the heart of this issue is the fact that regardless of our political stripes, we are in the House of Commons to create legislation. We are legislators who must represent the best of Canadians. The legislation must stand the test of time. For what we create as laws now, certainly in 30, 40 or 50 years we expect that legislation should be able to hold its own.

Unfortunately, at committees of the House of Commons the basic rule of law has been continually undermined by a government that is starving MPs of the basic data they require in order to review legislation. The fact that we have forced closure again and again on debate means that legislation that has problems, that could become seriously problematic, that may not withstand a charter challenge, is not being reviewed adequately.

Therefore, we will support the bill going forward because the Supreme Court has forced the government to address this issue. Conservatives would not have addressed it otherwise. However, we are very concerned about the reporting mechanisms because we see that it is a government that seems to be the exact opposite of what we would want in western society, which is an open, transparent government and maximum privacy for citizens. The government has flipped it upside down to have absolute transparency on the rights of citizens and NGOs and on groups that oppose it, while demanding absolute secrecy for its ministers and party officials.

Mr. Andrew Cash: Mr. Speaker, there is no doubt that protecting citizens' privacy is one of the foundations of liberal democracy. It is, again, one of the reasons that so many Canadians were up in arms over the legislation proposed in Bill C-30.

In reference to a comment that my hon. colleague just made, it seems to be the tendency and reflex of the government to not listen to parliamentarians, to shut down debate at committee and to introduce time allocation in the House. It seems to us that if it were not for the Supreme Court essentially holding the government's feet to the fire, it might not have come forward with this piece of legislation.

I am wondering if my hon. colleague might want to comment on this tendency toward not listening and not engaging with elected representatives in the House, who are here to bring their constituents' concerns before Parliament.

Mr. Charlie Angus: Mr. Speaker, I appreciate my hon. colleague's question because one of the reasons Canadians are so fundamentally frustrated with the political life today is that they see the nasty, dumbed-down atmosphere of it. Even reasonable amendments are generally rejected. Reasonable grounds for debate are continually shut down, yet we are told about all the party hacks who flip pancakes for the Liberals and Conservatives and were elected to the Senate. We are told not to worry, because they are there doing sober second thought.

I have not seen much sobriety in that House in a long time. In fact, senators basically act as sock puppets for the regime at hand. We never see them doing any real review of the issues. Therefore, Canadians are asking what gives. We are spending hundreds of thousands of dollars on these guys who are not doing their jobs. Thank God for the Supreme Court.

STATEMENTS BY MEMBERS

[*Translation*]

LOBSTER FISHING

Mr. Jean-François Fortin (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, people in the Gaspé and the Magdalen Islands are worried. They are wondering if the right to live in the regions is becoming a privilege. They are worried about the federal government, which is imposing an unfair employment insurance reform, slashing regional economic development and, now, weakening one of our flagship industries by cutting next year's funding for the lobster fishery while offloading more of the costs associated with at-sea observation and trap tagging because the federal government pulled out.

Thousands of people work in hundreds of businesses that still need the sustainability measures for the Atlantic lobster fishery. These measures, reduced to $4.8 million for 2013, must be enhanced and extended beyond the coming fiscal year because markets have not yet stabilized and many challenges lie ahead.

With just days before the budget, the government needs to pay attention to the reality faced by lobster fishers.

* * *

● (1400)

[*English*]

ST. JOSEPH'S DAY

Mr. Royal Galipeau (Ottawa—Orléans, CPC): Mr. Speaker, now that we have just wrapped up the celebrations for St. Patrick's Day, today we celebrate an even more important saint.

[*Translation*]

He was a simple labourer who, since March 19, 1624, has been the patron saint of the best country in the world.

[*English*]

In fact, today we celebrate St. Joseph, the patron saint of Canada and, since March 19, 1860, the patron saint of Orléans. He is the chaste husband of St. Mary the virgin, adoptive father of the divine infant, patron saint of cabinetmakers, carpenters, confectioners, craftsmen, families, fathers, of course, pioneers, professional engineers, real estate agents, social justice, travellers and all working people.

[*Translation*]

Récollet missionary Joseph Le Caron chose St. Joseph as the patron saint of New France, which would later become Canada.

I am very pleased to wish all Canadians, and all residents of Orléans in particular, a happy St. Joseph's Day.

INTERNATIONAL DAY OF LA FRANCOPHONIE

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, tomorrow millions of Canadians will celebrate the International Day of La Francophonie together.

A language is more than just its vocabulary. It is a way of expressing our culture, our values, our traditions, our heritage and who we are.

A language is also a catalyst for social change. Some of the well-known battles that have marked the history of this country were fought specifically to defend the French language, which shapes the identity of so many Canadians.

Whether the battles took place in the 18th century or very recently, whether they took place in Quebec, Acadia or Saint Boniface, whether in our parliamentary institutions or on our streets, I believe it is our duty, as MPs, to reiterate the importance of protecting and promoting this founding culture of Canada.

I wish all Quebeckers, Canadians and francophiles a wonderful International Day of La Francophonie. Let us be proud of our French-Canadian culture.

* * *

[*English*]

THE ENVIRONMENT

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Mr. Speaker, our government is proud of its environmental record with regard to energy in Canada.

Rather than be distracted by carbon taxes or carbon levies, we moved to directly reduce emissions through an approach that deals with each sector of the industry. We have clearly laid out much tougher emissions standards for vehicles. We have established strict regulations for coal-fired plants. We are now in the midst of bringing forward standards for the oil and gas sector. These all require industry to meet identifiable goals.

Our sector-by-sector approach is not like a carbon levy, which allows industry to avoid responsibility. It is not at all similar to a carbon tax, which would bury regular taxpayers under a load of taxation and government expansion.

What we have done is in the best interests of Canadians. We have protected the environment at the same time as we have encouraged economic growth. We have given clear direction to Canadians and to the energy industry that we are serious about dealing with the important environmental issues but that we will not interfere with responsible and sustainable resource development.

ELECTION OF POPE

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, last week many Canadians, not just Roman Catholics, watched with rapt attention as cardinals took up their places under the watchful eye of Michelangelo's ceiling and waited for the smoke to change from black to white.

After great anticipation, the announcement went out, *Habemus Papam*, and we learned that Jorge Cardinal Bergoglio, the Jesuit Archbishop of Buenos Aires, was chosen and will serve as Pope Francis, an acknowledgement of the important influence of St. Francis of Assisi and an indication that Pope Francis will serve Roman Catholics around the world as an instrument of God's peace.

Pope Francis, a humble man who has eschewed many of the grander signs of office, has made it clear that his greatest power will be to serve the most vulnerable. His call to servant leadership in assisting the less fortunate and stewardship of our environment will be a call to action in the coming years for all across the globe.

Together with Roman Catholics across the country and members of this place, I congratulate Pope Francis on his new calling and pray for his reign as the vicar of Christ.

* * *

● (1405)

SENIOR CITIZEN VOLUNTEERS

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I rise to salute the senior citizens in my riding of Crowfoot. In small towns, villages and rural regions in our large riding, there are senior citizens volunteering their services to their local communities.

As a member of Parliament, I have met with many of these seniors' organizations over the years. They are always appreciative of a helping hand from our federal government's new horizons for seniors program.

In Strathmore, Camrose, Standard, Oyen, Halkirk and many other districts, senior citizen organizations have earned a reputation of service to their fellow seniors and their communities. They organize social events, and in some locations, they operate and maintain local facilities where everyone is welcome. They have fitness programs, mentoring services and workshops to learn about everything from home computers to documenting life stories and history.

In Crowfoot, we are proud of the work of our seniors, and we count on them. I congratulate them and thank them for all the help they provide our local communities.

* * *

[*Translation*]

JEANNETTE PILOT

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): Mr. Speaker, today I would like to bring to your attention the efforts of one of my constituents, Jeannette Pilot, an Innu woman from Uashat-Maliotenam, who has been on a hunger strike for over 75 days and who, just recently, decided to stop drinking fluids to protest the plight of First Nations peoples.

In a letter written last week, Ms. Pilot said:

> I oppose the Harper government's Bills C-38 and C-45. This legislation and all others that impact the aboriginal peoples of Quebec were passed without consulting the peoples concerned and are a continuation of colonial measures that have been in place for too long.

Ms. Pilot has lost 43 pounds so far, and she has said that she is prepared to see it through to the end.

It is disgusting that in this country, in 2013, people have to go to extremes to be heard by those in power. She is the voice of despair for a people who, for over 400 years, has experienced a particularly appalling form of apartheid.

I sincerely hope that this government will have enough integrity to consider the grievances of my constituent as soon as possible. Otherwise, it will have to bear the blame for the death of a woman who is determined to save what is left of our identity.

* * *

[*English*]

QUEEN ELIZABETH II DIAMOND JUBILEE MEDAL

Mr. Brian Storseth (Westlock—St. Paul, CPC): Mr. Speaker, as we commemorate and award the Queen Elizabeth II Diamond Jubilee medals to citizens across Canada, I would like to bring to light a few of the honoured individuals from my riding who share Her Majesty's ideals and devotion to service.

Ms. Dorine Kuzma is a lifelong volunteer and one of the founders of the St. Paul and District Ukrainian Dance Club and the St. Paul 4H Light Horse Club. Mr. Ajaz Quraishi is the ambassador of Cold Lake who considers volunteering a full-time job with organizations such as United Way, the Cold Lake Victim Services Society and the Cold Lake Islamic Society, to name a few. Mr. Jack Dennett is a dedicated member of the Redwater Agricultural Society and a town councillor since 1971. Mrs. Margaret Modin is a passionate advocate of seniors, health care and everything else that goes on in Elk Point. Mr. Robert Wayne Willis is a military veteran who was awarded the Royal Canadian Legion's branch service medal for more than 35 years of volunteerism.

I ask all members of the House to join me in congratulating all of the exceptional citizens who have received this award and have done so much for our communities and our country.

* * *

UKRAINE

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, politically motivated attacks against Ukraine's opposition have escalated. Human rights, democracy and freedom continue to erode for all Ukrainians. In an unprecedented attack on democracy, a Ukrainian court has stripped parliamentarian Serhiy Vlasenko of his seat for offering legal counsel to imprisoned former prime minister Yulia Tymoshenko and has banned him from travelling outside Ukraine.

This latest show trial is part of a series of politically motivated attacks against Tymoshenko and the opposition. Make no mistake; this biased court ruling was made under pressure from President Yanukovych, who wants to crush the opposition and deprive Tymoshenko of legal defence and due process.

Our friends in Ukraine must realize that the path of prosperity lies in promoting the values of freedom and democracy and respecting the rule of law and human rights, not hindering them.

In Ukraine and around the world, democratic voices know that our government is an unwavering ally in the defence of freedom, democracy and human rights.

* * *

SUPPORT FOR INJURED CONSTITUENT

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, it is with a heavy but hopeful heart that I rise today to share a message of support for Irene Atkinson, friend, neighbour and Toronto District School Board trustee for Parkdale—High Park.

Our community was devastated to learn that Irene had been seriously injured in a fire at her home on Saturday, March 16. The outpouring of support for Irene from all parts of our city and beyond is a testament to her tireless work as a trustee for more than 40 years.

Irene was a leader in transforming a desolate stretch of land into what is now Sorauren Park, used by thousands in our neighbourhood. As a trustee and activist, Irene has fought to keep community pools open, to address overcrowding in our schools and to advocate for clean electric trains, working closely with all levels of government to get results.

I was honoured to recognize Irene's passionate work for our community by awarding her a Queen Elizabeth II Diamond Jubilee Medal on January 20.

I urge Irene to keep on fighting. Our thoughts are with her and her family.

* * *

● (1410)

KOREAN WAR

Mr. Blaine Calkins (Wetaskiwin, CPC): Mr. Speaker, 2013 is an important year for Canadian veterans. This year, we celebrate and remember the heroic military contributions and triumphs by our Canadian armed forces during the Korean War.

Some 60 years ago, our Canadian armed forces were among the first to respond and the last to leave, and Canadians could not be more proud. To mark this important milestone, I have sponsored Senator Martin's bill, Bill S-213, which would mark July 27 as Korean War veterans day here in Canada.

The sacrifice made by Canadian troops on the hills of Korea will never be forgotten. Some 27,000 Canadians served in the Korean War, and 516 Canadians did not return. They made the ultimate sacrifice to help protect the freedoms of the Korean people. Many lie buried in Korean soil, and it is our duty as Canadians to honour and remember them.

I call on all members in this place to support this bill, pass it quickly through this House and thank Canadian Korean War veterans for their service.

* * *

[*Translation*]

FOUNDING OF SAGUENAY—LAC-SAINT-JEAN

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, on June 11, 1838, 14 settlers from the Société des Vingt-et-un arrived in La Baie to lay the foundations of what would later become Saguenay—Lac-Saint-Jean. Now, 175 years later, the region is celebrating its founding and commemorating all those who played a role in developing this vast area.

It is no small feat to organize activities for an entire region over the course of a full year. A team has been working hard for months to plan a whole year of extraordinary festivities for the people of Saguenay—Lac-Saint-Jean. This is a wonderful opportunity to connect different generations with our history so that we can promote our region's potential and foster its economic and social growth.

I must point out that work on Route 175 will be completed in time for the celebrations. This represents a new stage in the region's development, and it will considerably boost efforts to reverse the demographic trend that poses a serious threat to the future of Saguenay—Lac-Saint-Jean.

The NDP wishes everyone in Saguenay—Lac-Saint-Jean a happy 175th anniversary.

* * *

[*English*]

CHILD SEXUAL EXPLOITATION

Ms. Michelle Rempel (Calgary Centre-North, CPC): Mr. Speaker, few crimes are more appalling than sexual offences against children.

That is why I highlight the strong action our government has taken to crack down on pedophiles. We have raised the age of protection from 14 to 16. We have strengthened the sex offender registry. We have brought forward serious sentences for those who prey on our children for their own sexual gratification.

Today, I thank the Saskatchewan Internet Child Exploitation Unit for the good work it does every day to keep our children safe, and particularly, I congratulate it for its efforts to stop an individual who allegedly attempted to lure an 11-year-old child through Facebook.

All my colleagues here find this type of incident beyond unacceptable. Our government places the highest priority on keeping our communities safe and will continue to take strong action to keep our children safe from these types of predators.

I call on my colleagues in this House to support us in these vital safety measures.

BRAIN AWARENESS MONTH

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, March is national Brain Awareness Month, the time to advocate for a national brain strategy.

Neurodevelopmental disorders such as autism spectrum disorder, cerebral palsy and fetal alcohol syndrome disorder affect children for life.

I have worked with children with these challenges my whole life, and their families often struggle to get needed therapy and fight tooth and nail for the help they need. We must ensure every child is able to develop to his or her full potential.

The national population health study of neurological conditions will end in March 2013. My appeal is for a joint meeting of federal, provincial and territorial ministers of health to help support the development of a framework, working with stakeholders across the country toward a pan-Canadian action plan for the brain, to support the needs of individuals impacted by neurological conditions across their lifespan, and their families.

* * *

LEADER OF THE NEW DEMOCRATIC PARTY OF CANADA

Mr. Earl Dreeshen (Red Deer, CPC): Mr. Speaker, last week the NDP leader travelled to Washington D.C. and attacked Canadian jobs and Canada's national interests.

Tens of thousands of workers on both sides of the border are counting on the Keystone XL project for jobs and economic growth. Premiers, union leaders and even members of the NDP support this project because of the jobs it would create for Canadians.

That did not stop the NDP leader from pandering to the extremists in his caucus and advocating against this project. The NDP leader embarrassed himself and attacked our country on the world stage.

The antics from the NDP leader this week are more proof that Canadians cannot afford the risky economic theories of the NDP.

* * *

● (1415)

[*Translation*]

LEADER OF THE NEW DEMOCRATIC PARTY OF CANADA

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): Mr. Speaker, the Conservatives are pretty trigger-happy when it comes to ridiculous attacks.

Our leader went to Washington to talk about our joint priorities with politicians and influential business people.

It took no time at all for the Conservatives to start frothing at the mouth. Then things went from bad to worse. They accused the NDP leader, a great Canadian, of every possible evil.

However, they have a short memory on the other side of the House. Ten years ago, their leader criticized Canada's position on the war in Iraq. That is not very loyal.

The leader of the Canadian Alliance told anyone who would listen that Ottawa absolutely had to invade Iraq.

He was not talking about jobs or the economy in Washington. He was not talking about the environment, security or peace. No, he criticized Canada for not joining the war in Iraq.

When we go abroad, it is to defend our jobs, to talk about the economy and to protect our environment, not to promote conspiracy theories about non-existent weapons of mass destruction.

That is the choice Canadians will have in 2015.

* * *

[*English*]

THE ECONOMY

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Mr. Speaker, while our government is working for Canadian families, the Leader of the Opposition is planning to impose a $20 billion job-killing carbon tax on Canadians. Such a tax would increase the price of food, gas, electricity, everything for Canadian families.

Thankfully, Canadians elected our Conservative government, which is focused on jobs and economic growth. In fact, our government has cut taxes over 140 times, putting an average of $3,100 back in the pockets of Canadian families.

[*Translation*]

And it does not stop there. Canada has the strongest first-quarter economic growth in the G7.

[*English*]

The OECD is projecting Canada to lead the G7 in economic growth over the next 50 years. While the NDP is focused on imposing a job-killing carbon tax that would ruin our economy, our government will continue to work for Canadian families to ensure the long-term prosperity of our country.

ORAL QUESTIONS

[*English*]

CANADA REVENUE AGENCY

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, the Minister of Finance has failed to reassure Canadians that the government is doing everything it can to crack down on tax havens. He even refused to allow the Parliamentary Budget Officer, Kevin Page, to study the issue. However, now that the Canada Revenue Agency has revealed that it has identified over 8,000 offshore tax cheats, the Conservatives seem to be singing a different tune.

If the Conservatives have finally listened to the NDP's calls to crack down on offshore tax havens, will this week's budget give the Canada Revenue Agency the resources to actually do the job?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the government has taken several steps on that particular file, which the NDP has opposed every step of the way.

I am rather surprised to be getting a question like this on the economy from the leader of the opposition after he travelled to Washington to fight against Canadian jobs. The NDP can oppose Canadian jobs, but on this side we are for Canadians.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, his project includes the export of 40,000 Canadian value-added jobs. We will keep standing up for Canada.

[*Translation*]

Supposedly the Minister of Finance has finally decided to crack down on tax havens. What a charade.

According to the estimates tabled recently in the House, the Canada Revenue Agency's budget will be cut by close to $100 million.

Can the Prime Minister tell us how the Canada Revenue Agency is supposed to do more work with fewer resources?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, we have shut down tax havens used by companies on a number of occasions. In any case, the NDP is opposed to this initiative.

● (1420)

[*English*]

It is very interesting. If the leader of the NDP were so proud of the position he had taken, I wonder why we had to find out what he really said from leaks out of private meetings.

The fact is, when we go to Washington or around the world, we promote Canadian jobs and we do it upfront and in the open.

* * *

[*Translation*]

THE BUDGET

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, with the Conservatives, it is one step forward and two steps back.

The Minister of Finance relaxed the mortgage rules and then backtracked. He committed to balancing his budget by 2015 but then he backtracked. He made the provinces responsible for job training and then, without any consultation, he backtracked.

How much is this so-called financial genius's bureaucratic indecision going to cost Canadian taxpayers this time?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, rather than speculate, the leader of the NDP should wait for the budget to be tabled. I am sure that it will be an excellent budget, which is the norm for the Minister of Finance.

[*English*]

Once again, this is a serious issue. We have created 950,000 jobs in Canada. What we understand in our country on this side of the House and what the leader of the NDP fails to understand is that trade with the United States is critical to creating jobs on both sides of the border. That is why we are for NAFTA, for trade and for job creation on this side of the House, unlike the NDP.

* * *

THE ECONOMY

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, adding jobs by creating a sustainable economy is the future of our country. If we do not learn how to add value to our natural resources here instead of shipping our jobs to the U.S., we will not get out of the mess they have created. There are 300,000 more unemployed today than when the crisis hit in 2008. That is a fact.

[*Translation*]

Yesterday, Peter Penashue resigned. When did the Prime Minister find out—

[*English*]

The Speaker: The leader of the opposition did run out of time.

The right hon. Prime Minister.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the manufacturers and exporters of our country say that the tax policies of the NDP alone would kill 200,000 jobs in that sector. The leader of the NDP's view that our resource sectors are a disease upon the economy would kill millions more.

We have 950,000 new jobs created since the end of the recession. It is one of the best records in the world, and Canadians will never sacrifice that to the extremism and ideology of the NDP.

* * *

ETHICS

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, Peter Penashue has finally resigned after breaking the law. The Prime Minister has to answer a simple question. If Penashue did nothing wrong, why did he resign? If he did something wrong, why is the Prime Minister allowing him to run again?

Elections Canada has not even finished its investigation into Mr. Penashue's last campaign and the Prime Minister's office, using taxpayer money, has already started the next one.

Will the Prime Minister commit right now to allow Elections Canada to conclude its investigation before calling the byelection in Labrador, or is it that he is afraid of what illegal activities might come to light?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, minister Penashue has done the right thing under difficult circumstances and he is prepared to take his record and be accountable to the people of Labrador, everything from defending the seal hunt to promoting the Lower Churchill project. This is the best member of Parliament Labrador has ever had.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, let us talk a little more about the difficult circumstances. The difficult circumstances that Mr. Penashue found himself in involved buying an election, paying back $47,000 to Elections Canada. Now the Conservative Party is starting a campaign before Elections Canada has completed its work and its investigation.

Could the Prime Minister please tell us, when do his standards start taking effect? When does he start applying these standards to his own members and to his own party? When is that going to start to happen?

● (1425)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, it is the people of Labrador who will make the decision on this matter. Minister Penashue will be accountable to the people of Labrador. Unlike the Liberal Party in Labrador, minister Penashue will be fighting for the Lower Churchill hydro project.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, this is truly incredible. A Prime Minister is refusing to admit that his member of Parliament broke the law, that the investigation by Elections Canada is not yet over and already on the floor of the House of Commons he has started a campaign with the same disgraced member of Parliament.

When does the Prime Minister start to apply some standards of shame to his conduct and the conduct of the members of his cabinet?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, of course, it is the Liberal Party and the opposition which raised this particular issue today on the floor of the House of Commons. While they are doing it, let me point out the work that minister Penashue did, not just securing the Lower Churchill falls—

Some hon. members: Oh, oh!

The Speaker: Order, please. The right hon. Prime Minister has the floor.

Right Hon. Stephen Harper: He worked, Mr. Speaker, to improve Internet service for the people of Labrador, federal funding for the—

Some hon. members: Oh, oh!

The Speaker: Order, please. The right hon. Prime Minister has the floor and this is eating up quite a lot of time.

The right hon. Prime Minister.

Right Hon. Stephen Harper: Mr. Speaker, I know the truth hurts over there, but the fact is, as I have said, the minister has been doing important work, working to scrap the long gun registry, to bring federal funding to the Trans-Labrador Highway, defending the seal hunt against the attack of the NDP and Liberals. As I said, he is the best member of Parliament Labrador has ever had.

[*Translation*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I hope that the best MP Labrador ever had is not someone who paid over $47,000 to buy an election. That is not what makes a good MP.

I would like to ask the Prime Minister this very clear question again: where is the clear rule that will ensure that members obey the law and that will allow Elections Canada to complete its work and its investigation into Mr. Penashue's activities?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the minister resigned and is prepared to run again in Labrador. In our democratic system, voters are the ones who make the decision in such a situation.

I am convinced that minister Penashue is the best member of Parliament that this riding has ever had.

* * *

[*English*]

INFRASTRUCTURE

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, traffic gridlock costs billions of dollars a year. Cities and communities need long-term, predictable infrastructure funding so that we can end the gridlock, support industry and grow Canada's economy. Significant projects take significant funding and take significant time. Just renewing build Canada is not enough. Reannouncing old initiatives like gas tax and GST exemptions is not enough.

Will the minister finally act and break the gridlock?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, in Canadian history, never has a government invested as much in our infrastructure as ours has. That is because the Prime Minister believes that when we invest in support for communities, we respect jurisdiction, which is very important. We will not manage everything from Ottawa. We respect municipal and provincial jurisdiction. She will have to wait for the budget for the rest.

* * *

INTERGOVERNMENTAL RELATIONS

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, let us talk about the provinces. In 2007, Conservatives agreed to hand over skills training money to the provinces. Now their budget is focused on picking a fight with the provinces. The Minister of Finance even wrote to his caucus colleagues, and he gave them a sneak peak at what his budget plans are.

Will the government simply be cutting this transfer to the provinces for training, or will it seek to work on some of the practical solutions the NDP has raised?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, here is the practical "alternative budget", as it is called by the NDP. The NDP finance critic was asked whether it was costed. She said: "I'm not going to...say here's the price tag because I think it's a shift in approach....

[W]e have not costed out specifics in terms of this campaign".

Talk about irresponsibility with taxpayers' money—to bring forward something called an "alternative" budget with no numbers. There will be numbers on Thursday. I encourage the member to wait just two more sleeps.

● (1430)

[*Translation*]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, why does the Minister of Finance not table—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. member for Rimouski-Neigette—Témiscouata—Les Basques has the floor.

Mr. Guy Caron: Mr. Speaker, why does the Minister of Finance not just table his budget now, rather than leaking it through phoney letters to his colleagues?

You have to be really self-important and want to control your image at all costs to show such a blatant lack of professionalism.

There is nothing reassuring for Canada's provinces in the leaks orchestrated by the Prime Minister's Office.

The same Conservatives who did no impact study before gutting the employment insurance program are now supposed to take over training programs. There was no consultation, no impact study.

Do the Conservatives at least know that skills training comes under provincial jurisdiction?

[*English*]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, it is true that I corresponded with my caucus colleagues. They have worked very hard, all of them, in consulting with people across the country and in their constituencies, including with the Federation of Canadian Municipalities, to make sure that the initiatives that are in the budget will meet the needs of Canadians come Thursday. As I say, be patient. Only two more sleeps.

* * *

[*Translation*]

REGIONAL ECONOMIC DEVELOPMENT

Mr. Jean Rousseau (Compton—Stanstead, NDP): Mr. Speaker, it is the same old thing with the Conservatives: they make promises and then they break them.

Worse yet, they are attacking our regions' economies. They have abandoned our forestry industry, gutted the employment insurance program, closed post offices and now they are cutting $55 million from the budget for the Economic Development Agency for the Regions of Quebec.

Consolidating the agency's activities and saving money cannot be done without sacrificing services.

Why are the Conservatives cutting front-line services again by closing regional offices and moving the services to urban areas?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, the question is full of untruths.

No other government has invested as much as ours in the forestry industry. We have gone through the worst crisis in the history of the forestry industry with a reduction of more than 60% in construction in the United States. That is what he should have said.

His statement about Canada Economic Development is not true. He must recognize that we looked to temporary programs, such as cruise tourism development and the one-time initiative to support forestry-based economies.

Instead of acknowledging the good work that has been done, he is making things up. The program is coming to an end, as planned. These are not budget cuts at Canada Economic Development.

* * *

ETHICS

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, the Conservatives can wash their hands of this all they want, but the commission on collusion, corruption and construction is giving us an idea of how they fill their coffers.

It is quite simple. The illegal financing scheme orchestrated by SNC-Lavalin, with donations of the same amount, on the same date and to the same associations, is the same pattern we saw with the Conservative Party financing.

Portneuf—Jacques-Cartier was used to funnel donations from friends of SNC-Lavalin. It was the same people and the same corruption.

Why are the Conservatives standing by and allowing this election fraud to happen?

[*English*]

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, the matter at hand has nothing to do with this party or this government. In fact, the engineering firm in question only donated to the provincial Liberal Party at the time, when the NDP leader was part of that provincial Liberal government.

If that member wants to talk about provincial politics, what about this article that I see in the *Canadian Press*?

> Political party wants to honour Paul Rose, late FLQ kidnapper, following his death.

That party, of course, is Québec solidaire, which seeks to celebrate this convicted terrorist. That member donated to Québec solidaire as late as last year. Will he stand and condemn that party?

[*Translation*]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, the Parliamentary Secretary is entitled to his opinion, but he cannot make things up.

We are not talking about the period from 2003 to 2006, when the leader of the NDP was the best environment minister. We are talking about 2009, when he was the NDP's Quebec lieutenant. Those are two different time periods.

I want to get back to the link between the Conservatives and corruption. In 2009, the pressure that Riadh Ben Aïssa put on SNC-Lavalin to make more donations obviously paid off. Thousands of dollars were transferred to bogus Conservative associations.

Will the Conservatives admit that they benefited from SNC-Lavalin's generosity? What are they doing to investigate these fraudulent donations?

● (1435)

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, the NDP leader is in a better position to explain what went on with the fraudulent donations because he was a member of the organization that received them.

[*English*]

Let us talk about real links. That member donated as late as last year to Québec solidaire, a party which, according to *Canadian Press*, is now trying to honour "convicted terrorist Paul Rose, who died Thursday of a stroke [and] is best known as an architect of the 1970 October Crisis".

I am merely asking the member to stand in his place and condemn Québec solidaire for this outrageous stand.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, unfortunately, my hon. colleague seems to have a pattern. He will say anything in order to attempt to change the channel. The fact is that we will take the integrity of our leader any day over any member over there.

The issue is about that party's links to corruption in SNC-Lavalin. Speaking of fallen ethics, we now learn that Peter Penashue set up his own electoral website before he resigned his seat. Does the government not agree that Mr. Penashue was acting in a deceptive manner in his final days as minister in order to gain an unfair advantage in this coming byelection?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, the contrast could not be better. The people of Timmins voted NDP, and they got a big talker for the big city. The people of Labrador voted for a Conservative, and they got a hard worker with a record of results.

Let us look at the difference. Peter Penashue took responsibility. They took $340,000 in illegal union money, and no one over there has taken responsibility. Peter Penashue has defended the seal hunt and helped scrap the gun registry. He kept his word. That member over there had the chance to do the very same thing, and he decided to walk out on his constituents and break his promise.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, the people of Timmins—James Bay voted for New Democrats, and the people of Labrador got someone with a record. That member, of course, is remembered for the fact that he personally ridiculed the child victims of the residential school crisis and then was promoted by the Prime Minister.

Speaking of the Prime Minister's judgment here, he said:

> ...bend the rules, you will be punished; break the law, you will be charged

The Prime Minister knows that Peter Penashue could be facing criminal charges. Why would this Prime Minister support a potential criminal running under his banner?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, I encourage him to finally have the courage to repeat those kinds of allegations outside. We know he would not do it. We know that he is nothing more than a big talker for the big city, and that is why he will only repeat those kinds of falsehoods on the floor of the House of Commons.

The reality is that the member is supposed to speak for the people of Timmins, but he sold them out long ago for his big city bosses. He broke his promise.

We stand for Peter Penashue, who has kept his word to the people in rural and remote communities from across Labrador, and we are proud to have him as our candidate in this byelection.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, we will take no lessons on integrity from that member. He is defending one set of rules for the Conservatives and another one for everybody else and blindly defending a man who made government spending announcements after learning he had violated election laws, a man who had his re-election campaign running before he resigned, a man trying to spend his way out of financial corruption allegations.

Why will the government not allow the investigation to be completed? What is it trying to hide from the people of Labrador?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, once again, the contrast: That member stands with a party that calls our resource sectors a disease.

Those of us on this side of the House of Commons are thrilled and proud to look at Newfoundland and Labrador succeeding and enjoying prosperity, precisely because of our natural resources sectors. The people of Labrador will have a chance to re-elect a hard worker with a record of results. The Trans-Labrador Highway is paved, the seal hunt is here to stay and the gun registry is gone.

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, Lance Armstrong will not be participating in the Tour de France this year. Why? Because he cheated and was banned for life. Peter Penashue cheats, and he is made the Conservative candidate in a byelection. There is no mandatory minimum for Peter Penashue's cheating and stealing an election.

Here is my question: Is the Prime Minister aware of a compliance agreement or plea bargain between Elections Canada and Peter Penashue that even allows him to run? Why is the Conservative government so hypocritical on crime and ethics?

● (1440)

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, the people of Labrador had a big-talking Liberal who delivered nothing for far too long. Like Elvis, they asked for a little less conversation and a little more action, please, and that is precisely what they got from Peter Penashue. The Trans-Labrador Highway is paved, thousands of Canadians are working now on the Muskrat Falls project, the seal hunt is here to stay and the gun registry is gone forever.

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, had the disgraced Peter Penashue not broken the rules by illegally accepting and spending almost $50,000 in unlawful donations, he would not have won a seat.

As a Conservative MP, Penashue failed to defend seasonal workers, and he failed to stand up for search and rescue, even in the face of the tragic death of young Burton Winters in Makkovik.

Given Penashue's cheating record, how do we know he will not attempt to steal the election again? Will the Prime Minister wait until Elections Canada completes its investigation before allowing Peter—

The Speaker: Order. The hon. parliamentary secretary to the minister of transport.

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, the people of Labrador saw how futile it was to have a big Liberal talker who delivered absolutely no results. That is why, instead, they opted for a hard worker with a record of results, a man whose hard work has led to the paving of the Trans-Labrador Highway, the thousands of jobs in the Muskrat Falls project, the elimination of the wasteful Liberal long-gun registry and the protection of the seal hunt.

As Benjamin Franklin said, well said is good, but well done is better.

[*Translation*]

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, Peter Penashue resigned as member of Parliament to avoid having Elections Canada rule on his 28 illegal campaign contributions. His plan to run again shows that the Conservatives want victory at all costs and that they are prepared to let honesty and ethics take a back seat.

How can the Prime Minister think that victory at all costs—including cheating—has a place in our democracy?

[*English*]

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, normally they attack Peter Penashue for spending too much time in Labrador with his constituents. Today they have been attacking him because he has a website and ultimately because he helped deliver the high-speed Internet that allows his constituents to see websites.

Some hon. members: Oh, oh!

The Speaker: Order. There is far too much noise at the far end of the chamber. We need to have a bit of order.

Perhaps the member for St. Paul's and the member for Crowfoot could carry on the conversation by sitting a bit closer to each other. Then they would not have to shout across the floor and disrupt the rest of the House.

The hon. parliamentary secretary.

Mr. Pierre Poilievre: Mr. Speaker, the Liberals way over there in the corner are hard to ignore, but I assure you, it is well worth the effort to try. I think that our friends in Labrador will agree.

They will vote, I believe, for a hard worker with a record of results, a man who has delivered for the Trans-Labrador Highway, who has created thousands of jobs with the Muskrat Falls project, and who helped to eliminate the long gun registry and protect the rural way of life.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, some people say that oil spills are good for the economy, because jobs are created to clean it up. That is even more ridiculous than the Conservatives' public relations exercise, which involves installing cameras to simply watch oil spills, and this is after they cut emergency programs.

As we all know, the Conservatives are big fans of hidden cameras. Is this for a new Conservative reality TV show?

When will they finally bring in some tough environmental protection rules?

● (1445)

[*English*]

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, we have consistently worked to protect the environment, the economy and Canadian jobs. When our leaders travel around the world, they do not come back and get comments such as the NDP leader. Once again, he demonstrated he is not prime ministerial material. We do not have premiers saying that the NDP leader is betraying Canadian interests. We do not have premiers saying that they do not think it shows national leadership. We do not have, as he does, his own colleague, the NDP leader from Saskatchewan, saying that he supports the Keystone XL pipeline and would like the NDP here to get onside with that.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the Prime Minister closed the environmental emergencies programming in B.C. The Prime Minister closed the marine traffic control centre in Vancouver. The Prime Minister closed the Kitsilano Coast Guard station. The Prime Minister gives new meaning to the word “reckless”. The leader of the opposition is responsible, and that is why we stand behind him.

Canadians want the federal government to ensure—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Burnaby—New Westminster has the floor.

Mr. Peter Julian: Mr. Speaker, they cannot bear to hear the truth.

Canadians want the federal government to ensure strong environmental protections to ensure that oil spills never happen, not to watch the spills on TV.

Why do the Conservatives not properly evaluate projects in the first place? Why will they not get serious about preventing spills? Why are they so irresponsible?

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, if he were paying attention, he would know that yesterday we introduced the framework for our world-class oil spill response plan. He knows that.

What is more important is that those folks oppose everything to do with energy development. They oppose all hydrocarbon development. They oppose all mining projects. They oppose nuclear energy. They are standing against Canadian jobs consistently. We ask them to quit doing that.

If those members are going to do it, they should quit doing it in our country and quit doing it internationally, stand with us and protect the Canadian environment and the Canadian economy.

* * *

[*Translation*]

OFFICIAL LANGUAGES

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, after appointing a unilingual anglophone Auditor General and announcing the closure of the only bilingual marine rescue centre, in Quebec, the Conservatives continue to ignore the Official Languages Act.

Budget cuts have a significant impact on the ability of francophone public servants to work in the language of their choice. They are forced to write their reports only in English, and these reports are not even translated anymore.

With the Conservatives, French is taking a back seat. Why will they not respect the Official Languages Act?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, that is not the case. As the hon. member well knows, we take our obligations under the Official Languages Act very seriously. Incidentally, that is why we set up our five-year plan regarding the Roadmap for Canada's Linguistic Duality. That is also why we held unprecedented consultations for the next Roadmap that we are going to present very shortly.

I hope the hon. member for Acadie—Bathurst will like what we are doing to protect English and French in every region of the country.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, working in French in the public service is a right. It is at the heart of part V of the Official Languages Act. Just because the Conservatives want to cut services to the public does not mean they can circumvent the law.

How can Canadians hope to receive equivalent services in French and in English when the Conservatives do not even have the documents that francophones are forced to write in English translated into French?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, Canadians will continue to receive government services in both official languages, in the language of their choice, as they always have.

[*English*]

I can also indicate for the hon. member that when a survey of public servants was issued earlier last year, 92% of them were able to express themselves in the language of their choice to constituents, to people of Canada.

I believe we are doing our job for Canadians of both official languages.

* * *

THE ECONOMY

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): Mr. Speaker, since 2006, our Conservative government and our Minister of Finance have brought forward seven straight budgets to promote jobs and economic growth in Canada. Since then, Canada has created over 1.5 million net new jobs, the best record in the G7. However, the global economy, especially in Europe and the United States, remains fragile. That is why we are moving forward with our long-term low-tax plan jobs for growth.

As we prepare for our next economic action plan, would the Minister of Finance formally advise the House when the government will present budget 2013?

● (1450)

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, our Conservative government is focused on what matters to Canadians. That is jobs and economic growth. That is why economic action plan 2013 is a plan to support jobs, economic growth and long-term prosperity, while keeping taxes low and returning to balanced budgets.

I am pleased to request the designation of an order of the day to present the economic action plan, budget 2013, on Thursday, March 21, at 4:00 in the afternoon.

* * *

[*Translation*]

PUBLIC SAFETY

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, ah yes, everyone in Canada is trembling.

Following the Prime Minister's rebuff, we can expect to see changes within their Canadian Firearms Advisory Committee. However, the Conservatives were happy to just shuffle the deck and keep the same leaders with ties to the Canadian Shooting Sports Association, an association that, in passing, is now lobbying to abolish all offices of provincial chief firearms officers.

Will the Minister of Public Safety explicitly reject the exaggerated demands of that group?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, we expect that chief firearms officers and their officials will enforce the law appropriately. We, unlike the New Democrats, are taking real action to crack down on crime, while ensuring law-abiding hunters, farmers and sports shooters are never treated like criminals.

The New Democrats have promised to bring back the long gun registry if they are given the chance. We will not give them that opportunity.

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, let us take a look at what this looks like on the international stage. Right now, President Obama is arguing for a strong, effective small-arms treaty to get guns out of conflict zones. On the other side, we have the Conservative appointee, Steve Torino, co-chair of the minister's firearms advisory committee, being hailed by the NRA as one of its "beacons of hope".

Whose side is the government on, Mr. Obama's or the gun lobby's?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, we support an arms trade treaty that meets the tough standards that Canada already has for arms exports, and we are working diligently with other countries to ensure such an agreement is in place.

What we do not what to do is target duck hunters and sportsmen. That failed policy, supported by the Liberals and the NDP, was ineffective and wasted billions of dollars. We will not allow the NDP to take the long gun registry international.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, it seems the simpler the question the bigger the diversion.

Yesterday, when the Minister of Public Safety was asked if he would put an end to the outrageous and reckless filming of immigration raids for reality TV, the minister grabbed some blue paper and plowed his way through the talking points three times.

Today, will the minister come clean on how much this offensive and dangerous PR stunt is costing Canadian taxpayers and will he immediately put an end to this practice?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, at least I am consistent in my colour; it is blue. I see he is not reading from an orange paper.

The show he is talking about is about the situations faced daily by our front-line border officers. I am very proud of those officers and the privacy of individuals is protected at all times. The majority of episodes deal with front-line CBSA officers stopping criminals from entering Canada. We expect the CBSA to enforce Canada's laws and ensure the safety and security of law-abiding Canadians.

[*Translation*]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, Canadians deserve real answers and not meaningless accusations.

While the Conservatives are making cuts to border services and we are only days away from the tabling of the federal budget, where we expect even more cuts to occur, people have the right to know how much of their tax dollars were used to film arrests for a reality television show. Obviously, image means everything for the Conservatives, and content means nothing.

I am offering the minister another opportunity to answer the question. How much did this dangerous publicity stunt cost Canadians?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, rather than standing up for law-abiding immigrants who work hard and play by the rules, the NDP chooses to make things easier for those who defy our laws and take advantage of Canadians' generosity. In fact, the NDP even voted against the faster removal of foreign criminals act.

* * *

● (1455)

[*Translation*]

OFFICIAL LANGUAGES

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, I would like to come back to the figure tossed around by the President of the Treasury Board regarding the number of public servants who can work in their own language. Will he admit that for francophones in federal departments, that number is much lower and has dropped dangerously low under the Conservatives?

According to the president of the Canadian Association of Professional Employees, official languages are becoming a priority ranked as low as 5th, 6th, 7th or even 10th place. Francophone public servants are being told, "We cannot afford translation, so write in English." Is the minister even aware that this problem exists?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I can say that, for the past decade, public servants have felt they can work in the language of their choice. In 2002, 2005, 2008 and 2011, the rate was always between 90% and 92%.

* * *

[*English*]

THE ENVIRONMENT

Hon. Lawrence MacAulay (Cardigan, Lib.): Mr. Speaker, the government has already started destroying buildings at the Experimental Lakes Area, one of the world's greatest research facilities. March 31 was the date given to find a new operator for the ELA, but the government has decided to destroy the ELA even while it claims to be trying to find a new operator.

Will the government commit to immediately stopping the destruction of the ELA and continue funding its research until a new operator can be found?

Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC): Mr. Speaker, we have made the decision that the experimental lakes will be ending as a federal facility. Our government is continuing important freshwater research in other facilities across Canada, such as the Freshwater Institute, in Winnipeg and the Bayfield Institute, in Burlington.

We are also making important investments to clean out freshwater lakes like Lake Winnipeg and Lake Simcoe.

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, the Conservative war on science knows no bounds. The Conservatives are recklessly cutting the world-renowned Experimental Lakes Area. Government support is set to expire in just a few weeks and now it looks unlikely another organization will step in, in time to save it.

With logging companies revving up their chainsaws, the ELA could be transformed from a unique space for scientific experiments to a clear cut.

Why will Conservatives not do the right thing and agree to extend ELA funding?

Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC): Mr. Speaker, as I indicated earlier, we made the decision that the facility will no longer be a federal facility. The department has a number of science facilities that are focused on our freshwater program. The Freshwater Institution, in Winnipeg, as I mentioned earlier, the Sea Lamprey Control Centre, in Sault Ste. Marie and the Bayfield Institute, in Burlington focus heavily on freshwater science.

[*Translation*]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, since the Conservatives have decided to attack science and take away funding, they should at least maintain the facilities in good condition, in order to facilitate the transition for the new operator. Logic would dictate that they should not dismantle the facilities until the new operator is installed. However, that would only happen if they really cared about science.

Why is the Conservative government destroying the science facilities in the Experimental Lakes Area?

[*English*]

Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC): Mr. Speaker, nothing could be further from the truth. The fact is that our department continues to do an incredible amount of science work. There are also freshwater components to the science program that are conducted at most of our other nine major research institutes that the department operates across the country.

Ms. Wai Young (Vancouver South, CPC): Mr. Speaker, as a trading nation, Canada depends upon marine shipping for economic growth, jobs and long-term prosperity. Thousands of ships come to Canadian ports each year, importing goods from around the world and exporting Canadian goods to markets beyond our borders. Canadians want to know that we have one of the strongest tanker safety regimes in the world.

Would the Minister of Transport, Infrastructure and Communities update the House on the latest initiatives our government has taken?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, yesterday the Minister of Natural Resources and I announced a comprehensive world-class tanker safety system in Canada. While our current tanker safety system is robust, it is essential that we strengthen it to meet future needs. Through our responsible resource development plan, we are ensuring that there is a system that will create jobs and economic growth while increasing environmental protection. We will also ensure that Canadians and aboriginal groups are fully engaged throughout the development of this system.

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● (1500)

PARLIAMENTARY BUDGET OFFICER

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, while the Prime Minister is mired in controversy over the failed appointment process for the Parliamentary Budget Officer, the Standing Joint Committee on the Library of Parliament has not even met.

During this 41st Parliament, the committee has had only three substantive meetings. The Prime Minister has clearly ordered the House co-chair not to convene the committee because he fears the budget officer.

Will the member for Ottawa—Orléans tell the House when the committee will be meeting to review the appointment process for the PBO?

Mr. Royal Galipeau (Ottawa—Orléans, CPC): Mr. Speaker, the co-chairs of the committee will call a meeting of the committee at the appropriate time.

* * *

[*Translation*]

INTERNATIONAL CO-OPERATION

Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP): Mr. Speaker, this past year, over 70% of partnership projects submitted to CIDA took more than 10 months to be approved by the minister. Proposals are piling up on his desk. Furthermore, the last call for tenders from NGOs under the social development partnerships program was two years ago.

How much money will CIDA lose at the end of the fiscal year due to the minister's incompetence?

[*English*]

Ms. Lois Brown (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, Canadians can be proud of the results that their hard-earned tax dollars are achieving abroad. Canada's investments are providing food, health care and emergency humanitarian assistance to those who need it most.

[*Translation*]

We will continue to reassure Canadians that their money and their taxes are being spent in such a way as to obtain the best possible results.

[*English*]

Canadians deserve no less.

* * *

INAUGURATION OF POPE

Mr. Bryan Hayes (Sault Ste. Marie, CPC): Mr. Speaker, an estimated 14 million Catholics in Canada, along with the rest of the world, have been watching today as Jorge Mario Bergoglio was installed as Pope Francis, Supreme Pontiff of the Catholic Church and 265th successor to Saint Peter. He is the first pontiff from Latin America.

Could the Minister of Transport please update the House on Canada's representation at this historic event?

[*Translation*]

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, I thank the member for his question.

Canada was represented by a delegation made up of the Governor General and a number of MPs, including the Minister of Citizenship, Immigration and Multiculturalism and the Minister of State for Western Economic Diversification. They met several world leaders who were also attending this event. Canada shares the Holy See's commitment to defending the dignity of the person and the freedom of conscience and religion.

On behalf of all Canadians, we wish to congratulate Pope Francis as he takes up his new responsibilities as leader of the Catholic Church, pastor and guide for Christians of various denominations throughout the world. *Ad multos annos*.

* * *

TOURISM INDUSTRY

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Mr. Speaker, an austerity budget will hurt our economy. One victim could very well be Canada's tourism industry with the cuts to the Canadian Tourism Commission.

Quebec has already been a victim of this lack of vision. The number of tourists visiting from the United Kingdom has dropped by 12% and tourists from Italy, by 11%. The Quebec government and industry partners understand the situation and choose to invest year after year.

What will the federal government do to support the Quebec government's efforts?

Hon. Maxime Bernier (Minister of State (Small Business and Tourism), CPC): Mr. Speaker, the government has already taken action. I would like to point out to the hon. member that we announced a national tourism policy a few months ago. This policy has been successful. In the last 13 quarters, tourism spending has increased in Canada. If we look at the 2011 numbers in comparison to the 2012 numbers, the number of visitors from the United States and overseas has increased.

* * *

[*English*]

THE ENVIRONMENT

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, the DFO has notified scientists they cannot continue their work at the Experimental Lakes Area past March 31. They cannot even visit the facility.

This kills fully funded current research worth tens of millions of dollars. If the minister was really ever negotiating in good faith to find a replacement operator, why would he cancel ongoing research prematurely and fire our valuable scientists?

● (1505)

Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC): Mr. Speaker, as I indicated earlier in previous questions, we have in fact made the decision to close the Experimental Lakes and will be ending the federal facility.

We conduct research across this country. We continue important freshwater research in other facilities such as the Freshwater Institute in Winnipeg and the Bayfield Institute in Burlington. We are also making important investments to clean up freshwater lakes such as Lake Winnipeg and Lake Simcoe.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw the attention of hon. members to the presence in the gallery of the recipients of the 2013 Governor General's Awards in Visual and Media Arts: Marcel Barbeau, Rebecca Belmore, Gordon Monahan, William MacGillivray, Greg Payce, Chantal Pontbriand and Colette Whiten.

Some hon. members: Hear, hear!

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POINTS OF ORDER

ORAL QUESTIONS

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I want to rise today with respect to the point of order that was raised by the hon. Parliamentary Secretary to the Minister of the Environment the last Friday we met, March 8. The parliamentary secretary rose in response to the disrespectful nature of comments made by numerous members of the NDP during question period, which were not conducive to maintaining order and decorum in this place.

You will recall, Mr. Speaker, that the NDP argued that disrespectful name-calling, on that day in particular, in relation to female ministers on International Women's Day, no less, should be perfectly acceptable. I cannot disagree more. I agree with the hon. parliamentary secretary's submissions and would like to point out why I think it is incumbent upon the Chair to rule this kind of immature name-calling out of order.

Page 613 of *House of Commons Procedure and Practice*, second edition, states:

> During debate, Members do not refer to one another by their names but rather by title, position or constituency name—

Then I underline the following:

> —in order to guard against the tendency to personalize debate.

The approach employed by the NDP not only personalizes debate, but it does so in an offensive and inflammatory fashion. Consider what we might expect to hear if the NDP position became the accepted practice in the chamber. If this kind of name-calling is allowed, it would apply not just to ministers and parliamentary secretaries, of course, but to opposition shadow ministers. For example, the hon. member for Halifax, the NDP's environment critic, could well be referred to as the NDP spokesperson for creating a crippling carbon tax.

According to the NDP, this would be parliamentary language. I do not believe it is. Instead of the hon. member for Parkdale—High Park described as the NDP finance critic, she could instead be called the NDP spokesperson for bigger government and higher taxes, or perhaps the hon. member for Timmins—James Bay could be the spokesperson for unethical interference with independent electoral boundary commissions or, since he changed his vote on the long gun registry, maybe he could be the spokesperson for betraying rural Canadians.

Again, the NDP argues that this is an entirely acceptable approach and is parliamentary. I do not agree. However, based on the response of the NDP's deputy whip on this point of order, I would surmise that he thinks it would be just fine.

Since this betrays the NDP's numerous by-rote decorum pledges, maybe its most recent champion of decorum, the hon. member for Skeena—Bulkley Valley, should be described as the NDP spokesperson for do as I say, not as I do. However, I do not agree that should be considered parliamentary. I raise these examples to point out the logical outcome if the NDP approach on arguments on this point of order prevail.

When you review *Hansard* from the previous sitting, Mr. Speaker, you will see that this kind of petty name-calling does not contribute to decorum, nor does it assist you in maintaining order here. It should not be accepted. Instead, let us rise above the NDP's petty stunts, avoid the name-calling and only refer to each other by our constituencies or our titles, as the rules expect of us.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I would reserve the right to speak to this point of order some time later. I did not see the blues out of Friday's question period, which I think my hon. friend referred to.

I welcome him to the debate on civility. It is refreshing to hear that he is suddenly so concerned with the tone and decorum in the House of Commons, where day after day he instructs his various members to throw insult after insult toward the official opposition and now cries victim.

That being said, I will look specifically at what was talked about on Friday as I was not here. I am very interested in my friend's comments. I will point out though that in his call to civility, he went about it by repeating insults in his intervention. It speaks a little to his true intention, but I will leave it there.

Let me review the tapes from Friday and I will address this new call for civility from the Conservative Party of Canada, as empty as it may be.

● (1510)

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, in reviewing this, may I suggest that you also look at the interpretation. I believe some of the misunderstanding that arose on that Friday may have resulted from the interpretation. If we go back a couple of weeks to questioning of that nature, the expressions that were used on Friday had been used before.

I believe that some of the inflammatory aspects may have resulted from the simultaneous interpretation of that day. I would ask that when you review this matter, Mr. Speaker, you look at that as well.

Hon. Peter Van Loan: Mr. Speaker, I welcome the intervention of the opposition House leader because it made my point about doing as I say, not as I do. All of a sudden, when I engage in the same kind of practice as the New Democrats, he was inflamed and upset and said it was not acceptable. That makes the case even stronger than I made it.

[*Translation*]

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, I would respectfully submit to the speaker that there is a tradition here. We cannot do indirectly what we cannot do directly.

Some hon. members: Oh, oh!

Hon. Denis Coderre: Can the Speaker hear me? I am talking to him. I hope that the Speaker will take note. That is how we will achieve real decorum, by the Speaker as well.

[*English*]

The Speaker: I thank hon. members for their interventions. I understand the member for Skeena—Bulkley Valley will be coming back in due course. I will listen to that, and then come back with a decision.

[*Translation*]

STATEMENTS BY MEMBERS

Mr. Royal Galipeau (Ottawa—Orléans, CPC): Mr. Speaker, this is indeed a matter of decorum.

This is what it says on page 613 of *House of Commons Procedure and Practice*:

> 13. Rules of Order and Decorum
>
> Rules Regarding the Contents of Speeches
>
> References to Members
>
> During debate, Members do not refer to one another by their names but rather by title, position or constituency name in order to guard against the tendency to personalize debate.

However, today, in the statements before question period, a member with 688 days of experience in the House, the hon. member for Manicouagan, deliberately and viciously named a member of Parliament.

Mr. Speaker, I urge you to read his statement in the blues, and you will see that that is what happened. I hope that you will make the decision you feel is best.

[*English*]

The Speaker: I thank the hon. member for Ottawa—Orléans for bringing this to my attention as well.

GOVERNMENT ORDERS

[*Translation*]

RESPONSE TO THE SUPREME COURT OF CANADA DECISON IN R. V. TSE ACT

The House resumed consideration of the motion that Bill C-55, An Act to amend the Criminal Code, be read a third time and passed.

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, I will be sharing my time with the member for Thunder Bay—Rainy River.

I am very happy to take part in this debate on Bill C-55, which seeks to amend the Criminal Code following the decision by the Supreme Court of Canada.

It is refreshing to see that the Conservative government is today proposing a bill that is balanced and reasonable, for once. It is true that we have become accustomed to the opposite, in recent months. It is also rather encouraging to see that this time, the government is respecting the Supreme Court's decision.

We are therefore pleased to support this Bill at third reading. Bill C-55 corrects some shortcomings in the Criminal Code. The effect will be to strengthen the right to privacy of all Canadians, without impeding the delicate work done by police officers and law enforcement agencies.

I would like to point out, however, that Bill C-55 follows the now famous Bill C-30. I say "famous", but Bill C-30 is mainly famous for the fire it drew.

I will take the liberty of returning briefly to this famous, or should I say "infamous", Bill C-30. Officially, it was designed to protect children against online predators. In fact, it gave law enforcement agencies the power to request personal information about telephone and Internet service subscribers, without a warrant.

The indignation was general, beginning with that of Canadians as a whole, who rightly saw it as a threat to their privacy.

On the pretext of tracking down pedophiles, the government was giving itself authority thenceforth to treat all Canadians as criminals. Without the commission of any offence, the private lives of thousands if not millions of Canadians would have been made public.

People thus no longer have control over the protection of privacy, since intrusion is achieved by such underhand means as their use of the Internet and of telephone services, the most commonplace communication media most widely used by Canadians.

The government was also criticized by Jennifer Stoddart, Privacy Commissioner of Canada, and her provincial counterparts. According to Ms. Stoddart, if Bill C-30 had been passed, it would have enabled police officers to establish a picture of Canadians' online activities. For example, police officers could have identified individuals' interests based on the websites they visited, the organizations and associations to which they belonged and their geographic location. That is a bit much.

The government's initial reaction to the criticism is equally disturbing. The Minister of Public Safety responded to individuals who had expressed concerns about privacy protection by saying that they had a choice whether to stand with the government or with the pedophiles. That is completely ridiculous and disrespectful.

This government has the unfortunate habit of reducing all debates to a conflict between good and evil, without drawing any distinction. Listening to it, one would think that all Canadians who doubt the effectiveness of such an intrusive bill simply sanction the acts of pedophiles. That is a highly simplistic view.

When I stop and think of all the implications of that bill, I get chills down my spine. I do not believe I am the only one who does. That bill clearly made many members on the other side of the House very uncomfortable. As a democratic country, Canada long ago established that citizens' right to privacy is not negligible or alienable. The government's paranoia does not justify destroying that fundamental right.

Although it took a long time, the government ultimately decided to abandon Bill C-30 to everyone's great relief. Members on all sides of the House were delighted when the bill was dropped.

The day after Bill C-30 was scrapped, the member for New Brunswick Southwest said he was pleased with the government's new direction on this file, and I quote: "There is no justification in a free country with judicial oversight to force Internet companies to disclose information about their customers without a warrant."

The member for Edmonton—St. Albert said, and I quote, "The government went too far."

● (1515)

Bill C-55, which is before us today, is much more balanced. It updates provisions respecting wiretapping that the Supreme Court ruled unconstitutional.

The bill amends the Criminal Code to provide for measures to protect the power to intercept private communications without judicial authorization. In concrete terms, Bill C-55 requires the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interceptions of private communications made under section 184.4. That was not required before Bill C-55. That was therefore a shortcoming of the other bill.

Bill C-55 also provides that a person who has been the object of such an interception must be notified of the interception within a specific period. It narrows the class of individuals who may make such an interception and limits those interceptions to offences listed in section 183 of the Criminal Code.

We therefore support this bill because it is essential that these investigative measures include oversight and accountability mechanisms, which the Conservatives are not necessarily in the habit of applying and including in their bills. That is the court's view, and we expected nothing less.

Moreover, the requirement to notify people whose communications are intercepted would in no way impede police operations in emergencies, since it will be done after the fact. On the other hand, it would increase the ability of those targeted to track and object to infringements of their privacy, and obtain genuine redress if that was the case.

I have dwelt at length on the fact that Canadians have excellent reasons for apprehension about the Conservatives' bills relating to privacy. Their track record in this area is not very impressive. We are therefore greatly reassured that Bill C-55 respects the rule of law, the Constitution and the Canadian Charter of Rights and Freedoms.

We must nevertheless remain vigilant. Political pressure recently led to the defeat of Bill C-30, but some of the measures it contained have reappeared in other federal bills. Canadians, and defenders of civil liberties, have won a fight against lawful access, but they are still on alert. There is no way of knowing if and when the government will try once again to attack Canadians' rights to privacy.

The government was stubborn in its protracted pursuit of passage for Bill C-30. After that fiasco, can the government tell us whether its justice priorities will be based on the charter and the Constitution, rather than the Conservatives' political program?

Because that is definitely what concerns us: Bill C-55 merely resolves one very simple issue, yet the Conservatives took a long time to introduce it. Other measures initially included in Bill C-30 may now be placed beyond the jurisdiction of the House of Commons.

The opposition parties must stay alert. We must ensure that Canadians are not threatened once again with the loss of their right to privacy through another Big Brother-style bill introduced by the Conservatives.

We therefore say yes to Bill C-55, but we must take great care to ensure that in future, all bills presented that relate to justice and public safety are consistent both with the Canadian Charter of Rights and Freedoms and the Constitution in order to be passed by the House of Commons.

● (1520)

[*English*]

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Mr. Speaker, I appreciate the opportunity to speak to Bill C-55 today. I am thankful to my friend, the very hard-working member for Beauharnois—Salaberry, for her kind attention to it also.

The bill is really about striking a balance between personal freedom and public safety that was not achieved with the previous bill, Bill C-30. In the five years or so that I have been here, I cannot recall a topic or bill that has caused so much reaction from constituents. There may be one or two other bills that the constituents in my riding have been very concerned about, but reaction to this one in particular was certainly inflamed by the comments made by the Minister of Public Safety when Bill C-30 was introduced. I am pleased that something is now being done.

I am not sure whether the government is doing this now for political reasons or because the Supreme Court has said that it has until next month to have these amendments ready. In any case, Bill C-55 is certainly a welcome change and welcome difference from the previous bill, Bill C-30.

For those folks who might be watching at home, I want to talk about the bill for a second and give a bit of background.

This enactment amends the Criminal Code in response to the Supreme Court's decision in R. v. Tse in order to provide safeguards relating to authorization to intercept private communications without prior judicial authorization under section 184.4. Notably, the enactment requires the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interceptions of private communications made under that section. It also provides that a person who has been the subject of such interception must be notified of the interception within a specified period. As well, it narrows the class of individuals who can make such an interception and limits those interceptions to offences listed in section 183 of the Criminal Code. On one hand it has been narrowed, but it is also now putting in the safeguards that Bill C-30 did not have to ensure that the personal freedom of Canadians is not infringed upon unduly while public safety is served.

This does strike a nice balance. That is why the NDP and I will certainly be supporting the bill at third reading.

In its simplest terms, this new legislation is simply an updated version of the wiretapping provisions that the Supreme Court has ruled to be unconstitutional. The court has established new parameters for the protection of privacy. We in the NDP believe that this legislation complies with those standards.

Canadians have good reason to be concerned about Conservatives' privacy legislation. It seems to not be front and centre or at least top of mind when legislation is put together, so the ruling of the Supreme Court was certainly welcome, and Bill C-55, which is a result of that ruling, is also certainly welcome.

The proposed amendments appear in direct response to the Supreme Court decision. They add safeguards that constitute notification and reporting under section 184.4 of the Criminal Code. Specifically, the legislation would require giving a person 90 days' notice—although there could be an extension made by a judge—after his or her private communications have been intercepted in situations of "imminent harm", which are two very important words.

The bill also requires the preparation of annual reports on the use of wiretaps. These amendments appear to be in direct response to the court's instruction in this matter.

As a result, we support the bill. It is essential that such investigative measures include oversight and accountability.

● (1525)

We have certainly heard, and my constituents have heard, over and over again from this government those terms "oversight", "accountability" and "transparency". Certainly Bill C-30, the original incarnation of this bill, did not include any of those things. This new bill, Bill C-55, does, and as I said before, it is welcome.

When New Democrats look at the bill, we look at the public interest of the bill and respect for the rule of law. That is why Bill C-30 was a bill that we simply could not support: it failed on both of those counts. Bill C-55, after we have studied it, certainly would appear to do that, and we will be supporting it at third reading. Most importantly, it would meet the rule of law, the Constitution and the Canadian Charter of Rights and Freedoms. We do not expect that there would be a further Supreme Court case on Bill C-55.

I will talk about section 184.4 of the Criminal Code. The Supreme Court decision stated:

> Section 184.4 recognizes that on occasion the privacy interests of some may have to yield temporarily for the greater good of society — here, the protection of lives and property from harm that is both serious and imminent.

With regard to Bill C-30, the court also stated:

> In its present form however, s. 184.4 contains no accountability measures to permit oversight of the police use of the power.

I quote that because that is essentially what Bill C-55 would do. It would ensure that there would be safeguards for the public good, while at the same time protecting public safety.

A number of experts have indicated that they are pleased with Bill C-55 and the changes that have been made, and it comes just under the wire of when the Supreme Court said the changes needed to be made. I take it on faith that the government is presenting Bill C-55 in good faith, that it is not for political reasons, that it has listened to the Supreme Court decision and has made the changes accordingly. I do not yet know how the Liberals feel about this particular bill and I certainly look forward to hearing what they have to say on it.

I look forward to any questions members may have for me.

● (1530)

[*Translation*]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, I thank my colleague from Thunder Bay—Rainy River, who very clearly stated the NDP's position on this issue, and explained why we were going to support this much more balanced and much fairer bill.

According to my colleague, how does Bill C-55 offer better oversight and accountability than what was proposed in Bill C-30?

Our strong opposition to Bill C-30 was due in part to the lack of fine detail in comments by the Minister of Public Safety. We had some concerns about the bill, yet all those who opposed it were regarded as people who almost condoned pedophilia, whereas we were requesting greater respect for the right to privacy.

In Bill C-55, we now find mechanisms for oversight and accountability to ensure respect for the privacy of Canadians.

[*English*]

Mr. John Rafferty: Mr. Speaker, we are certainly pleased that the government members listened to Canadians and the concerns they had about Bill C-30. I do wonder, however, why the government dug in its heels for so long before admitting that it was wrong and working with the opposition to make it right. However, it has happened, and we are certainly pleased that it has.

To go on a bit further, I will add a couple of extra points concerning how this bill would work and why it is important that these changes have been made.

I talked about the added safeguards that constitute notification and reporting and I talked about the legislation ensuring that there would be 90 days' notice given after a person's private communication has been intercepted in situations of "imminent harm", which are two important words.

There is also an annual reporting section in this bill, which is important. These amendments would limit the authority of the police to use certain provisions and would restrict their use to offences under section 183. The amendments would narrow the scope of the bill, which I also think is a good thing.

[*Translation*]

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I would like to thank my hon. colleague for his excellent speech and my other colleague who previously spoke to the issue.

They did a good job of illustrating the fact that Bill C-55 finally gives Canadians what they want and corrects a flaw that existed in the previous bill.

Bill C-30, which was introduced by the Conservative government, was horrible and threatened Canadians to a certain extent because it would have invaded their privacy.

Does my colleague not believe that the Conservative government should have shown more leadership and taken more care to ensure that Bill C-30 complied with the Canadian Charter of Rights and Freedoms and the Constitution?

Does he not think that we should from now on always ensure that the Conservative government respects the Charter of Rights and Freedoms when it drafts legislation?

● (1535)

[*English*]

Mr. John Rafferty: Mr. Speaker, there is no doubt that Bill C-30 was a bit of a debacle for the government. Certainly Canadians and we in the opposition let the government know that it was. The question is why the government waited so long to deal with a relatively straightforward and simple issue of public safety. I am not really sure why that was.

I have a question for the government based on my hon. friend's question: will the government's priorities on justice bills be based on the charter and the Constitution rather than on a Conservative political agenda? I say that because Bill C-30 was certainly a political agenda, as opposed to thinking about what the ramifications would be for the Charter of Rights and Freedoms or our Constitution.

[*Translation*]

Mr. Jean Rousseau (Compton—Stanstead, NDP): Mr. Speaker, I will be splitting my time with the hon. member for Parkdale—High Park.

Bill C-55, An Act to amend the Criminal Code, provides safeguards related to the authority to intercept private communications without prior judicial authorization under section 184.4 of the Criminal Code. Among other things, this enactment requires the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interceptions of private communications made under section 184.4. This was a glaring omission in the previous bill.

It also provides that a person who has been the object of such an interception must be notified of the interception within a specified period, which has yet to be defined. We are probably going to need another case before the Supreme Court to define that period. The bill also narrows the class of individuals who can make such an interception and limits those interceptions to offences listed in section 183 of the Criminal Code. I will spare hon. members the hundreds of offences listed in that section.

These measures are the Conservative government's answer to the humiliating failure, for the Minister of Public Safety, of Bill C-30, and to the Supreme Court decision in R. v. Tse. Despite the issues we have raised, we will support this new version at third reading stage, because the Supreme Court response provides enough new parameters to protect privacy, and because we really believe that this bill complies with those standards.

For the NDP, basic human rights are essential to ensuring that justice is done in this country. We are receptive to all initiatives that are in line with that. Unfortunately, Canadians have seen this Conservative government make many errors in judgment since it got, or rather borrowed, a majority in the last election. Consequently, they have good reasons to be concerned and even worried about Conservative bills that deal with their privacy.

The Conservatives' record in this regard is less than stellar. However, we remain convinced that Bill C-55, the Response to the Supreme Court of Canada Decision in R. v. Tse Act, respects the rule of the law, the Constitution and the Canadian Charter of Rights and Freedoms.

Which is more important? Protecting privacy to safeguard individual interests, or invading privacy by means of various provisions in the interest of national public safety? In both instances, where do the limits lie? These questions are essential to understanding today's debate on this bill.

Unfortunately, owing to a shortage of information about certain issues, we will not be discussing section 184.4, particularly its excessive scope resulting from the power it can give peace officers other than police officers. On this point, we do not believe that Bill C-55 contains enough definitions to delineate the scope of certain adjustments to the section in question. Who can be a peace officer? Can it be a private agency? Who precisely can it be? More details should have been provided about this to prevent the Supreme Court from having to redefine a number of matters in a specific case.

R. v. Tse challenged the constitutionality of the emergency wiretapping provisions allowed under section 184.4 of the Criminal Code.

● (1540)

The presiding judge ruled that this provision breached the right guaranteed by section 8 of the Canadian Charter of Rights and Freedoms, namely that everyone has the right to be secure against unreasonable search or seizure. However, the Supreme Court justice in this case also ruled that emergency wiretaps without the authorization of the court could be justified under the charter. Which brings us back to the same question. What is more important, the right to privacy or national public safety? The answer is not clear. Eventually, we will need an answer.

According to the decision, section 184.4 of the Criminal Code is unconstitutional because it does not have accountability measures with respect to wiretapping. That is why the court specified a time limit for us, the legislators, to amend the provision to make it constitutional.

The proposed amendments are a direct response to this decision. The bill would require notification within 90 days to any person whose private communications have been intercepted in circumstances of imminent harm. The bill would also require the preparation of annual reports on the use of wiretapping under the section in question. The amendments would also limit police authorization to use this provision and would restrict its use to the offences listed at length in section 183 of the Criminal Code.

The key question in all of this is whether the power conferred under section 184.4 of the Criminal Code establishes a constitutional balance between an individual's right to be secure against unreasonable search or seizure and society’s interest in preventing serious harm. We know, since 9/11, the Air India attack and a number of other major incidents that many issues have been raised with respect to wiretapping and the disclosure of information through these procedures.

Correctly interpreted, these conditions would ensure that the power to intercept private communications without judicial authorization can only be exercised in urgent situations in order to avoid serious harm. This clause strikes a fair balance between the rights guaranteed under section 8 of the charter and society's interest in preventing serious harm. The legislation does not provide for accountability though, in that it does not set out a mechanism for oversight of the police use of the power.

A troubling aspect of section 184.4 is the fact that a person does not need to be notified if their private communications have been intercepted. That is why section 184.4 violates section 8 of the charter. However, we feel that Bill C-55 is a sufficient response to Bill C-30 and to all of the questions that were raised.

To conclude, we have long been calling on the Conservative government to introduce a bill that responds to the ruling in R. v. Tse. This response is very last-minute. Why did the government wait so long? Why did it not listen to what all the witnesses in committee had to say about this issue again? Debate must take place here, but also in committee. We have a wonderful justice critic—the member for Gatineau. She does an excellent job on the committee and in her role.

Once again, why the last-minute response? Why not listen to the stakeholders? We know that technology is evolving so quickly that there will still be work to do in the coming years.

● (1545)

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I thank my hon. colleague from Compton—Stanstead for his excellent speech, which covered all the important points of this bill.

The bill finally restores the balance that had been destroyed by previous bills. Indeed, the integrity of people's privacy was being threatened. This balance is very important when it comes to matters of justice. Balance and some degree of control are absolutely crucial.

This bill finally restores justice. Wiretapping might still be necessary in exceptional circumstances, but it will be controlled. People will be informed of it. It is really important that balance be restored.

It is also important to remember that Bill C-55 addresses one of the Conservatives' failures. They failed when they introduced the previous bill on privacy and its integrity. The new bill finally addresses the matter adequately.

I would like to come back to a very important point I mentioned earlier. Does my colleague believe that the Conservatives should make sure they are respecting the Canadian Charter of Rights and Freedoms and the Canadian Constitution before introducing—

The Acting Speaker (Mr. Barry Devolin): Order. The hon. member for Compton—Stanstead has the floor.

Mr. Jean Rousseau: Mr. Speaker, I thank my esteemed colleague from Drummond for his question.

Every bill that is introduced in the House, and studied in committee, must respect the Canadian Constitution and the Canadian Charter of Rights and Freedoms. That is essential. This is especially so in the case of bills dealing with public safety and justice.

There always needs to be some flexibility, but this flexibility must always be exercised in a manner that respects people's integrity. Human rights and the right to organize have been flouted since this government came into power. This was not the time to see the practice resurface with wiretapping, which makes it possible to obtain information using a wiretapping device.

Why is it important to always respect the Canadian Charter of Rights and Freedoms? Because Canada is a country where the rule of law is important and where human rights are essential, that is if we want democracy and an equal measure of justice for all.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I would like to begin by congratulating my colleague on his speech.

In his speech, he referred to the R. v. Tse decision of the Supreme Court of Canada rendered on April 13, 2012.

I would like him to say more about how this decision took into account the Canadian Charter of Rights and Freedoms. I would also like him to speak about the impact of this new iteration of the bill, Bill C-55, which complies with the rule of law—whereas Bill C-30 was the very opposite of this new bill.

● (1550)

Mr. Jean Rousseau: Mr. Speaker, I thank my colleague for her question.

In R. v. Tse, it is clear that the justices wanted to call the government to order and force it to respect the Canadian Charter of Rights and Freedoms, rights in general, and, especially, privacy. That was the crux of the decision.

The decision also accords certain rights to the judiciary and police in the case of urgent or extreme cases. Such cases must be able to be defined, and the scope and the limitations of these measures must always be known in order to be consistent with the charter, and respect individual rights.

Why must we always wait for a Supreme Court decision before the government is brought into line? This has happened several times, not only with the current government, but with previous governments. There are people who can get this done by simply reading the document properly and listening to witnesses with a view to proposing laws that are balanced and fair to all Canadians.

[*English*]

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, it is my privilege to stand and speak to Bill C-55 on behalf of our party and on behalf of the constituents of Parkdale—High Park. We are glad to see that the government is finally responding to an important obligation, as illustrated not only through our Charter of Rights and Freedoms but also as dictated by the Supreme Court of Canada.

It is ironic that based on a Supreme Court decision, the government has until April 13, 2013, to comply, and it is scrambling to get this legislation passed. It is ironic, because I am the NDP's finance critic, and I have seen over the last year how the government has brought closure and time allocation time and time again to limit debate. I have seen how it has rammed through legislation on a whole range of Conservative priorities and how it has bundled seemingly disparate pieces of legislation into omnibus budget bills and has pushed them through the House with amazing speed.

Yet here is an obligation to protect civil liberties, an obligation to comply with our Charter of Rights and Freedoms and an obligation to protect the privacy rights and civil liberties of Canadians, and we have seen the government dragging its heels over the last year. I can only conclude that when it comes to protecting the oil industry, the government works with amazing speed, but when it comes to protecting civil liberties, it seems to not have the same amount of speed.

Nevertheless, we are glad to see Bill C-55 before the House, and we believe that it is essential that it be passed. The bill is about wiretapping. It addresses the public's concern that the ability of our security and police forces to engage in wiretapping is a right that is balanced between personal freedom and the need to ensure quick action when public safety is at risk. It is the ability of citizens to not have undue surveillance of them or to at least be informed if they are the targets of such surveillance.

What are we talking about with respect to wiretapping? This goes to section 184.4 of the Criminal Code. Under that section, a peace officer would be allowed to intercept and essentially wiretap private communications if the peace officer believed, on reasonable grounds, that the urgency of the situation was such that authorization could not be sought with reasonable diligence or obtained under any other provision, meaning that a delay would cause serious harm to public safety. It would also be allowed in a situation where the peace officer had reasonable grounds to believe that wiretapping, or an interception of private communications, was necessary to prevent an unlawful act that would cause serious harm to persons or property and that the originator of the private communication or the person intended by the originator to receive the communication was the person who would perform the act that would be likely to cause or harm the intended victim.

We are talking about a potential situation where a crime or public harm could take place and where there would not be the normal ability to seek proper approvals from the proper authorities.

● (1555)

This dates back to a 1993 law that has been tested by the Supreme Court. The Supreme Court found that, in fact, the law was overstepping the rights of Canadians under the charter. It gave the government a year, up until April 13, to correct the legislation. That is what we are dealing with today.

It is important that electronic surveillance, or wiretapping, is a measure that must include oversight and accountability so that the public is protected. The court has now said that we should expect nothing less.

We have studied the bill in the public interest and with respect to the rule of law, the Constitution and the Canadian Charter of Rights and Freedoms. We note that the government had intended with a previous bill, Bill C-30, and with other pieces of legislation to extend the rights of the state to intercept private communications. I remember one quote from the public safety minister, which became rather famous, which was that if we did not support the bill on that matter, we were with him or with the child pornographers. That, of course, was horrifying to many Canadians who just wanted to make sure that their privacy rights were protected.

We believe that these changes are reasonable and that they are compliant with the Supreme Court decision. We note that there are many who have validated this position. They were heard at the committee studying the bill. The Criminal Lawyers' Association, the Canadian Bar Association, the British Columbia Civil Liberties Association and other organizations all testified that the bill would lead the government to comply with the Supreme Court decision, and they all supported these changes.

In essence, the changes would require the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interceptions of private communications made under section 184.4, which I outlined earlier. They would provide that a person who has been the object of such an interception would be notified within a specified period. They would narrow the class of individuals who could make such an interception and would limit those interceptions to offences listed in section 183 of the Criminal Code.

Bill C-55 is an updated version of the wiretapping provisions the Supreme Court deemed unconstitutional. The court has established new parameters for the protection of privacy, and we believe that the legislation complies with those standards.

Canadians have good reason to be concerned about other measures the Conservatives were putting forward that would expand the government's ability to intercept communications. Their record has not been terrific on this.

We are in favour of Bill C-55 in that it upholds the rule of law, the Constitution and the Canadian Charter of Rights and Freedoms. We support these measures.

We are concerned that the government left the introduction of the bill for so long while it was gutting environmental provisions, changing the Navigable Waters Protection Act and cutting food inspectors and CRA investigators. These provisions were rammed through under its budget implementation act. Yet something the government is compelled to do through a Supreme Court decision it left until the 11th hour.

I see that my time is up. I appreciate the opportunity to speak on this and to defend the human rights and civil liberties of our constituents and Canadians.

● (1600)

[*Translation*]

Mr. Raymond Côté (Beauport—Limoilou, NDP): Mr. Speaker, I thank my colleague from Parkdale—High Park for her speech.

She raised a number of concerns that were flagged when I sat on the Standing Committee on Justice and Human Rights. For example, the unfortunate and rather futile habit the government has of introducing legislation that blindly follows its own agenda.

We are talking about amending the Criminal Code. However, this is a rather large document, which stands on its own, and within which there are numerous cross-referencing sections. It is a complicated and fragile mechanism. Moreover, the Minister of Finance has not, unfortunately, taken the precaution of respecting the charter when drafting certain legislation, a practice that is fraught with complications.

Would my colleague care to say more about the government's negligence when it comes to introducing legislation to amend the Criminal Code?

Ms. Peggy Nash: Mr. Speaker, I thank my colleague for his question.

It is obvious that this government holds the record when it comes to drafting bills and changing legislation. It does so without adequate information, without research, without investigation and without the preparation that would ensure that the changes are in the public's best interest, even when it amends very complex and important legislation.

Moreover, this government does not accept any changes or amendments to its bills. For example, it did not accept any of the amendments we proposed to the budget bill, which amended over 60 pieces of legislation. However, it later had to go back and amend the legislation it had just changed. It is not really the right way to protect the public interest.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I would first like to congratulate my colleague on her speech.

She mentioned that this new bill was simply an update of provisions related to wiretapping that the Supreme Court had deemed unconstitutional. In fact, the changes in Bill C-55 focus on the rule of law. In this case, the bill imposes on the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interceptions of private communications made under section 184.4.

What can our colleague tell us about that?

● (1605)

Ms. Peggy Nash: Mr. Speaker, I thank my colleague for her question.

I believe that these amendments that the Supreme Court requested of the government support the principles and rights under the Canadian Charter of Rights and Freedoms and amend the Criminal Code in a way that protects the rights of Canadians. I believe that those amendments are absolutely necessary.

Why did the government not act sooner to protect the rights of Canadians?

Mr. Raymond Côté (Beauport—Limoilou, NDP): Mr. Speaker, I am pleased to speak to Bill C-55 on third reading today. We will now be able to witness the culmination of this process and, at last, correct a big problem in the Criminal Code.

Something was revealed in a court case. In R. v. Tse, the appeal challenging the constitutionality of the emergency wiretapping provisions under section 184.4 of the Criminal Code, police officers simply tried to use a provision in the Criminal Code. They no doubt did so in good faith, pending judicial authorization. They sensed that there was a relative urgency, but that urgency was unfortunately unfounded in the view of the judge who heard the appeal.

First, it must be understood that section 184.4 of the Criminal Code is an exceptional provision, which means that it is not to be used under just any circumstances. That is the most important point to bear in mind. Other sections of the Criminal Code—sections 186 and 188, if my memory serves me—make wiretapping options available to police officers so they can monitor communications in other circumstances without judicial authorization. Section 184.4 makes it possible to address the exceptional nature of a really serious emergency with immediate and significant consequences for an individual contemplated by the section. In such instances, it permits police officers to act on their own initiative without that other authorization.

We can all agree that this applies to only a very limited number of cases under the Criminal Code.

In R. v. Tse, as I said a little earlier, police officers had obtained judicial authorization to intercept communications under section 186 of the Criminal Code 24 hours later. Their action was therefore warranted. They had grounds to continue intercepting communications. They were able to show the judge that it was entirely justifiable. However, again according to the judge who heard the appeal respecting the provision's constitutionality, that did not prevent the officers who used section 184.4 when they began wiretapping from violating the right guaranteed by section 8 of the charter to be secure against unreasonable search and seizure.

The other very important aspect is that this was not a reasonable limit under section 1. This is important because the court ultimately held that the police officers had exceeded the authority granted them under section 184.4. Consequently, there was a problem. The government department appealed the ruling of unconstitutionality directly to the Supreme Court, which dismissed the appeal. That put an end to the debate.

The problem is that the government department had barely one year from that point to remedy the situation. I say “barely one year”, because in a few days’ time, the deadline will be upon us when section 184.4 could potentially be invalidated if the government fails to act. That is one problem. How is it that in March 2013, nearly one year after the government department was presented with the facts, it had yet to take action or introduce a bill like Bill C-55 to remedy the situation? That is the first question I have, one that calls attention to the government’s responsibility in this matter. That is a problem.

● (1610)

Bill C-55 raises another interesting consideration. As it now stands, section 184.4 authorizes a peace officer, in exceptional circumstances, to intercept, using an electro-magnetic, acoustic, mechanical or other device, a private communication when certain conditions are present.

However, the definition of "peace officer" is quite broad and extends to persons other than police officers. For example, the serving mayor of a municipality could be considered a peace officer. This was another problem that Bill C-55 was set to remedy. We are reasonably satisfied that in the bill, the term "police officer" is defined and that this definition is included in section 184.4, replacing the definition of "peace officer".

This amendment limits the use of this very exceptional provision to those rare instances where no other measures are possible, for example, where it is impossible to obtain a warrant from a judge and where the situation is urgent. The amendment also limits the use of this exceptional provision to persons belonging to a very specific, authorized category of individuals.

In that regard, the bill is very satisfactory. After receiving some assurances from the government department, we expressed our satisfaction and voiced our support for this measure. The NDP was not alone in doing so. Various groups that testified before the committee also expressed their satisfaction at seeing section 184.4 amended to limit its use and clarify its exceptional nature. This is a significant step forward.

Another consideration raised in the appeal is the question of accountability in connection with the use of section 184.4. A very significant problem was flagged. The exceptional use of this measure can be limited to a very specific category of officers. However, some kind of evidence that this provision has been used must exist. A person who is the object of an interception under this section cannot be totally unaware that this measure is being used in certain instances. This is another important matter to consider. We must not lose sight of the fact that this provision or other means of court-authorized interception can be used in the course of an investigation, before a case goes to court. This means that if there are no accountability measures after the fact, the person who is the object of an interception will never know that his communications are being intercepted or will only find out about it by chance, depending on how circumstances play out.

This is something that the court found to be unacceptable and intolerable and that had to be corrected immediately. This is another measure of satisfaction. That is no secret; I have mentioned it before. Bill C-55 can be used as a procedural model for the government for presenting bills that are in an acceptable form consistent with the charter. This would make it possible for the government to get the approval of all members of the House, and that is the goal after all.

Clearly, the government will never be able to get the House's approval on every debate or every bill it introduces. That is part of doing business here and that is fine. That is not the problem. The important thing is that the government listens to and shows respect for the various opinions that are expressed.

The concerns that we raised with regard to Bill C-55 have pretty much been resolved. In terms of accountability, the Crown used an existing provision of the Criminal Code, namely, section 195, which is two pages long.

● (1615)

This section already provided for the following:

> The Minister of Public Safety and Emergency Preparedness shall, as soon as possible after the end of each year, prepare a report relating to
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> (*a*) authorizations for which he and agents to be named in the report who were specially designated in writing by him for the purposes of section 185 made application, and
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> (*b*) authorizations given under section 188 for which peace officers to be named in the report who were specially designated by him for the purposes of that section made application,
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> and interceptions made thereunder in the immediately preceding year.

The bill broadens section 195 in order to cover section 184.4 and establish this accountability, which ensures that agents—police officers in this case—do not use section 184.4 whenever and however they want. I am not trying to suggest anything; I simply want to say that this creates a certain amount of self-regulation, which makes it possible to avoid potential abuse, something no one wants to see.

Clearly, the NDP is not alone in expressing its satisfaction with the addition of the section 195 reporting requirements. Michael Spratt of the Criminal Lawyers' Association said that he supported this. He said:

> ...given the distinction between section 184.4 and the other intercept provisions, something more than the section 195 requirement may be considered by this committee.

We will see how it works out in practice, but at least an essential basic framework has been established to keep the public informed, and for cases in which no charges are laid, those who have been wiretapped will be informed. This protection is perfectly legitimate.

While this is not exactly high praise, I must admit that the government did a good job, even though it was forced to do so as a result of R. v. Tse. There is no hiding the fact that its arm was being twisted. The government is unfortunately not a very good student. I want to remind the House of some unpleasant memories of Bill C-30, which was luckily set aside, but which is not yet completely dead. Sadly, it haunts us still.

Bill C-30 illustrates this government's errant ways. It is a serious matter. The Minister of Public Safety managed to highly polarize debate by saying that anyone who had any concerns or potential quarrels with Bill C-30 was on the side of the pedophiles. This kind of behaviour on the part of the minister is inappropriate. It is absolutely unbelievable!

Let us hope that the Minister of Public Safety will in due course listen to reason. I hope that he will, because he has regrettably been stuck in a rut for many years now. It is very difficult for a person to change himself and improve his behaviour. It is a serious problem that definitely poisons debate and the atmosphere in the House and the committees.

I witnessed his behaviour first-hand at meetings of the Standing Committee on Justice and Human Rights. When government members of this committee felt they were losing control of the debate, they would lose their self-control, hurl insults at us and ultimately paralyze debate and consideration of these bills. It was truly unbelievable!

● (1620)

It was really counterproductive and particularly ironic. In 2008, the Prime Minister, claiming that the House and committees were dysfunctional, called a general election, contrary to Canada's fixed date election legislation. The tables certainly turned. It would be funny if it were not so sad, but it was a fact of life and sadly, the people were taken hostage and had to bear the consequences.

I am now going to speak on another matter on which I would like to tip my hat to the government. I have a few compliments once again, but first, some criticism. Sadly, when I sat on various committees, I observed that the government too readily discredited witnesses whose opinions were inconsistent with what the government wanted. This is truly distressing. Fortunately, for Bill C-55, the witnesses were more or less in favour of its adoption, raising only minor details and observations about specific features of the bill.

I want to tell the House that during the examination of private members' bills brought forward by Conservative members, some witnesses were practically accused of crimes for disagreeing. I can tell this House that some witnesses were questioned about the fact that they had donated funds to the NDP, as though that were a crime. How is a lawful political contribution a crime? Can someone explain that to us? I find that completely unbelievable. This is one very specific example of something completely counterproductive that happened in committee. Unfortunately, the government repeatedly uses this kind of tactic to try to get its agenda approved, even though the law is basically a mess.

It is hard to criticize someone for defending their point of view when they are so sure they are right. On the contrary, I admire and respect people who defend their point of view and who are convinced, based on the information they have and their own personal experiences, that they are right, and who try to persuade a political opponent to adopt that point of view. That is completely understandable. Unfortunately, the current government has a tendency to become trapped in its own ideology, to lock itself in a room with just a bare light bulb, to stare at its own navel and try to force other people to adopt whatever opinion it thinks is the absolute truth.

After giving specific examples, after calling out the government on some of its inappropriate behaviour and after saying in good faith that there is a way for us to work together—we reached out to the government repeatedly—I hope it will regard Bill C-55 as an example to follow and that it will finally respect all Canadians, that is, all of the legitimately elected representatives who sit in the House, in order to work productively, rationally and respectfully, to hold real debates in the hopes of achieving better results.

● (1625)

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I thank my hon. colleague from Beauport—Limoilou for his excellent speech, which was well researched and explained. He gave a good overview of this legislation and its origin. This was the result of an absolute mistake on the part of the Conservative government, which did not do its homework and brought in a bill that undermined our integrity and our right to privacy.

This bill finally achieves a balance between the right to privacy and the need for security. That was very important. He also mentioned that the government sometimes tended to get in the way of the democratic process and democracy. Bill C-38 and Bill C-45—two undemocratic omnibus bills—are examples of that. Another example is the work done in committee and the abuse of power, in committee, when the government chooses to hold in camera meetings.

I would like to hear what the member thinks about the fact that the government should act much more democratically and should respect the Charter of Rights and Freedoms and the Constitution.

Mr. Raymond Côté: Mr. Speaker, I thank my colleague from Drummond for his question.

I want my constituents to rest assured. We must not forget that, despite everything, our institutions are still functioning rather well overall. It is certain parts of our institutions that are dysfunctional.

What is very important about Bill C-55 and the appeal is that the judiciary represents a very strong protection, which opposed the government. That is very reassuring. That is the message I want to send to the people of Drummond. This is a considerable defence against any potential abuse. At the same time, the judiciary is not there solely to force us to do something or to lecture us. It is also there to help the legislative branch be realistic and look at what is possible. I hope that the government will take that into consideration, especially as a preventative measure, instead of trying to fix things after the fact.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I would first like to congratulate my colleague on his excellent speech.

Obviously, with Bill C-30, which fortunately was trashed, there was outrage from the public, who relayed their concerns about wiretapping and individual freedoms. However, Bill C-55 strikes a certain balance between personal freedom and public safety. He very eloquently talked about the importance of accountability. The bill sets out the duty to inform individuals targeted by interception and also the duty to report to Parliament, including on the use of interception under section 184.4.

Could my colleague comment on those two seemingly very important points?

● (1630)

Mr. Raymond Côté: Mr. Speaker, I thank my colleague for her question because she has put her finger on something very important, such as considering accountability information given in two different places.

I will focus on the report to Parliament. First of all, Parliament has a very important oversight function. It is therefore essential that Parliament be informed, regardless of whether other parties can be informed. What is interesting, given that the minister will also have to inform the person who was the subject of wiretapping, is that, in the specific situation where a case goes to court, the person will not be completely in the dark, except for accidental disclosure. I think it is a very important point to consider. Basically, this supports protection that is already in the charter, and it fulfills a fundamental duty.

[*English*]

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, I will be splitting my time with the member for Saint-Lambert.

The way I understand this bill, it is a reaction to Bill C-30, which was introduced previously, and although it was thought that it would solve problems related to wiretaps, it did not, and proved to be a mistake. Therefore, we now have another bill, which tends to have a more balanced approach to this whole issue, as many of my colleagues have said.

I know we have heard it before, but I will reiterate that what this bill would basically do is amend the Criminal Code to provide a response to the Supreme Court's decision in R. v. Tse on safeguards related to the authorization to intercept private communications without prior judicial authorization under section 184.4. In other words, it would provide safeguards for when this kind of action takes place.

It would require the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interceptions of private communications made under section 184.4. I am not a lawyer, but I am a Canadian citizen, so I understand that when this type of thing happens, it is important for people to know. If somebody is wiretapping my phone, then I should certainly know it has happened, whether it is justifiable or not. At least I would know and could react appropriately. That is a good point in this bill.

It would also provide that a person who has been the object of such an interception be notified of the interception within a specified period.

It would narrow the class of individuals who can make such an interception, which obviously makes sense, and would limit those interceptions to offences listed in section 183 of the Criminal Code.

In my analysis of this bill, it is very sound. This legislation is an updated version of the wiretapping provisions that the Supreme Court has deemed to be unconstitutional. It would establish new parameters for the protection of privacy, and my party believes this legislation complies with those standards.

In the R. v. Tse case, the Supreme Court of Canada ruled that authorization of the emergency power to intercept without authorization by the court in situations of imminent harm could be justified under the Canadian Charter of Rights and Freedoms. The Supreme Court held that section 184.4 of the Criminal Code, enacted in 1993, was unconstitutional because it did not include any accountability measures, and it gave Parliament until April 13, 2013, to amend the provision to make it constitutional. It seems we are sort of just under the wire, but it looks as if we will make it, as it is not yet April 13.

I would like to refer to some of the comments that my colleague from Gatineau made when she spoke on the bill a while ago in the House. She mentioned that the Supreme Court handed down a decision in the R. v. Tse case and urged colleagues in the House to read the decision before voting on Bill C-55. She said there is no real need to read all 50 pages of the decision, but at least the summary, because it gives a good explanation of the problem arising from the section on invasion of privacy. She said that, believe it or not, that is what it is called. In the Criminal Code the section concerns invasion of privacy.

Just as an aside, as a concerned citizen, I say it is important that if there is an invasion of privacy, there is justification for it and the person whose privacy is invaded knows exactly what is going on. Once again, this bill tackles that concern.

My colleague from Gatineau went on to say that the section on invasion of privacy pertains to very specific cases that must be considered within the context of the Canadian Charter of Rights and Freedoms. She said the authorities must ensure that the circumstances in question actually constitute an invasion of privacy.

● (1635)

We live in a democratic society, not a totalitarian state. There has to be justification when there is an invasion of privacy.

She went on to say that most of the section provided some checks and required the Crown and the police to obtain certain authorizations, and that section 184.4 had proven to be problematic in this regard because it was rather unclear about wiretapping and that unless an indictment were filed against the people in question, they would never know they were being wiretapped. The way I understand it, this would be meant to fix that loophole in the Criminal Code.

[*Translation*]

What does section 184.4 of the Criminal Code address? It states:

> A peace officer may intercept, by means of any electro-magnetic, acoustic, mechanical or other device, a private communication where
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> (*a*) the peace officer believes on reasonable grounds that the urgency of the situation is such that an authorization could not, with reasonable diligence, be obtained under any other provision of this Part;
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> (*b*) the peace officer believes on reasonable grounds that such an interception is immediately necessary to prevent an unlawful act that would cause serious harm to any person or to property; and
>
> (*c*) either the originator of the private communication or the person intended by the originator to receive it is the person who would perform the act that is likely to cause the harm or is the victim, or intended victim, of the harm.

The details of R. vs. Tse are as follows:

> This appeal [concerned] the constitutionality of the emergency wiretap provision, s. 184.4 of the Criminal Code. In this case, the police used s. 184.4 to carry out unauthorized warrantless interceptions of private communications when the daughter of an alleged kidnapping victim began receiving calls from her father stating that he was being held for ransom. Approximately 24 hours later, the police obtained a judicial authorization for continued interceptions, pursuant to s. 186 of the Code. The trial judge found that s. 184.4 contravened the right to be free from unreasonable search or seizure under s. 8 of the Charter and that it was not a reasonable limit under s. 1. The Crown has appealed the declaration of unconstitutionality directly to [the Supreme Court].

The appeal was dismissed by the Supreme Court.

After debating this matter in the House, we sent the bill to committee. A number of witnesses spoke about the bill at a meeting held on March 6 of this year.

I would like to share what Michael Spratt, of the Criminal Lawyers' Association, had to say:

> ...the CLA is in favour of this legislation. The CLA generally supports legislation that is modest, fair, and constitutional, and Bill C-55 does an admirable job of incorporating the comments of the Supreme Court of Canada from the case of R. v. Tse. However, there are some areas that the committee may wish to examine and may wish to have some further reflection upon.

He added that:

> Bill C-55 is a positive step forward in that it seeks to provide a better balance between the protection of the public and the protection of the public's privacy.

● (1640)

The Acting Speaker (Mr. Barry Devolin): Before we move on to questions and comments, it is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Gaspésie—Îles-de-la-Madeleine, Employment Insurance; the hon. member for Saanich—Gulf Islands, Foreign Investment; the hon. member for Haute-Gaspésie—La Mitis—Matane—Matapédia, The Environment.

The hon. member for Winnipeg North.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I have a very brief question in regard to Bill C-55. We have talked a great deal about it in the last couple of days.

We have indicated that the Liberal Party supports its passage. We share the concerns in terms of the manner in which the government waited for the Supreme Court to put a decision in place with respect to the timeline, that being April 12, which is why it is we have the bill here today. It is fair to say that the government has been negligent in bringing forward the bill in a more timely fashion. Ultimately, as a result of that, we have lost the opportunity we could have had if it had brought it in last fall in September, which would have afforded much more dialogue on the important issue of individual rights and so forth.

Would the member comment on the timing of the introduction of the bill and the lost opportunity?

Mr. Alex Atamanenko: Mr. Speaker, of course we are rushing to do this.

Earlier in her speech on the bill, my colleague from Gatineau likened this to students preparing for a final exam at the last minute and then getting the results. This is what has happened here.

The point is what has happened has happened. We should have had more time. However, we are here and will support the bill because it certainly is an improvement on what we saw in Bill C-30 that had been introduced.

The member's observation is very important.

[*Translation*]

Mr. Raymond Côté (Beauport—Limoilou, NDP): Mr. Speaker, I would like to thank the member for his speech. There is a very important aspect to consider regarding this deadline, given that we are so close to the final hour. Let us not forget that if no correction were to be made, section 184.4 would simply disappear.

I would like to talk about the exceptional nature of section 184.4. In an urban setting such as Quebec City, it is quite easy to get authorization for wiretapping from a judge who is available 24 hours a day, 365 days a year. However, it could be more complicated to get such authorization in rural areas or in places where legal services are not so readily available.

Given that my colleague's riding is partly rural, what does he think of the government's threat that part of his riding would no longer be covered by section 184.4?

● (1645)

Mr. Alex Atamanenko: Mr. Speaker, I would like to thank the member for his question.

There are clearly differences between rural and urban areas. All of those differences need to be taken into account when a bill is being introduced. I personally represent a rural area, as do many other members. This difference should always be considered, as should the needs of the people living in rural regions.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I am pleased to rise today to speak on Bill C-55, An Act to amend the Criminal Code.

First and foremost, this legislation will make it possible to comply with the Supreme Court decision in R. v. Tse, dated April 13, 2012. Our highest judicial authorities have thus determined that wiretaps in situations of imminent harm can be justified under the Canadian Charter of Rights and Freedoms without judicial authority, provided law enforcement is governed by an accountability mechanism.

Section 184.4, which became law in 1993 and allows wiretapping without a warrant, did not meet this requirement. For that reason, Chief Justice Beverley McLachlin and her colleagues declared it unconstitutional.

In their judgment, they emphasized that in certain circumstances, the interests of individuals may have to yield temporarily for the greater good of society. However, the Supreme Court justices deplored the fact that section 184.4 fails to provide a mechanism for accountability, and more particularly, notice to persons whose private communications have been intercepted, and contains no accountability measures to permit oversight of the use of the power.

It is important to note that this judgment gave the government a year in which to comply with their decision, which means three weeks from now. I wish to point out that the NDP has been urging the Conservatives for months to take action in this matter. I have some difficulty in believing that it took the minister's officials eleven months to produce this bill. I rather tend to believe that, once again, instead of taking the lead, consulting interested parties and gathering suggestions from the opposition, the Conservative government decided to wait until the last minute to introduce its bill.

Be that as it may, we are assured that Bill C-55 meets the requirements of R. v. Tse. We found it necessary that this legislation should comply with the Charter of Rights and Freedoms and respect Canadian legal principles. We also wanted it to address the concerns of Canadians about respect for privacy, and the balance between public safety and individual rights.

Bill C-55 will limit the warrantless interception of private communications to the offences specified in section 183 of the Criminal Code.

Consequently, the practice will be restricted to offences such as high treason, the possession or use of explosives, terrorist activity or corruption. We believe this section will make it possible to meet the requirements of R. v. Tse, to the extent that it provides a more restrictive framework for the application of section 184.4.

This bill will also limit the kinds of person authorized to conduct interceptions of this kind without judicial authority. Only police officers will be able to do so, which again places limits on aspects involving the privacy of Canadians.

Another very important aspect is that Bill C-55 requires the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interception of private communications made under section 184.4. A number of things will henceforth be made public that are not, as matters stand now. These include the number of interceptions made, and the number of persons targeted. We will also be able to obtain information on the offences in respect of which interceptions were made, the methods of interception used and the results of the interceptions.

The NDP supports this aspect, which has been put forward in response to the Supreme Court judgment. We have always argued in favour of healthy privacy practices and we constantly ask the government to be transparent in many respects. Clause 3 of the bill clearly addresses that position.

Lastly, Bill C-55 provides that any person who was the object of an interception shall be given notice in writing within 90 days. This last measure will also respond to the imperatives identified by R. v. Tse. We believe it goes without saying that individuals whose privacy has been affected by the application of section 184.4 of the Criminal Code are fully entitled to be informed of that state of affairs.

● (1650)

However, we are concerned about the procedures that could extend notification periods to up to three years. This is an aspect that will clearly be discussed in committee in order to preclude any judgment that would require parliamentarians to redo their homework.

In light of these aspects, I believe that parliamentarians in the House should pass Bill C-55 at third reading. First of all, this legislative framework addresses the loopholes identified by the Supreme Court judgment. As the notice issued by the highest judicial authority in the land will expire in three weeks, it is also essential that we move forward quickly with this updating of Canada's Criminal Code. Bill C-55 also strikes a fair balance between security imperatives and respect for privacy.

Lastly, the proposed amendments were supported in committee by several representatives, including the Criminal Lawyers' Association, the Canadian Bar Association and the British Columbia Civil Liberties Association. However, the Conservatives' obligation to move forward with Bill C-55 must send a clear message, particularly after Bill C-30 on the interception of electronic communications was withdrawn.

The security of Canadians is essential, but the right to privacy is also important. Our duty as parliamentarians is to strike a balance between those two things. Bill C-55 is a good example, one that proves it is possible to guarantee the security of our fellow citizens while providing an effective framework for the powers conferred on our security services.

However, it is unfortunate that the Conservatives defend purely ideological decisions until they are backed into a corner by public opinion, the players on the ground or judicial authorities. That is the real problem with this government. Our duty as the official opposition is to monitor the government's actions to ensure that measures such as those contained in Bill C-30 or section 184.4 are not secretly brought forward by regulation.

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, I would like to thank my colleague for her excellent discourse which once again was imbued with a certain sense of social justice. Speaking of justice, is she not concerned that this bill was drafted in reaction to Bill C-30 which was scrapped because it violated the right to privacy, further to a Supreme Court decision?

In point of fact, this bill prompted cries of outrage from civil society, even from members on the other side of the House. Consequently, 11 months were needed to produce Bill C-55 because the Conservatives were slow to introduce provisions in compliance with the Constitution and with the Charter of Rights and Freedoms.

Is my hon. colleague concerned that the Conservatives are tabling bills without first ensuring that they are in compliance with the Constitution and the charter?

Mrs. Sadia Groguhé: Mr. Speaker, I thank my colleague for her question. Obviously I agree with what she says. In the case of Bill C-30, there was a lack of vision, a lack of consultation and a lack of transparency. Fortunately, this piece of legislation was scrapped.

As far as Bill C-55 goes, it took the Supreme Court ruling on the unconstitutionality of the bill for the government to once again set about doing its homework.

Unquestionably, the invasion of privacy is a critically important consideration. Since this bill respects the rule of law and strikes a balance between privacy concerns and investigations that can be carried out, I think it is a step in the right direction and that is what is important.

● (1655)

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is important to recognize that the primary purpose of Bill C-55 is to enable, in a lawful fashion, a police officer or agency to intercept or listen in on a wiretap or a private conversation without a warrant. That is really what the bill is all about.

To be able to do something of this nature without a warrant raises a great deal of concern and that is why the Supreme Court has said that we have to fix this fundamental flaw in the law. Having said that, part of the legislation says that we would now require provinces, or the minister of justice in a particular province, to provide a report on the number of times this clause would have been used without a warrant. We see that as a positive thing. It ensures there is accountability. We believe the number of times it would be used to tap into a private conversation without a warrant should be somewhat minimal. Therefore, that would justify having the provinces provide an annual report.

I am wondering if the member might want to comment on how important it is that we have accountability when we allow for warrantless wiretaps.

[*Translation*]

Mrs. Sadia Groguhé: Mr. Speaker, I thank my colleague for his question.

Obviously, we can never emphasize too strongly the importance of accountability. Other colleagues of mine have also said the same thing. Clearly, in a democratic society, accountability quite simply helps to preserve our democratic system in which individual freedoms are respected above all else. Safeguards must be put in place and used, but at the same time we must never lose sight of individual freedoms and rights.

As I see it, accountability is critical and is an important part of Bill C-55.

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I am pleased to rise in the House today to speak to Bill C-55, An Act to amend the Criminal Code, which has been introduced in response to the decision of the Supreme Court of Canada in R. v. Tse.

This bill is now at third reading and the NDP will support it. The bill finally corrects a number of previous errors. In response to the Supreme Court's decision in R. v. Tse, it amends the Criminal Code to provide for safeguards related to the authority to intercept private communications without prior judicial authorization under section 184.4 of the Code. The bill makes three provisions in particular.

First, it requires the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interceptions of private communications made under section 184.4. Second, it provides that a person who has been the object of such an interception must be notified of the interception within a specified period. Third, it narrows the class of individuals who may make such an interception and, lastly, limits those interceptions to offences listed in section 183 of the Criminal Code.

We are genuinely pleased that the Conservative government has finally introduced Bill C-55. I say "finally" because the government has dragged its feet on this matter.

This bill refers to the obligation set by the Supreme Court, which revealed a deficiency. There was an imbalance between the right to privacy under the Canadian Charter of Rights and Freedoms and the right to security. There was thus an intrusion of privacy. That is why this bill now strikes a balance between the right to privacy and the right to security.

We now have accountability. Now no one may engage in wiretapping at will, without being accountable. A person who has been wiretapped must be notified within 90 days. Why is this aspect important? Now if an individual who has been wiretapped believes that his or her right to privacy under the Charter of Rights and Freedoms has been violated, that individual may institute legal proceedings against the individuals in question and seek redress. That will help limit overzealous peace officers.

In addition, the number of individuals who may conduct wiretap will now be limited, a fact that also helps strike a balance.

However, the bill is also a response to a total failure by the Conservative government after it introduced its infamous Bill C-30. That bill constituted a direct attack on people's right to privacy and certainly violated the Canadian Charter of Rights and Freedoms. It was also drafted by the Conservatives in a wholly improvised manner.

It is very important that the NDP remind the Conservatives how crucially important and even essential it is for them to scrutinize all new bills they table in the House of Commons in future. Those bills will have to be well analyzed and checked, and reviewed by lawyers to be sure that they comply with the Canadian Charter of Rights and Freedoms and the Constitution of Canada.

As a result, the Supreme Court will not be required to hear lengthy and costly cases that waste the precious time of all Canadians. That is essential, and I want to recall that point so that the Conservatives learn a good lesson from it.

● (1700)

It is very important to go through all the stages in a democratic process properly. Unfortunately, the Conservatives have a bad habit of wanting to do everything at lightning speed without due regard to the democratic process.

I need only recall its bad budget implementation legislation, Bills C-38 and C-45, omnibus bills of 400 pages each that prevent us from doing our democratic job and from getting to the bottom of things, just as the notorious Bill C-30 did.

In that case, the bill does not make it through the process to committee stage and is neither examined nor evaluated. If there are any deficiencies or aspects that do not comply with the Canadian Charter of Rights and Freedoms or are unconstitutional, we wind up with a botched job and have to turn to the Supreme Court to assert our rights.

That is why the judgment in R. v. Tse is important. I hope it will finally teach the Conservative government a lesson so that it acts in a systematic and democratic manner in future in order to ensure compliance with the Canadian Charter of Rights and Freedoms and the Constitution of Canada.

I will go into slightly greater detail on the subject of Bill C-55. This bill requires that an individual whose private communications have been intercepted in situations of imminent harm be notified of the situation within 90 days, subject to any extension of that period granted by a judge. The bill would also require annual reports to be prepared.

The preparation of annual reports on interceptions of telephone surveillance is truly important in determining whether abusive wiretap has taken place and in being able to monitor such wiretaps. The requirement to prepare an annual report will help keep an eye on all that. The reports will also enable other authorities, such as the Office of the Auditor General, to monitor what is being done in that regard to ensure that the act and the spirit of the act are complied with, that there are no abuses of justice and that the privacy of Canadian citizens is respected. Annual reports must be prepared on the manner in which information intercepted under section 184.4 is used.

These amendments would also limit the authorization that police officers are granted to use this provision. As I mentioned, all peace officers currently have access to it. Its use would thus be limited to the offences set out in section 183 of the Criminal Code.

It is very important that there be accountability for this wiretapping. We know that there may be threats or moments when a security breach can suddenly call for warrantless wiretaps. At that point, however, there must be accountability because there must be no serious abuses or violations of citizens' privacy.

On that point, I consider it important to note again that the NDP believes it has a duty to ensure compliance with the Canadian Charter of Rights and Freedoms and that public safety is not undermined.

To sum up, it is important to remember that this new bill is no more than an update of wiretapping provisions that the Supreme Court ruled unconstitutional. The court also set new parameters for the protection of privacy.

We believe that the bill meets the standards, and that Canadians have good reasons for apprehension about the Conservatives' bill with respect to privacy. As I said, their track record in this area is not very impressive. Fortunately, this bill brings balance to the earlier imbalance. We must continue to be vigilant, however.

● (1705)

The NDP will continue to be vigilant with respect to the Conservatives' bills. In the past, we have seen abuses. We saw abuse in the infamous Bill C-30. We have also seen the familiar dichotomy that the Conservatives love to present, whereby everything is either black or white, but there is no grey, so that is completely false. Bills must be referred to committee for study.

I am happy that my colleague from Beauport—Limoilou has returned to hear my comments, because he quite rightly mentioned just now the importance of committee work, and how essential committee work is to a sound democracy. I am a member of the Standing Committee on Environment and Sustainable Development. Like my hon. colleague from Beauport—Limoilou, I know how very important this little-known work is. We meet with experts, and we propose amendments and additions to bills to ensure that they are as close to perfect as possible, that they respect the Canadian Charter of Rights and Freedoms and the Constitution, and that they will be worthwhile and improve the well-being of Canadians in our wonderful country.

In closing, we find Bill C-55 well constructed. We appreciate it, because it finally brings balance between privacy and the need for security. That does not mean that we support all of the Conservatives' bills. On the contrary, they have introduced abusive and infamous bills in the past. Bill C-30 was a horror—need I say again— because it was an absolute threat to people's privacy. It was a purely conservative bill in the ideological sense of the term. It was an ideological vision.

I know that members who sit on the Standing Committee on Justice and Human Rights criticized Bill C-30 repeatedly. I further believe that my colleague from Beauport—Limoilou was a member of the committee at the time. No, not quite. However, I know that other colleagues, for example my colleague from Gatineau, worked very hard to criticize the infamous Bill C-30, which was a genuine threat to privacy.

Bill C-30 regrettably demonstrated that the Conservatives can often say outrageous things. Truly outrageous things were said in the House when Bill C-30 was introduced. There were incredible dichotomous comments such as "either you are in favour of security and safety or you are on the side of the pedophiles". It was a horrible speech with no room for grey areas or other comments. After all that, they backed down on Bill C-30 and introduced a bill that made sense —Bill C-55. I do not often congratulate the Conservatives. They should make the most of it today.

An hon. member: No, do not start that.

Mr. François Choquette: Mr. Speaker, I will not do this often but they need to be given credit where credit is due. To be honest, the Conservatives sometimes get things right. Not often, but if they will allow us to vote in favour of their Bill, then we are going to do so. We are therefore going to support the Conservatives' bill at third reading. I believe that the bill is balanced, as I have said before.

My colleague from Gatineau, who has been working very hard as a member of the Standing Committee on Justice and Human Rights, has carefully studied the bill, which shows a great deal of prudence, respects the Canadian Charter of Rights and Freedoms, is constitutional and responds to the Supreme Court of Canada's decision in R. v. Tse. We will therefore support this bill.

I do not know how much time I have left, but as my colleagues know, I could go on for hours.

● (1710)

In that respect, I would like to go back to a few quotes made during this study in committee. If memory serves me correctly, two meetings of the Standing Committee on Justice and Human Rights were spent on Bill C-55. The study in committee was peaceful and went well.

I would like to list the NDP members who are on this committee. There is my colleague from Gatineau, who does an excellent job, and my colleagues from Brossard—La Prairie, Brome—Missisquoi and Hamilton East—Stoney Creek, who have also done excellent work, as always.

In the justice committee meetings, a few witnesses mentioned why they supported this legislation. For example, the Criminal Lawyers' Association was in favour of this bill. It generally supports modest, fair and constitutional legislation. That is what its representatives said. Bill C-55 does an admirable job of incorporating the comments of the Supreme Court of Canada in *R. v. Tse*. However, they said that there were some parts that the committee could have perhaps spent more time on. They also mentioned that Bill C-55 was a positive legislative measure, as I just said, and that it seeks to find a better balance between protection of the public and protection of privacy, which we think counts the most when it comes to Bill C-55.

There was also a brief presented by the Canadian Bar Association at the Standing Committee on Justice and Human Rights that stated:

> The CBA Section supports the proposed changes in Bill C-55 to [finally] comply with *R. v. Tse*, but recommends further limits on s. 184.4 interceptions.

● (1715)

[*English*]

The Acting Speaker (Mr. Barry Devolin): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

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:

Hon. Gordon O'Connor: Mr. Speaker, I ask that you move the vote to Wednesday, March 20, following government orders.

The Acting Speaker (Mr. Barry Devolin): Accordingly, a recorded division stands deferred until Wednesday, March 20, following government orders.

Hon. Gordon O'Connor: Mr. Speaker, I ask that we see the clock at 5:30 p.m.

The Acting Speaker (Mr. Barry Devolin): Is that agreed?

Some hon. members: Agreed.

PRIVATE MEMBERS' BUSINESS

[*English*]

NATIONAL CHARITIES WEEK ACT

Mr. Peter Braid (Kitchener—Waterloo, CPC) moved that Bill C-458, An Act respecting a National Charities Week and to amend the Income Tax Act (charitable and other gifts), be read the second time and referred to a committee.

He said: Mr. Speaker, I am very pleased to have the opportunity to rise today to speak to my private member's bill, Bill C-458, an act respecting a national charities week and to amend the Income Tax Act.

Canada is known throughout the world as one of the best countries in which to live. One of the reasons for this reputation is our strong sense of social responsibility. We care about our fellow citizens and we work together to ensure that everyone can fulfill their potential and enjoy a high quality of life.

Charitable organizations put these core values into practice. They do valuable work in our communities, helping those in need and creating a strong, compassionate and inclusive society.

As the member of Parliament for Kitchener—Waterloo, I have been working since first being elected in 2008 to foster valuable partnerships with the many charitable organizations in my community and across Canada. I have to say that I am constantly impressed by the remarkable work they are doing.

I commend them and all of their volunteers for their commitment to improving the lives of others and for contributing to the quality of life we enjoy here in Canada. However, I do recognize that charities face complex challenges, and adequate funding continues to be an overriding concern.

During the global recession, many organizations saw a drop in donations while demand for their services increased. Stats Canada reported a decline in donations of over 5% in both 2008 and 2009, and while the latest statistics show an increase as our economic recovery takes effect, the current level of donations is still below that of 2007.

With respect to the overall donor base in Canada, the 2010 Canadian survey of giving, volunteering and participating indicates that 25% of donors provide almost 85% of all charitable donations. In other words, charities find themselves relying on a small number of people to make large gifts, and older donors tend to give more.

People give for a variety of reasons. While compassion and altruism remain the primary motivation for charitable donations, 23% of Canadians cited the tax credit as an important factor. This is what motivated my private member's motion in the previous Parliament, which was passed unanimously by this House in 2011 and resulted in the finance committee study on tax incentives for charitable donations.

The finance committee study reviewed the current tax system and considered changes that could motivate increased giving. By all accounts, this was a very worthwhile exercise. The study brought together charitable organizations, experts and stakeholders and generated a comprehensive discussion about the challenges and opportunities faced by the sector.

I would like to thank the finance committee members for their excellent work, as well as the witnesses who contributed their expertise and suggestions.

I am pleased with the recommendations contained in the report, which focus on tax incentives, transparency, red tape reduction for charitable organizations and public awareness.

● (1720)

I am optimistic that this will lead to real action to benefit our charities and the donors who support them.

Building on the momentum of this committee study, I am pleased to now have the opportunity to advance an initiative that I believe will continue to raise awareness of Canada's charitable sector and lead to increased support.

During the committee study, I was intrigued with the proposal to extend the charitable tax donation deadline. It was suggested that this extension would make it easier for Canadians to donate to the causes that are truly important to them.

To ascertain the sector's response to such a measure, I held a round table with a number of charities in my riding and consulted with representatives from national charitable organizations. Many felt that this was a common sense idea with great potential. Based on this positive feedback, I proceeded with this initiative and tabled my bill on October 31, 2012.

My private member's bill, Bill C-458, proposes to extend the deadline for charitable donations by 60 days, so that eligible donations made up until March 1 may be claimed in the previous calendar year. In addition, my bill proposes to establish the last seven days of February as national charities week in Canada.

There are a number of reasons I believe this measure will lead to enhanced support for charitable organizations. The current deadline of December 31, as we know, falls during the busy holiday season. At this time, of course, Canadians are not usually focused on strategic financial planning.

Further, many charitable organizations are challenged to provide staff during this busy time in order to seize year-end donations and to process receipts. Then when tax time comes in February, people may realize that if they had made a charitable donation, they could have reduced their tax payable and maybe even received a tax refund. Of course, by then it is too late.

While many Canadians give generously during the holiday season for altruistic reasons, my proposal, I believe, would create a second season of giving in the first 60 days of the year, a period that many charities have told me does not typically see a high level of donation activity.

In addition, moving the deadline to the tax preparation season in February would provide a motivation to increase giving in order to maximize existing financial tax incentives. It would raise awareness of the charitable tax credit and encourage Canadians to give more prominent consideration to including charitable giving in their financial planning and tax preparation decisions.

My proposal would enable individuals to have a complete picture of their financial situation when considering charitable donations, the same as they currently do with the registered retirement savings plans, or RRSPs. This would benefit the many Canadians who are not salaried employees: small business owners, part-time workers, students and those whose income varies throughout the year.

In fact, Canadians who plan their charitable giving tend to give more. According to the 2007 Canadian survey of giving, volunteering and participating, fewer than 20% of donors plan their charitable donations. However, those who do plan their donations give an average of almost $800 annually, compared to $350 for those who do not plan in advance.

● (1725)

Other studies have shown that people who build charity into their financial plans are much less likely to decrease their level of giving during an economic downturn. The finance committee's report on tax incentives for charitable giving emphasized the need to raise public awareness in order to promote increased giving and I believe this is what my bill would help to achieve.

It would also contribute to creating a culture of giving among Canadians that will support and sustain the charitable sector over the long term so that charitable organizations can continue their valuable work in our communities. To further underscore the importance of Canada's charitable sector, national charities week would present charitable organizations with the opportunity to highlight their work and tell their stories, and for all Canadians to celebrate their achievements. Canadians demonstrate their generosity when they see how their donations make a difference in the lives of others.

Since introducing my bill last fall, I have received a great deal of positive feedback from across the country, from individual Canadians, charitable organizations, many of my colleagues and the media. For example, an editorial in my local newspaper, the Waterloo Region *Record*, stated:

> Braid's bill strikes us as a non-partisan, common sense proposal that deserves support across the political spectrum. It should be passed.

An editorial in the *National Post* observed the following:

> This is a small change, but a significant one. It will ease the burden on charities, and individuals, by providing a little end-of-year breathing room for those who would like to donate but find that the cut-off date has passed before they are able to.

One of my constituents stated, "As a person who works in leadership in a charitable organization, and sits on the Boards of several others, I think this makes very good sense and I appreciate it". A second constituent wrote to me and said, "After a lifetime as a tax practitioner and also having a close association with charitable organizations, I think you have identified a simple solution to increasing charitable giving among Canadians. Well done". Lastly, another constituent wrote, "Bravo! ...I do wish I had thought of that, as a lifelong professional fund raiser, now retired. If there is any way that I can help you in your endeavour, please do contact me".

Twitter, that great litmus test of public opinion, gave a great deal of positive encouragement to my initiative, including a tweet that said, "Could be a fascinating game changer for charities to raise funds".

However, as with any new initiative, the bill has also raised some concerns regarding its implementation. For this reason, it is important that the bill receive a full examination at committee to ensure, as I believe, that the advantages will far outweigh any potential perceived disadvantages.

As a government, we need to further enhance our partnerships with charities to seek their input and expertise and to further promote the important role that charities play in our society. As members of Parliament, all of us in the House are here to work for the greater good and are striving to make a difference in the lives of the people we serve. I encourage all members to support my bill, which will further support our charities and help them to fulfill our shared goal of building a better society.

● (1730)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I would like to take the opportunity to recognize the hundreds of charitable organizations from coast to coast and the phenomenal work they do not only within Canada, but outside of it as well.

We should recognize that Bill C-458 will have a fairly profound impact in individuals being able to contribute toward charities. When we talk about that extension, we see things like RRSPs and the impact they have had. We look forward to ultimately seeing the bill go to the next stage in anticipation that there will be a great deal of feedback provided.

To get more on the record the incredible work the huge number of charitable organizations do, I want compliment to the member for bringing forward the bill. We look forward to the next stage. I would like to provide him with another opportunity to maybe add a few words.

Mr. Peter Braid: Mr. Speaker, I certainly appreciate the words of my hon. colleague and the support of both he and, I presume, the Liberal Party.

I could not agree more with respect to the importance of charitable organizations and the important role they play in our respective communities across the country, the important work they do and the difference they, their staff and their volunteers make in the lives of people who live in our communities.

Like many of us, I have had the great fortune of being involved in a number of charitable organizations. I have seen them first-hand and I have been inspired by the work they do. It is important for me, as I have been working since first elected, to find mechanisms and opportunities to encourage Canadians to increase their support of charitable organizations so they continue and perhaps even enhance the important work they do serving our society.

● (1735)

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, I appreciate the opportunity to rise on this important debate. I want to say in advance that the official opposition will be in support of the bill. However, it would take it to committee where we think it must be examined before we can sign on entirely to what would at first blush seem to be a fairly straightforward and sensible bill. Let me explain.

I salute my colleague from Kitchener—Waterloo for introducing the bill. It has, as he indicated, two separate points. The first is that the Income Tax Act would be amended to provide that charitable gifts, Crown gifts, cultural gifts, and ecological gifts made by an individual within 60 days of the end of a taxation year may be deducted from the taxable income of the individual for that taxation year. It would be like, as I understand it, RRSPs, for which there is a later timeline after the taxation year and which can be counted retroactively. That is the first part. The second is to establish a national charities week.

There are essentially two issues that need to be addressed, two separate components that need to be taken into account. We need to examine at committee very carefully the impact on federal revenues the bill might have, total charitable giving and the distribution of charitable giving. All must be taken into account if we are to accept this in the House as a positive step. The true cost is very difficult to examine. I will come to that later, but that is what must be taken into account if we are to examine the bill carefully.

As I understand it, the origin of this concept was a recommendation made by tax lawyers Drache Aptowitzer, who appeared before the finance committee in its study of tax incentives for charitable organizations in October 2012. I think my colleague alluded to that. This occurred before I had the honour of serving on the finance committee. I was not there for that report. I will have more to say later about it.

There have been a lot of challenges facing charities in this country resulting, of course, in part, from the very precarious economic environment facing Canadians during the fiscal crisis of the last couple of years but also, it must be said, based on the attacks on the charitable sector by the Conservative government.

As the member for Victoria, with a strong environmental presence, I have had numerous constituents come to me and ask what is going on in Ottawa. Why is it that the CRA is targeting charities, requiring in some cases, I am advised, hundreds of thousands of dollars in audit costs because these primarily environmental charities were not well liked by the government. That is a very serious accusation. Yet charitable organizations are suffering not only under that concern but also from an increase in red tape, which is ironic, because that was one of the key recommendations of the report on charities alluded to by my colleague. I will have more to say about that in a moment as well.

In order to understand the first element of this, which is the creation of a week, as I understand it, at the end of February to salute charities, we need to take into account that there have already been other statutes proposed and enacted to deal with the charitable sector. For example, there was Bill C-399 on a tax credit for volunteers, Bill S-201 to create a national philanthropy day, tax incentives for a charitable donation study, which the finance committee has undertaken, and so forth and so on.

The context needs to be understood. Is it going to add value to have such a week to salute our charities in light of that reality? That needs to be understood. Again, it is something a committee could look at more carefully. We recommended and support this initiative so that a committee can look at it in the context I have just described.

The government's approach seems to find ways to increasingly transfer what we used to think of as government responsibilities to the private sector. Charities, in short, are often required by the government to take up the slack in what used to be governmental activities.

● (1740)

In my community, we have The Mustard Seed and Our Place. There are innumerable food banks from coast to coast to coast. These charities are doing what many Canadians think is the responsibility of the government. That is something that is increasingly a problem.

No less an authority than the Fraser Institute has indicated that Canadians give only about half as much as our American friends do to charities. Perhaps we are taxed more. Perhaps we are less generous people. I do not know. My friend has indicated that the donor base is in fact going down. Therefore, we need to understand the implications of the second part of the bill in an already quite fragile situation.

I indicated that the government on the one hand is encouraging Canadians to give more. At the same time, it is taking away essential public services.

I want to go to the place the bill originated, which was with the recommendations of the law firm Drache Aptowitzer. I looked at some of the writings they have posted on their website to try to understand where the bill would fit. Sadly, they report that the Conservative government is making charitable donations even more difficult for Canadians.

In an article called "T3010: Mounting Complexity for Charities", they report that it is getting harder and harder, despite recommendations to the contrary. The breadth of information now required, they state, is enormous. They give a list of forms and information charities are required to provide that is astounding. A booklet of 40 pages in length is provided. There is form T3010, the registered charity information return; form TF725, the registered charity basic information sheet; the financial statements of the charities; and the directors/trustees and like officials worksheet. There are pages of schedules.

What they say, the same people who have recommended this 60-day period, which is the second phase of the bill, is that we now have schedule 7, another form, and that "this has to do with political activity which of course is a hot topic for government". They continue that in the 2012 budget "there were several announcements about third party political funding and in particular, funding from outside Canada", and the author states: "How dare those Americans meddle in a Canadian environmental issue!"

They say that the request for information would be very difficult to comply with and point out that a lot of expensive audits would be required.

The official opposition is concerned about the way charities have been targeted if they are not popular with the government. That is something I am hearing daily in my riding.

Imagine Canada and the charitable organizations it represents have a lot of mixed feelings about Bill C-458. They like the concept, but like us, they are very concerned about the administration.

The Canadian Institute of Chartered Accountants has said that by extending the deadline date by 60 days, from December 31 to the end of February, there will be administrative issues that will create concerns, namely the provision of receipts from the charities to donors to meet the deadline dates for personal tax returns, April 30, and trust returns, March 31.

The Canadian Bar Association, of which I am a proud member, has expressed similar concerns.

The costs are hard to imagine and hard to estimate. Would it result in an increase in personal donations? Perhaps. One would hope so. However, we need to examine carefully the real cost of this initiative.

The NDP will be supporting the bill so that it can be examined with the care it deserves at the finance committee or at the appropriate committee.

With that, I would just like to say that on the one hand the Conservatives are claiming to be helping charitable organizations, but on the other hand often cutting funding for those charities and making it more difficult with their red tape for them to continue to make the contribution they make to our society.

● (1745)

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I rise today to speak to Bill C-458, which my Liberal colleagues and I will be supporting.

Bill C-458 proposes the establishment of a national charities week at the end of February, in order to showcase and celebrate the work of Canada's charitable organizations. Canada's broader not-for-profit sector is as diverse as Canada itself. Charities are wide-ranging in focus and in scope, working on issues as varied as medical research, children's rights and heritage preservation. From food banks to hospitals to synagogues to theatres, Canada's charities make a difference in communities across the country. They do great work and they deserve our support. They certainly have the country's support, for there is no doubt that Canadians are generous, compassionate and community-minded.

According to the 2010 Canada survey of giving, volunteering and participating, nearly half of Canadians aged 15 and over volunteer. All together, they give 2.1 billion hours of their time to charities and not-for-profits; 84% give financially, contributing an average of $446. People of all ages share in this effort, from youth, who are the most likely to volunteer, to seniors, who give more hours and more money than any other cohort.

Canadians who give to charity can and should take advantage of the tax relief available to them. However, not all donors claim tax credits for their donations. At the moment, the most generous donors and the donors most likely to claim tax credits are those who give on a regular basis and who plan their giving in advance, which leads us to the crux of the bill.

To give one example, monthly donors to Girl Guides of Canada make sure they get income tax receipts. Those of us who buy and enjoy the cookies every spring and autumn do not. The number of people who give in this way is declining. By establishing a national charities week, however, we can work with the not-for-profit sector to encourage Canadians to practise planned giving and to make them more aware of charitable donation tax credits.

Bill C-458 also proposes amending the Income Tax Act so that taxpayers can claim a tax credit for gifts made during a calendar year and during the first 60 days of the following year. In effect, the deadline for eligible charitable donations would coincide with both the national charities week and the deadline for registered retirement savings plan contributions.

In their earlier submission to the Standing Committee on Finance, Mr. Drache and Mr. Aptowitzer made a similar proposal that suggested such a move. They said:

> This would allow donors to make decisions when completely informed of their tax situation for the previous year. It would also allow charities and donors to focus on the tax aspects of giving and increase the opportunities for educating taxpayers on the tax incentive of donating.

During his testimony to committee on February 9, 2011, Mr. Aptowitzer stressed that moving the deadline to February would give charities the opportunity to campaign and to get donors to think about charitable giving in the tax context, which is something that the committee talked about as being a new thing for the tax code.

While it is true that Canadians associate the end of February with the tax preparation and the RRSP deadline, we should note that the parallel between RRSP contributions and charitable donations is not exact. They both reduce taxable income, but Canadians who contribute to an RRSP are also putting money toward their own retirement. Essentially, they are paying themselves. It is important that we bear that difference in mind and not assume that Canadians will start thinking about charitable giving in the same way that they think about their RRSPs. That said, there is no doubt that the considerable efforts made to educate Canadians about the tax aspects of RRSP contributions have led more people to contribute to their RRSPs and that making the same effort on behalf of charitable donations could have a decided impact.

● (1750)

There are certain issues that a committee study would need to address. In particular, we would need to hear from charities and non-profit organizations about how the proposed changes to the tax deadline might affect their fundraising strategies and annual cycles of donations. Currently, the tax deadline coincides with the end of the winter holiday giving season. Many charities base major fundraising campaigns around the December holidays. They are the experts on what works and what resources they have available and we should take our consultations with them very seriously.

It should also be noted that the fiscal impact of Bill C-458 is still unclear since it will be largely dependent on donor behaviour. At the moment, donation tax credits for individuals costs the federal treasury approximately $2.4 billion per year. If the bill's outreach measures are as successful as we hope they will be and more Canadians claim the charitable tax donation tax credit, that figure will rise. A committee study should include detailed modelling so that parliamentarians have an accurate idea of how much Bill C-458 would cost.

While it raises some questions that would need to be answered at the finance committee, Bill C-458 provides Canadians with an opportunity to celebrate their charitable sector and educate each other about charitable giving. I thank the member for Kitchener—Waterloo for introducing the bill and invite all members to join me and the Liberal Party in supporting it.

On the point of charitable giving, I personally am from the most charitable province of all, Newfoundland and Labrador. I do not mean to play favourites, but nonetheless it is a bragging point for a small province such as we are. I like to think that on all occasions we punch above our weight, certainly when it comes to charitable donations. Our volunteer base is incredibly large for our small communities. In my riding alone there are over 198 communities. There are well over 800 communities in the province of Newfoundland and Labrador alone. Many smaller remote communities in both areas, on the island and the mainland of Labrador, benefit from charitable donations, not just financially but also in volunteer hours spent at bake sales and dinners in these areas.

Our most treasured volunteer groups in the province would be the volunteer firefighters and the volunteer search and rescue. These people spend an incredible amount of hours involved in raising money, keeping our communities safe and in many ways allowing our communities to thrive. Our children have activities and get involved in their communities based on what inspires them, and what inspires them are the people who give hours to their community.

All of that would not be possible if it was not for the generosity of many individual Newfoundlanders and Labradorians. Many companies and businesses give an incredible amount of money to their local communities, whether it be for local festivals or a fundraiser for a person who needs help for health reasons.

I have been to several fundraisers in my riding and throughout Newfoundland and Labrador, as my colleagues from Random—Burin—St. George's and Avalon can attest to. They have been to many fundraisers where certain people need help, whether it be for health reasons or to get somewhere for some sporting event. We do this all the time. It is inbred within us to give, as our children will give and our parents give. This bill is the type of measure that allows better contributions. It allows people and companies to give and financially plan better.

Therefore, as a party we support the bill for all the reasons mentioned, such as the planning aspect and the end of year coinciding with RRSP contributions. I would advise the committee to consider how they would publicize this tax credit in order to take full advantage of it. Whether it is the biggest city or the smallest community, this definitely is of benefit to not only the small communities but the volunteers who give and make it worthwhile.

● (1755)

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, I am very pleased to rise today to speak to Bill C-458, a private member's bill introduced by my friend and colleague, the member for Kitchener—Waterloo. I will support this bill at second reading and I hope all members on both sides of the House do the same. It has certainly received some positive support in the speeches I have heard thus far, which I also appreciate.

As the member for Kitchener—Waterloo pointed out, the bill would establish the last seven days of February as national charities week and would extend the tax deadline to claim charitable donations from December 31 to the end of March, matching the deadline for RRSP contributions. The member's objective is obviously quite noble, seeking to encourage a greater number of Canadians to give more generously to charities, supporting these organizations in their valuable work both in Canada and around the world. As chair of the finance committee, I hope and fully expect that Bill C-458 will be supported by all parties and I look forward to further discussion and analysis of this proposal, including hearing from the member and from a wide range of groups in the charitable sector.

However, before I speak directly to the legislation before the House today, I will take an opportunity, as his colleague, to recognize the member for Kitchener—Waterloo for his truly outstanding record in support of the charitable sector since first being elected in 2008. In 2010, he sponsored Motion No. 559, which called for the Standing Committee on Finance to study tax incentives for charitable donations, a motion that was supported by all parties. Having a colleague supported by all parties is quite unique in the House. I am very happy to report that after extensive work last year and into early this year, the finance committee completed that important study, and I encourage all parliamentarians and Canadians to view that study.

As chair of the committee, I can tell the House that we heard important evidence showing the need for the government to help foster and promote a culture of giving. Not only that, but we learned that tax incentives had a definite role to play in increasing the number of new donors and encouraging existing donors to give even more. I am pleased to report that the committee's study brought attention to the importance of charitable giving. I am confident it will help inform the government's further action to support charities.

With this outcome, we can all agree that the member's contributions to date have truly been invaluable. His reputation in this regard is well known. Imagine Canada, the leading umbrella organization representing Canadian charities, has praised the member's willingness to consult with it on new ideas, saying, “[The member] has been and continues to be a real champion for the charitable sector...He demonstrates a sound understanding of the issues we’re facing”. I am sure my colleagues on both sides of the House will agree with that assessment and will join our government in sending the bill to the finance committee for the hearing that it deserves.

In supporting this proposal to committee, a proposal which was raised during the previous study which I mentioned, we can ensure that it will be carefully considered by both parliamentarians and charities alike. At committee, we can answer the questions that have been raised by members during this debate today. We can conduct a thorough examination of the bill.

An important consideration is how this proposal will be effective in encouraging Canadians to increase their donations. A study at the finance committee will help us to determine to what degree a later deadline for annual contributions will impact donations and at what cost. We will also hear from charities about the potential impact of a March 1 deadline on their ability to deliver important services to Canadians.

Currently, organizations have about six to eight weeks following the end of the year to get tax receipts to donors for early filing. If the deadline were to be moved 12 weeks later, charities would obviously have to make the necessary administrative adjustments. However, the most important reason for members to vote to send the bill to committee is that charities could share their views on this important bill and on this topic.

On the larger issues of charities, which I want to address and which some other members have spoken about today, I emphasize that our Conservative government fully supports the important work of charities to improve the lives of Canadians who rely on their support. Each and every day, selfless and remarkable volunteers make a difference in lives all across the country without expecting anything in return. In fact, there are over 160,000 Canadian charities and non-profit organizations that support worthwhile causes in our communities. That is an amazing number, of which all members should be proud.

That is why our government is committed to the charitable sector and we have continuously strengthened that commitment, including successive actions to improve tax incentives for donations. I will remind members of a few of these actions.

● (1800)

Budget 2006 exempted gifts of publicly listed securities from capital gains tax and extended that exemption to donations of ecologically sensitive land to public conservation charities.

Budget 2008 extended the exemption to certain donations of exchangeable shares.

Budget 2010 significantly reformed the disbursement quota rules for charities, reducing administrative complexity and better enabling charities to focus their time and resources on their charitable activities.

Budgets 2011 and 2012 introduced important integrity measures to ensure transparency and accountability for charities designed to combat fraud and abuse in the charitable sector, helping to increase the confidence of Canadians that their hard-earned dollars would be used exactly in the spirit that they were intended.

Our government wholeheartedly supports the intent of Bill C-458, and I applaud the selfless efforts by my hon. colleague to better support charities in carrying out their important work. Indeed, the bill has the potential to encourage Canadians to give more generously to charities than ever before, empowering these organizations to make an even bigger difference in communities across our country.

Nevertheless, it is vital that my colleagues on the finance committee and all parliamentarians have an opportunity to examine the bill in greater detail to ensure charities have an opportunity to share their perspective on this unique and very exciting proposal.

I would like to quote from a recent *National Post* editorial that praised the legislation before us today, noting that:

> Too often of late, private member's bills have served explicitly partisan ends. [The member for Kitchener—Waterloo's] Bill C-458, however, seeks to improve the lot of needy citizens simply by adjusting a bureaucratic formality. This is the sort of effort we'd like to see more of in parliament...

Speaking as someone who has been in this chamber for over 12 years, the member for Kitchener—Waterloo serves as an example for all of us in terms of how we can have an impact on a policy process, how we can have an impact on the budgets that are presented in the House of Commons and how we can truly improve the lives of Canadians from coast to coast.

I am therefore very proud to support the bill at second reading. I hope we can study it at the finance committee as soon as possible. I encourage all members on both sides of the House to support it.

[*Translation*]

Ms. Manon Perreault (Montcalm, NDP): Mr. Speaker, naturally, we are going to support Bill C-458 since it is well-intentioned and the NDP supports the charitable sector.

Nevertheless, I would like to say that the Conservatives' rhetoric is causing confusion. On the one hand, they claim to support charitable organizations, but on the other, they are cutting funding for such organizations and constantly attacking them. There is every reason to believe that the government's approach to the charitable sector is to gradually transfer its responsibility toward Canadians to the private sector. I would like to remind the government that it is and must remain responsible for, among other things, essential public services.

Now, I will explain the two main components of this bill. First, this bill seeks to amend the Income Tax Act by extending by 60 days following the end of a taxation year the period during which people would be eligible for a tax credit for donations made to charities for that same tax year. Second, the bill seeks to establish a national charities week during the last week of February.

We support this bill in order to send it to committee. There, we will try to make the changes necessary to make it into a financially responsible bill that meets the needs of Canadian workers.

For the moment, the financial cost estimates are based only on hypotheses about how people will react to the extension of the tax credit deadline. I do not think that is good enough, and I think we could do much better.

The Standing Committee on Finance needs to have a more specific idea of the cost of such a measure and it needs to know that this bill is an appropriate response to the problems faced by charitable organizations. We also do not have any evidence to show that a national charities week in February would really benefit this sector.

Many charitable organizations also expressed concerns that were mainly administrative in nature. They intend to raise these issues when the bill goes to committee. They are also of the opinion that the bill could help to solve this sector's problems but that it is certainly not the be-all and end-all.

Efforts to increase charitable donations are commendable and we support them. However, we also have to ensure that an in-depth analysis is conducted of the impact this bill would have on federal revenues, as well as on the total amount of donations and their distribution. That being said, I would like to take this opportunity to talk about some of the most fundamental aspects of this bill and the Canadian tax system.

Although charity work is important, the government's actions are as well. A lot of churches and other shelters for the homeless, run by the private sector, keep people from freezing to death on the street, but governments here and elsewhere in the world have found that the only long-term solution is affordable housing.

Cancer research centres can be managed privately, but some of the best research comes out of publicly funded universities and hospitals. Yes, it is important to ensure that charities can continue to function, but when the government abandons its responsibilities toward vulnerable groups by delegating those responsibilities to the charitable sector, damage can be significant.

People who count on systems that the government puts in place may not find the private sector alternative right away. When the government behaves this way, it hurts the people directly affected by government assistance and communities as a whole.

Furthermore, if the government tries to make the legislation work through the tax system, it could end up abandoning the less fortunate. Often, the government's special tax exemptions are given only to individuals who are well off.

This does not mean that they do not need it—far from it—and we must continue to work at lowering the cost of living for everyone. However, all I am saying is that a single mother with three children who earns $23,000 a year needs more help than a family with two people earning $50,000 each. Up until now, the government has chosen to ignore the single mother.

In 2009, 33.4% of Canadians did not pay taxes. They therefore could not benefit from the government's many attempts to legislate through taxes. Critics consider them lucky, but these are seniors living below the poverty line.

● (1805)

These are students who cannot eat balanced meals because they do not have enough money left over after paying for books and tuition. These are the least fortunate who work for minimum wage or even less if they work in the service industry. If they have children, their expenses double or triple.

When the government promises tax breaks, all these people hear is that they will receive fewer resources from this government. In many cases, the least fortunate are not informed of the tax breaks offered by the government and they obviously do not get an accountant to fill out their tax returns. It is not complicated. Even if they pay taxes and are entitled to exemptions, these people often do not have the knowledge or expertise to take advantage of them.

Some will say that these people should simply go to an accountant, but if the single mother of three I mentioned earlier can save $60 by filling out her tax return on her own, so she can buy groceries for her kids, it is obvious which choice she will make.

We need to be realistic. This government has used targeted tax exemptions to solidify its slim support in ridings across the country as it saw fit. It did so with little regard for those most in need, and with even less regard for a balanced budget for the country. Another year goes by with another deficit and another round of cuts to social programs, jobs and employment insurance benefits.

This government has a bad habit of saying that it helps charitable organizations, but then cuts their funding and attacks organizations that defend positions that are not in keeping with the government's policies. Take Rights and Democracy, for example. The government decided to put an end to that non-governmental rights group, which had gained worldwide clout and an international reputation since its creation in 1988. The Conservatives interfered politically and appointed people who defended the Conservative ideology within the organization. At the time, dozens of public servants denounced the Conservatives' political interference.

That is how the government works. When an organization refutes its ideology, it simply cuts that organization off. If no specific organization is in the crosshairs, the government simply slashes international development aid, as it did in the last budget.

Although we support the charitable sector, we deplore the Conservative government's lack of long-term vision for the sector. This sector needs a comprehensive, coherent, long-term policy. Expecting the charitable sector to become an alternative to essential government services is completely absurd. Organizations working in this area should not replace government in offering services to the people. If that is the case, then that does not bode well for the country.

If we want to avoid an explosion in demand for charitable services, the government simply needs to do its job and maintain and invest in social programs. We will support this bill at second reading so that it can be examined more closely in committee. It is important to support the charitable sector in Canada as part of a long-term vision and without losing sight of the government's responsibilities towards the public.

● (1810)

[*English*]

The Acting Speaker (Mr. Bruce Stanton): Resuming debate, before I recognize the hon. member for Crowfoot, I will just let him know that we will need to interrupt him at 18 minutes after the hour, so he have about 6 minutes, roughly, not the full 10 minutes that he might be expecting.

The hon. member for Crowfoot.

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I am pleased to rise on behalf of my constituents in the Alberta riding of Crowfoot to participate in the private member's debate brought forward by my colleague, the member of Parliament for Kitchener—Waterloo.

First, I would start by saying that the Good Book says that it is more blessed to give than to receive. For all members of Parliament from all sides, as we look around our constituencies at the various charitable organizations that are volunteering their time and are doing everything they can to support good causes, we want to thank them. We also agree that there is a satisfaction, a feeling of being blessed, when we can be part of that and give in a charitable way. Anything we can do to help enhance that type of giving is to be commended.

Therefore, I thank the member for Kitchener—Waterloo. I had some questions about Bill C-458 initially and I sat down here in the House with the member for Kitchener—Waterloo. I understood that this was a member who had a passion for charitable organizations and for trying to do the right thing. There is no hidden agenda here. It is simply a question of how he can better move charitable organizations forward so that people can be part of that blessing, so to speak, of being able to give and to donate to these good causes.

In that stand, he has introduced Bill C-458, which proposes mainly two changes. The first change would create a national charities week in the last week of February each year. My colleague also wants to amend Canada's Income Tax Act. He would extend the deadline for people claiming charitable gifts for tax purposes from December 31 of the taxation year to 60 days after that to match the deadline for contributions for RRSPs.

This is an admirable attempt to help Canadians contribute to those less fortunate. All members of the House want to commend our colleague for bringing these two ideas to debate here in the House of Commons. The member for Kitchener—Waterloo, as it has already been stated, is earning quite a reputation for himself and his constituents as being one who cares about charities. We congratulate him and recognize that.

Previously, his private member's Motion No. 559 prompted a study by the House of Commons finance committee, which brought major attention to the needs of charities. In turn, his motion prompted a national conversation about the good work of these organizations in Canada. The committee's subsequent work report will no doubt inform the government's future action on support for those charities, potentially as soon as the upcoming budget 2013.

I can say to my constituents and to all Canadians listening to this debate that our Conservative government understands the value of the selfless work of charities and of the volunteers that make them successful. I see the value of this work in my constituency. It is remarkable to see the generosity and hard work of many churches, youth groups, schools, seniors groups and local organizations in my riding. I take this opportunity to commend all of them.

I am invited to many charitable events and fundraisers throughout the year in my riding. As a former businessman who owned an auction company and was an auctioneer, I am able to be the auctioneer for some of these events. I tell all of the charities in my riding that nobody wants to hear my speech, but they all want me to come and do the auction sale for them. Through this work, I have the opportunity to meet with many key people in the community, both in the volunteer sector and those who contribute through their finances.

Bill C-458 has some potential to increase the incentives that already exist for Canadians to give money generously to charities. It would facilitate even more good work in communities here in Canada and around the world. That is why it is important for the bill to be studied closely.

Canadians support the House engaging in a full assessment of the implications of the bill. We will be paying close attention to what stakeholders and those involved in carrying out our charitable work have to say. As my colleagues have noted, Canada already has one of the most generous systems of tax support for charitable donations in the world.

● (1815)

Our Conservative government has already introduced several measures in recent years to enhance incentives for donations. We have taken action to improve transparency and accountability in the charitable sector, including through measures announced in economic action plan 2012.

I want to thank the member for bringing this bill forward. A study in the House of Commons would be a very positive thing, and I look forward to the bill passing.

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Crowfoot will have four minutes remaining when the House resumes debate on this bill.

The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, the Liberals have taken so much money from the employment insurance fund in the past that we are no longer able to provide benefits to workers all year round. In order to make up for the lack of money and competence, the Liberals brought in pilot projects in an attempt to cover the black hole that appears in the spring.

The Conservatives are now eliminating this vital program. Additional weeks of employment insurance benefits are designed to help seasonal workers make ends meet before the work season starts. Otherwise, they end up in a black hole of several weeks without income.

The pilot project must continue. It is shameful for a government to leave thousands of workers in poverty. It is even more shameful on the part of the Conservatives because they have not learned from past mistakes when the Liberals tried to bring in EI reforms in the 1990s.

In the long term, we need a real reform that will actually meet the needs of workers. After all, employment insurance belongs to the workers and to employers. It is time to stop taking away what is rightfully theirs.

The minister must understand that her reform is having direct, serious consequences on thousands of workers and employers. She would know this if she had asked for impact studies before pushing ahead with a reform that is so out of touch with reality. However, the minister refuses to listen.

When representatives of the entire eastern Quebec region went to her to explain how her reform will affect them, she called the evidence given by representatives of the Coalition de l'Est myths. As they say, there are none so deaf as those who will not hear.

The employment insurance reform is having serious consequences, but the minister continues to call those consequences myths. It is not a myth when thousands of people are all saying that this reform is hurting them.

However, what is a myth is the minister's assertion that inspectors do not have a quota, when we now know that they are all supposed to cut nearly $500,000 each in benefits per year. The minister should be able to distinguish something that is a myth from something that is not.

Clearly, real studies and real consultations are needed before any reforms are made to something as important as employment insurance. However, the minister recently admitted that no impact studies were conducted. She said simply that some analyses were done, but we know nothing about those analyses. We cannot be sure of anything in terms of what those analyses were based on. Once again, the government is working in the dark.

How can such major changes be made without any studies? Will the minister make those analyses public, so we can see what she based her reform on?

● (1820)

[*English*]

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I think the question we had on the order paper tonight was about Parks Canada, but I am always happy to talk about job growth and creation in Canada.

On my colleague's question and point, first, with regard to the EI reforms that our government has made, they have been made with one key principle in mind, and that is the sustainability of the program, to ensure it is there for the future for those who need it.

My colleague spoke a lot about jobs and job creation. It is always a wonderful opportunity to speak about our government's jobs and growth record. I believe the figure, which we can be very proud of, is that our government has seen the creation of over 900,000 net new jobs in the country since we have taken office and since the turn of the economy in the country. That is a record that we can be proud of not only at home but, comparatively speaking, internationally.

Our country is one where we have seen economic growth, month over month, quarter over quarter, slow, steady, predictable growth because of the way our economy has been managed and because of our focus on ensuring prosperity in all industrial sectors.

To be able to speak in the House to ensuring jobs growth is a wonderful thing. It is also timely given the fact, and again because environment was on the order paper and it is a subject I love to speak to, of the Leader of the Opposition's recent trip to the United States.

He spoke today at length in question period about value-added jobs. I wish I would have had the opportunity to stand and ask him what he would say to the value-added workers in the oil sands sector, the manufacturing sector and the finance sector and if he would try to explain to them why he would potentially advocate against energy infrastructure for our country.

We talk about jobs. We talk about employment insurance. To educate the Leader of the Opposition just a touch on how the energy sector works, we need energy infrastructure to get our product to other markets. To lobby against projects so openly, I have to wonder how the members in his party can get up and talk about employment insurance, job creation and all these things when he is lobbying against a key project that would create job growth and prosperity for all the country in an environmentally responsible manner.

Our government has been so focused on asking how we can ensure that our environmental assessment process is robust, how we can ensure that the build out of these projects are environmentally sustainable and how we can ensure that our economy is sustainable long into the future.

The energy sector plays such a key part of that. If we are to talk about employment insurance reform, how can my colleague even bring this up when his leader cannot even make up his mind. He came to my city of Calgary and said that he would not speak against the energy sector and then he did that very thing in Washington the next week.

There needs to be clarity from the NDP on what its job policy is. To me it says that it does not value people in the energy sector and it does not value people who create growth through that sector. This is something the NDP should be a little more clear about.

We were supposed to be talking about Parks Canada tonight according to the order paper. It is always a good opportunity to talk about how our government has actually increased the amount of protected park land in our country by over 50%. It is something we should be cognizant of: jobs, growth and economic prosperity.

● (1825)

Mr. Philip Toone: Mr. Speaker, I thank the hon. Parliamentary Secretary to the Minister of the Environment for her flexibility. There clearly was a certain clerical error.

I appreciate her answer. I will point out that in my riding, in the Gaspésie, we have been blessed with both natural resources and a series of public parks and we also have issues with employment and employment insurance. We need to find a proper balance between all of them.

We have a problem with unemployment in Parks Canada in my riding. Services have been cut dramatically. We are back to the problem where even Parks Canada is an employment issue in my riding. We need to develop the economy and have the proper support.

When we created Forillon National Park, we had a plan. Again five years ago, we had yet another confirmation of the plan to bring forward the economy and how we would develop the park to be an economic engine in the riding. We seem to have now abandoned that plan entirely.

Perhaps the parliamentary secretary could address that issue as well. I would ask her to possibly wrap it up within the constrict of employment insurance if she could.

Ms. Michelle Rempel: Mr. Speaker, I accept my colleague's challenge to change or stretch my debate skills tonight on parks and employment insurance. First, with regard to Forillon National Park, the member knows it has been our government that has actually invested millions of dollars into infrastructure for that park specifically. I should have him note too that if he checks the record of the Standing Committee on the Environment and Sustainable Development, when we looked at the last estimates, officials spoke about how year over year it had been our government that invested more into parks than when we took office.

We try to ensure that our visitor experience of people in our national park is exceptional, that the ecological integrity component of Parks Canada mandate is also exceptional and that we do this while we expand the amount of protective space in the country. We have done that in the context of creating jobs and growth for all Canadians. It is always a good thing when we can tell Canadians there are future employment prospects for them.

FOREIGN INVESTMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I rise this evening in adjournment proceedings to follow up on a question I initially asked on November 30, 2012. That question related to the Canada-China investment treaty, but was much more specifically directed to the concerns that were growing not just in Canada, but around the world about the process of arbitration resolution to disputes that existed between so-called investors or transnational corporations and states, meaning governments around the world. Investor state agreements have proliferated since the first one, which was part of NAFTA, chapter 11.

What I tried to shine a light on in my question was unfortunately missed in the response that came from the hon. President of the Treasury Board. What I was trying to talk about was the problem of global ambulance chasers, an elite within global law firms that represent corporations in suits against nations and drum up the business. They go to countries and say that they think they can sue over a new environmental law that country X just brought in and they can help make that happen. Even if the country where it is based does not have investment business in the country where they could sue, they tell it open an office over there and then it can sue.

This was all brought to light as I referred in my question in a report called “Profiting from Injustice. How law firms, arbitrators and financiers are fuelling an investment arbitration boom”. This is a very important aspect of the pending Canada-China investment treaty. The cabinet of this country has the authority, without a vote in the House of Commons, to approve a treaty that would bind Canada for 31 years. Under the terms of that treaty, should a state-owned enterprise of the People's Republic of China find one of our laws to be impinging on its expectation of profit, it can go to arbitrators. This is not a court, not a lawsuit in the typical sense. This is appealing to an arbitration in which three powerful lawyers from this elite group of global ambulance chasers will hear both sides and make a determination for which there is no appeal.

In the course of my question on November 30, I pointed out that this report from Europe blew a hole through the idea that arbitration was impartial and unbiased. In fact, these lawyers, who are working at $1,000 an hour, are part of the same law firms that encourage governments to enter into these treaties and then profit from the arbitrations.

Just to give a sense of this, 15 arbitrators from Europe, Canada and the U.S. have settled 55% of the cases. One of these arbitrators, Juan Fernández-Armesto, an arbitrator from Spain, said:

> When I wake up at night and think about arbitration, it never ceases to amaze me that sovereign states have agreed to investment arbitration at all...Three private individuals are entrusted with the power to review, without any restriction or appeal procedure, all actions of the government, all decisions of the courts, and all laws and regulations emanating from parliament.

In other words, this process of arbitration to which we will be binding ourselves in the Canada-China investment treaty puts us at the whim of three elite lawyers who are part of a club that is generating millions from legal fees. Countries like the Philippines have had to spend tens of millions of dollars to defend themselves from lawsuits from cigarette companies. We must stop our blind assurances that investment treaties hold no threats for us and really look at whether arbitrations are impartial.

● (1830)

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, I am happy to respond to the question posed on November 30 by the hon. member for Saanich—Gulf Islands regarding foreign investment. While she has been talking to one very specific point, my answer is part of a much broader context.

First, I would like to reaffirm this government's commitment to welcoming foreign investment that benefits Canada. The fact is that foreign investment is crucial to the Canadian economy and the prosperity of Canada. It introduces new technologies and practices that promote growth, employment and innovation here at home. Foreign investment brings some of the most productive and specialized firms in the world to Canada and results in some of the highest paying jobs for Canadians.

This government also recognizes that Canadian businesses must compete in a globalized economy, and we are committed to creating the right conditions for Canadian business to succeed internationally. Canada has signed foreign investment promotion and protection agreements, or FIPAs, with numerous countries, which helps connect our firms to the rest of the world and creates a stable, secure environment for two-way investment between Canada and other countries.

FIPAs accomplish their objectives by setting out the respective rights and obligations of the countries that are signatories to the treaty with respect to the treatment of foreign investment. FIPAs seek to ensure that foreign investors will not be treated worse than similarly situated domestic investors or other foreign investors. They will not have their investments expropriated without prompt and adequate compensation, and in any case, they will not be subject to treatment lower than the minimum standards established in customary international law. As well, in most circumstances, investors should be free to invest capital and repatriate their investments and returns.

We will continue our work to secure access to foreign markets in order to ensure the success of our own Canadian businesses abroad. Most recently, Canada entered into a FIPA with China. The agreement will be tabled in the House of Commons pursuant to the government's treaty tabling policy. It will then come into force once the order in council has been approved by the Governor General of Canada and the ratification process in the People's Republic of China has been completed.

With respect to foreign investments, our government has a sound process in place to ensure they benefit Canadians. We have made targeted amendments to the Investment Canada Act that provide greater transparency to the public, more flexibility in enforcement and an alternative to costly and time-consuming litigation. As well, in December, the Prime Minister announced clarifications related to state-owned enterprises to ensure our foreign investment review processes continue to carefully examine investments to ensure they are of benefit to Canada.

● (1835)

Ms. Elizabeth May: Mr. Speaker, I am grateful to my friend, the hon. Parliamentary Secretary to the Minister of Natural Resources. Let me just counter a few of the points that he made.

Not only are foreign investors treated as well as domestic investors under this particular type of perverse treaty, foreign investors are treated way better. There is not a domestic company that could sue the Parliament of Canada because we passed a law it did not like.

That is what Ethyl Corporation of Richmond, Virginia did when it did not like a law passed by the Parliament of Canada to restrict the exposure of Canadians to a manganese-based gasoline additive that causes neurotoxic health effects in people. If it had been manufactured in Canada, that particular company would have been out of luck. Because it was a foreign corporation and had benefit of chapter 11 of NAFTA, it could sue.

Not only that, we do not need investor state agreements to open markets or to get investment. Examine Australia, it is a perfect case. It has 10 times more investment from China than Canada. The Australians are at over $600 million in investments from China, but they have refused to sign an investment treaty because they have decided, with a cost-benefit analysis, that such a treaty could create more cost and more damages than benefits.

Mr. David Anderson: Mr. Speaker, often from the other side we hear of their opposition to these free trade agreements we are making. Under this government, Canada is open for business.

We will continue to provide an economic climate that allows Canadian firms to prosper. To that end, we welcome foreign investment that provides net benefit for Canadians and helps grow the economy. We will not go down the path of protectionism. Canada cannot afford to fall behind. Instead, this government will take a responsible approach to foreign investment.

The recent foreign investment promotion and protection agreement that was entered into with China will help protect Canadians investing in China, and lead to jobs and economic growth here in Canada.

[*Translation*]

THE ENVIRONMENT

Mr. Jean-François Fortin (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, when I spoke in question period on February 7, I shared with the House a major concern that many stakeholders have with regard to the government's current strategy for oil exploration and development in the Gulf of St. Lawrence. This is a valid concern that is shared by the Commissioner of the Environment in his most recent report dated February 2013.

Right now, the people of the Magdalen Islands and eastern Quebec are worried about the serious environmental impact of developing the Old Harry prospect.

As things now stand, a spill could wipe out the regional economy of the islands in one fell swoop and cause considerable damage to both the environment and the area's seasonal economy, which is mainly based on the fishery and tourism.

The Commissioner of the Environment's report is damning in terms of the lack of consultation and the absence of a mandate for stakeholders who would have a role to play in the event of an environmental disaster.

The report confirmed that there are gaps in the risk assessments and that, at present, no one is prepared to respond to an oil spill.

Bernard Richard, former New Brunswick ombudsman, also expressed serious concerns about the Old Harry project. With regard to what we learned from the Deepwater Horizon oil spill, he said that, although we seemed to have learned a lot, we also seem to quickly forget.

Commissioner Scott Vaughan's report is clear. He states that the Canada-Newfoundland and Labrador Offshore Petroleum Board has not obtained adequate assurance that operators are ready to respond effectively to a spill.

In light of the most recent report, and also the unanimous request made by the National Assembly of Quebec in 2010, the federal government, the Government of Newfoundland and the Canada-Newfoundland and Labrador Offshore Petroleum Board are being asked to wait for the results of strategic environmental assessments requested by the Government of Quebec before issuing any drilling and seismic testing permits for Old Harry and to suspend existing permits.

The government must stop shirking its responsibilities and impose a moratorium on the development of Old Harry.

It is one of the largest and most productive marine ecosystems in the world. It is also of great economic significance as it is used extensively for fishing and recreational activities, as well as being an important shipping route.

We also learned in Scott Vaughan's report that the Canadian liability limits in the offshore oil and gas sector are totally archaic.

For example, if an accident were to occur in the Atlantic, the penalty would be $30 million. The public, not the oil companies, will assume the risks of offshore development with their tax dollars and also because environmental impacts will affect coastal ecosystems.

We recently learned that public consultations on the Old Harry project that were to be held by New Brunswick were quietly abandoned. Environmental experts in all areas are criticizing the way in which the government is managing the development of offshore oil in the Old Harry sector.

The request is coming from the Government of Quebec and our party. We are asking the government to impose a moratorium on any current development and exploration until things have been clarified and the concerns expressed by the commissioner have been addressed by the government.

● (1840)

[*English*]

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, I would like to thank the member opposite for providing me with the opportunity to share with the House the environmental review process for the Old Harry project in the Gulf of St. Lawrence.

It is important that we take a look at the facts and not at fearmongering. As members know, Canada has very strong environmental laws and standards. We have a robust safety regime and experienced independent offshore regulators. Oil and gas rigs in Canada's offshore, including equipment and operator training, must meet strict standards that are among the highest in the world.

We recognize the importance of the Gulf of St. Lawrence to all Canadians and understand that some stakeholders have very legitimate concerns about environmental sensitivities in this region. Many Canadians have an interest in oil and gas drilling in the Gulf of St. Lawrence and its potential impact on the five surrounding provinces. That is why we rely on arm's-length independent regulatory bodies to make science-based decisions on development in Canada's offshore.

The 2005 strategic environmental assessment for western Newfoundland and Labrador is currently being updated, and consultations have been held in all five provinces. The strategic environmental assessment update seeks to ensure that any drilling in the gulf will be safe for the environment and Canadians.

The assessment by the Canada-Newfoundland and Labrador Offshore Petroleum Board is an important step to ensure that the safety of the environment will be protected. I want to assure all members that Canadian regulators will not allow any offshore activity to take place unless they are convinced that the environment will be fully protected.

As we know, the Old Harry project is currently on hold. Last January, Corridor Resources requested a prohibition order by the board until a strategic environmental assessment of the Gulf of St. Lawrence is complete.

In summary, the strategic environmental assessment of the gulf is going forward as planned. That means we have an independent regulatory body that is doing its job in the best interests of Canadians. The environmental assessment of Old Harry is on track, and the project will not proceed until we are convinced that the environment of the gulf coast will be protected. That is the bottom line.

[*Translation*]

Mr. Jean-François Fortin: Mr. Speaker, experts at Environment Canada found a number of errors in the scenario Corridor Resources developed to predict the effects of an oil spill as part of its exploratory drilling plans at Old Harry, in the middle of the Gulf of St. Lawrence. According to the documents submitted by the oil company, its impact study determined that the effects of an oil spill would be very limited and would last less than 24 hours. Any respectable expert would find this scenario laughable.

The work was not done properly. It is clear that the Canadian government is completely incapable of getting all those who would be involved in controlling the spill to agree.

In the absence of any strategy from our government and in the absence of a credible scenario that would show that the government is in control, we are calling for and hope to obtain a moratorium until a full environmental assessment in Quebec is complete and the government has assured the public that there will be appropriate intervention.

● (1845)

[*English*]

Mr. David Anderson: Mr. Speaker, the member opposite seems to be opposing this project before a scientific environmental assessment is even completed. That is regrettable. That is precisely why we have environmental assessments: to ensure that politics do not colour the conclusions of the report. That is why it is independent and why our government waits until hearing from experts before making a decision.

I have noticed this same proclivity to judge before hearing the facts is apparent across the way. Instead, we often hear opposition members say that they know the facts better than the scientists, that they know environmental effects better than the experts and that they know the economics of projects better than economists and businesses. It is this disregard for any scientific review of projects that I find very dangerous coming from the opposition benches. I recommend that the member opposite wait and listen to the conclusions of the independent scientific reviews. It is what our government is doing and it is the responsible approach.

I repeat that this project will be reviewed by an independent group of experts. We look forward to reviewing that report before making a decision, and I hope that the member opposite will do the same.

The Acting Speaker (Mr. Bruce Stanton): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:46 p.m.)

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