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Thursday, May 23, 2013
(Part A)

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Thursday, May 23, 2013

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1005)

[*Translation*]

COMMITTEES OF THE HOUSE

STATUS OF WOMEN

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, I have the honour to present, in both official languages, the sixth report of the Standing Committee on the Status of Women, entitled "Bill S-2, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves". The committee has studied the bill and has agreed to report the bill back to the House without amendment.

[*English*]

PROCEDURE AND HOUSE AFFAIRS

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, I have the honour to present, in both official languages, the following reports from the Standing Committee on Procedure and House Affairs: the 53rd report, requesting an extension of 15 sitting days to consider the report of the Federal Electoral Boundaries Commission for Ontario 2012; the 54th report, requesting an extension of 15 days to consider the report for the Federal Electoral Boundaries Commission for Quebec 2012; and the 55th report, pursuant to Standing Orders 104 and 114, regarding membership of the committees of the House.

If the House gives its consent, I intend to move concurrence in the 53rd, 54th and 55th reports later this day.

* * *

FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

Mr. Bernard Trottier (Etobicoke—Lakeshore, CPC) moved for leave to introduce Bill C-511, An Act to amend the Federal-Provincial Fiscal Arrangements Act (period of residence).

He said: Mr. Speaker, it is with great pleasure I rise in the House today to introduce my private member's bill, an act to amend the Federal-Provincial Fiscal Arrangements Act related to period of residence conditions.

The bill encourages mobility of Canadian citizens and permanent residents while assisting provinces to manage their finances. The bill amends the FPFAA to remove the penalties currently in place should a province wish to implement a minimum period of residence requirement with respect to provincial social assistance. The bill aligns residence conditions for the Canada social transfer with those of the Canada health transfer as well as with those of other advanced democracies in the world.

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

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COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, I move that the 53rd, 54th and 55th reports of the Standing Committee on Procedure and House Affairs presented to the House earlier today be concurred in.

(Motion agreed to)

[*Translation*]

INDUSTRY, SCIENCE AND TECHNOLOGY

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I move that the first report of the Standing Committee on Industry, Science and Technology, presented to the House on Monday, May 7, 2012, be concurred in.

I am pleased to speak about this very important report on e-commerce that was prepared by the Standing Committee on Industry, Science and Technology.

This is one of many reports that point out not only the difficulties being encountered in the area of e-commerce but also this government's failure to set out a digital strategy for Canada. The industry and opposition members have been calling for such a strategy for many years now, but the Minister of Industry has never said anything at all about a long-term digital strategy that would bring Canada into the 21st century. This report is perfectly in line with guidelines that could be established as part of this digital strategy.

We are well aware that the Conservatives are allergic to the word "strategy" because it implies that they will have to think long term, beyond 2015, and have a long-term vision that will help Canada to move forward. We are still waiting for the Conservatives. They need to set guidelines so that companies that provide wireless and telecommunication services know where they stand, so that small and medium-sized businesses also have access to the tools they need to develop, and so that Canadians have access to affordable and effective Internet services no matter where they live in this vast, beautiful country.

During our study of e-commerce, we determined that, in general, Canadians enjoy using the Internet and all the different ways of accessing it. However, the government does not seem to be aware of that. For instance, it is eliminating programs that, in some areas, provided the public with Internet access through libraries, and it is putting off the 700 MHz wireless spectrum auction. We are at a standstill while all the other OECD countries and even the emerging countries are making great strides in this area.

I would like to share some statistics that support what I am saying, which is that Canadians are avid Internet users. According to the Canadian Wireless Telecommunications Association, the CWTA, traffic on certain Canadian networks is growing by 5% each week. That is significant. The wireless penetration rate should exceed 100% in 2014. We need to know the quality and speed of the network so that we can ensure that service is the same all across Canada. Again, according to the CWTA, Canadians send more than 274 million texts per day. In the first nine months of 2012, they sent 61.5 billion. This responds to a very important need for Canadians, a need that is not new but has been around for a long time. History has demonstrated that Canada was built on that need for communication. That was the subject of our debate yesterday.

● (1010)

First nations were already travelling the lakes and rivers to meet with one another, to connect. The famous transcontinental train, which satisfied a need to connect Canada's regions, also helped build this country. Canadians have an ongoing need to communicate with one another, no matter where they live. In the 21st century, we have moved from connecting via lakes, rivers, roads and railways to connecting via a virtual highway.

Yet, there is no help from the government. There is no direction. There is no long-term strategy or vision to support the industry players and create infrastructure and ways to connect Canadians, regardless of their means or where they live.

When this e-commerce report was being prepared, the NDP did not just encourage the government to bridge the gap between Canada's regions, it demanded it.

We called for various things. My notes are in English, so I will say this in English, although I like to address the House in French. Actually, there is a great expression that sums up very well what I am trying to say. Right now, there is a divide between urban and rural or remote regions. The wish expressed by the NDP in the dissenting opinion would be a great objective that could be part of a digital strategy, if the government were to take some action and put these recommendations into practice.

We had a number of recommendations.

● (1015)

[*English*]

The NDP dissident opinion in the e-commerce report I am speaking to was presented by the Standing Committee on Industry, Science and Technology.

First, we asked the government to bridge the digital divide. Right now in Canada there is a digital divide whereby some regions are deprived of high-speed Internet and the means to communicate with other regions of Canada. There seems to be a lack of services or of reliability of service in different regions of Canada.

In the House of Commons, we have talked about how important it is to make sure that no matter where people live, whether in northern regions or rural regions or anywhere else in Canada, they are able to connect and participate in the economic development of Canada and our society.

I am thinking of the northern regions, where there is a lot of development going on and a lot of things are happening. A lot of first nations communities there could benefit if we could finally bridge that digital divide, but it will not happen just like that.

We need direction, we need a strategy and we need the leadership of a government that has a long-term vision to bridge the digital divide. It is badly needed.

There is also a knowledge divide. We need to fill the knowledge gap with respect to the Internet and technology to make sure that we know how to use it and that people have the knowledge to access and use it.

What is very important is to have small and medium-sized businesses able to adopt technology to have their businesses on the Internet and doing business on the Internet. That is very important.

I would like to give the House some statistics and quotes about technology adoption by businesses. Right now, at the industry committee, we continue to explore this issue, especially regarding small and medium-sized businesses. We have a government that is always at the forefront saying that it is for the economy and for building the economy, but its actions do not speak very loudly in helping the economy in a concrete manner and for the long term.

One witness we heard at committee, from the Canadian Chamber of Commerce, said:

> A recent study by the Boston Consulting Group of G20 countries indicates that Canada is behind in the adoption of technology by business, and in the size of our Internet economy.

We are not talking about the economy of the future but about the economy now, the knowledge economy. We are lagging behind. The witness said:

> The study concludes that this gap will widen over the coming years, meaning that Canada will lag behind its global competitors even more. The $4.2-trillion opportunity represented by the Internet will pass Canada by. This gap exists across the economy, across sectors, regardless of the size of the entity. [...] With our relatively small population and huge land mass the Canadian market is essentially California with a distribution challenge.

How can the Conservative government pass on a $4.2-trillion opportunity represented by the Internet?

The knowledge gap and the digital divide are all part of a digital strategy that is lacking from the government. The Conservatives are all for business and all for the economy, but they have no long-term strategy. The Minister of Industry is silent, even though report after report gives clues as to what that digital strategy could be.

● (1020)

[*Translation*]

The Canadian Federation of Independent Business also appeared and told us about the divide between consumers and small and medium-sized businesses. Consumers are very fond of online shopping, because it is very practical. More and more people are using this method to shop or want to shop online.

However, the federation noted that small and medium-sized businesses have a hard time adopting the technologies that would allow them to grow.

We are talking about technologies such as websites or online payment methods. The federation noted that there were problems with receiving electronic payments. You can have a nice website and try to adopt new technologies, but if you have problems with receiving payments when you are in business, things are not going very well.

Although websites are quite affordable now, they are an investment and need to be maintained. More and more businesses have a website. However, not being able to receive payments is an obstacle to our economy, the development of small and medium-sized businesses and regional development. That is why this is so important.

Small and medium-sized businesses create an awful lot of jobs. In fact, half of all jobs are created by small and medium-sized businesses. In addition, these are often local family businesses with deep roots in Canada. They are indeed part of our economy.

According to the results of a survey of members, the obstacles were the following. A number of members said that the implementation cost did not warrant the investment, that electronic payments were not commonplace in their sector, that they did not want to change the way they did business in terms of payments, that they were concerned about online security, and so on.

These barriers are the reason why small and medium-sized businesses are reluctant to embrace the technologies that could help them thrive. This is why our dissenting opinion spoke of the need for support from people who can introduce technologies within small and medium-sized businesses, focusing on both awareness and information.

Our recommendations also mention that the government must play a leading role in the adoption of e-commerce. The Government of Canada may well be a service provider, but it also acquires services so it can keep working. It is both a service provider and a service consumer. The government needs to be a leader on this issue.

Again, I call on the government to show leadership on the issue of a digital strategy that would include e-commerce and the famous spectrum auction I mentioned earlier, which has been delayed by rules that keep changing depending on the day and the Minister of Industry's mood. This also ends up creating a lot of uncertainty for telecommunication service providers.

I chose to speak on this subject because there is no strategy, no clear signal from the government, no plan that would ensure this new 21st-century tool is available to small and medium-sized businesses across Canada. This will not be the last time I speak on this very important issue.

● (1025)

[*English*]

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, there is a traditional auction company in my riding that has recently moved to an online platform. This company is a really good example of what we need more of in terms of small and medium enterprises adopting information communications technology. This company made the transition to an online platform, which now extends across Canada and into the United States, when it realized that the same people kept coming to its live auctions. Its customer base was an older demographic that was slowly shrinking. The company realized that it had to change the way it did business, because it was not viable in the long term, and that pushed it to move.

When I look at other small and medium enterprises and why they are not investing more in technology and trying to expand their businesses, quite often I find that there is no fat left in management. Management is very lean and very busy all the time and does not have a chance to think about the long term. I am wondering if that should also be a component of a long-term strategy and whether the report from the committee includes that.

[*Translation*]

Ms. Hélène LeBlanc: Mr. Speaker, that is an excellent question. That is why we need a digital strategy. My colleague's example is absolute proof of that.

Small and medium enterprises need help learning about the different opportunities available to them. They must be made aware of this.

The Canadian Federation of Independent Business poll indicates that, quite often, small and medium enterprises are not really aware of the programs that, seem to be offered by or through Industry Canada—it is not always clear. They are unable to access them because of their size and because it is complicated.

It is very important to have that opportunity. This excellent point could be included in a future digital strategy.

● (1030)

Mr. Dan Harris (Scarborough Southwest, NDP): Mr. Speaker, I thank my colleague for her passionate speech about the committee report.

She spoke at length about the absence of a digital strategy. That is why the official opposition had to prepare a dissenting report. Quite frankly, the government's lack of action on this matter is unbelievable.

[*English*]

I would also like to congratulate my colleague on the quality of her English, which improves every time she speaks in the House of Commons. Bilingualism is certainly very important for us in the NDP.

It is incredible that the government would be passing up the opportunity the Internet presents. My colleague said that there was a potential $3.4-trillion economic opportunity. The lack of leadership is unbelievable. The Federation of Canadian Municipalities and the Canadian Wireless Telecommunications Association came together and formed a policy on future cellphone towers, because the government will not do it. That is incredible leadership by them, but none by the government.

The member brought up the 700 megahertz auction that is coming up. It is going to be important for the future of our wireless communications and digital economy. The Minister of Industry said that he had no plan to make sure that Canadians receive the kind of money they need. The last auction raised $4 billion. Scotiabank estimates that the current auction might raise $2.6 billion, but the minister himself said that there is only going to be a floor of $900 million. He has no plan to make sure that we invest in telecommunications infrastructure in rural areas to help small and medium businesses all across the country. I would like to ask my colleague to comment on that.

[*Translation*]

Ms. Hélène LeBlanc: Mr. Speaker, I want to thank my colleague, who is my right-hand man when it comes this massive industry file.

He raised a very good point about the infamous rules that the Minister of Industry introduced for the all-important 700-megahertz spectrum auction. This highly coveted band, which some might call beach front property, will help us make great strides.

However, the minister's dithering on some of the rules has caused delays in what was supposed to be done by this spring. That being said, it is clear that the objectives of these rules will not be met. There will be rollout conditions. Rural and remote regions are much smaller and less lucrative markets for certain companies. Nevertheless, some players are interested in developing those markets and have already made quite a bit of progress. However, the minister is turning a deaf ear and, in fact, does not seem to be listening to the needs of all Canadians.

We can all agree that things are going quite well for people who live in Toronto, Montreal and Vancouver. Those markets are well served by the companies, but our more remote and rural regions are not, which presents a challenge to the small and medium-sized businesses in those regions that want to attract customers, including tourists.

[*English*]

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, that was an interesting discussion by the hon. member and I would like to build on it.

I am sure she is aware that right now there is a knock-down, drag-out battle for existing and new, upcoming bandwidth. A simple question, at least simple for me, is will we have an oligopoly that will rule, continue to rule and even become worse in Canada on utilizing that bandwidth for many things, including Internet wireless and cellphone use? As we know now, one of the biggies is trying to buy out one of the small, struggling companies.

Does she have an opinion or something to add at this incredibly important time about how to proceed and make sure that we do not end up with a small oligopoly controlling all of the bandwidth of Canada?

● (1035)

[*Translation*]

Ms. Hélène LeBlanc: Mr. Speaker, I thank my colleague for his question.

I do not have a crystal ball, but various probable or possible takeovers were recently mentioned in *The Globe and Mail* and other newspapers. I am monitoring the situation, but I do not have a crystal ball. However, we are certainly keeping an eye on the market and the effects on competition and competitiveness.

The Deputy Speaker: The hon. member for Pierrefonds—Dollard has just one minute for a short question.

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, it will not be easy to keep my question short.

I would like to talk about the importance of a strategy. My colleague is not only suggesting practical measures that should be taken, but she is also opening up the debate on the importance of a strategy. The Conservative government often doles out money to score political points, without any overall vision or objectives. I could give plenty of examples in several areas.

I know that my colleague thinks this vision is very important, and I would like to hear her thoughts on that.

Ms. Hélène LeBlanc: Mr. Speaker, this is an example of this government's lack of leadership in setting guidelines and developing a long-term strategy, whether it is a digital strategy or another kind of strategy. The government is always trying to score political points, but it should be developing a long-term strategic vision.

The Deputy Speaker: It is my duty to interrupt the proceedings on the motion. Pursuant to order made Wednesday, May 22, 2013, the debate is deemed adjourned. Accordingly, the debate on the motion will be rescheduled for another sitting.

* * *

PETITIONS

CANADA POST

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, I am presenting a petition signed by many voters who oppose the closure of the Sainte-Anne-de-Bellevue post office.

This is the second time in less than a year that Canada Post has wanted to close a post office in a town in my riding. In this case, people are being asked to take their business to a postal outlet located in a pharmacy. The petitioners are concerned that the pharmacy does not have enough post office boxes.

From now on, many residents, including students who may not necessarily have access to a car, will have to leave the Island of Montreal, cross over one or two bridges and go to Vaudreuil or Île-Perrot to deal with Canada Post.

[*English*]

41ST GENERAL ELECTION

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I have before me a petition signed by many Manitobans who have raised concerns regarding robocalls and issues relating to the election. They are asking that members of Parliament immediately enact legislation that would give Elections Canada the ability to restore public confidence in Canada's electoral system.

● (1040)

[*Translation*]

SHARK FINNING

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, I rise today to present a petition signed by many Canadians who want the importation of shark fins to be banned.

More than 73 million sharks are killed every year just for their fins. This has a direct impact on endangered shark species. The practice of shark finning is cruel. It consists of cutting off the shark's fins and throwing the body back into the ocean. That is why many Canadians oppose the importation of shark fins.

[*English*]

THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I am pleased to rise today in the House to present a petition from residents in my riding of Saanich—Gulf Islands. All of the petitioners who have signed this petition live on Salt Spring Island.

The petition is particularly timely as reports by the world meteorological organizations that monitor levels of CO_2 in the atmosphere have recently stated we have overtaken the 400-parts-per-million concentration level, which means humanity has changed the chemistry of the atmosphere.

The petitioners are calling upon the Government of Canada to reduce emissions consistent with what science requires, a 25% reduction below 1990 levels by 2020, moving to an 80% reduction in 1990 levels by 2050.

41ST GENERAL ELECTION

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the second petition is from residents from all over, including Toronto, Sarnia and other locations in Ontario. They are calling upon the House to launch a full investigative inquiry into the attempt to defraud voters that took place in many ridings across the country, the so-called robocall scandal, which has still not been subject to a complete investigation.

EXPERIMENTAL LAKES AREA

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, petitions regarding the Experimental Lakes Area just keep coming in. The issue will not go away.

I have a number of petitions here from Winnipeg, Manitoba, from people who still hope the government will reverse the decision on the ELA and continue it as a federally funded program. Failing that, the petitioners would like to see research continue there, and would like the government to make sure that the transfer that has been talked about really occurs.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

FAIR RAIL FREIGHT SERVICE ACT

The House proceeded to the consideration of Bill C-52, An Act to amend the Canada Transportation Act (administration, air and railway transportation and arbitration), as reported (without amendment) from the committee.

[*English*]

SPEAKER'S RULING

The Deputy Speaker: There are three motions in amendment standing on the notice paper for the report stage of Bill C-52.

[*Translation*]

Motions Nos. 1 to 3 will not be selected by the Chair, because they could have been presented in committee.

[*English*]

Therefore, there being no motions at report stage, the House will now proceed without debate to the putting of the question on the motion to concur in the bill at report stage.

● (1045)

Hon. Gordon O'Connor (for the Minister of Transport, Infrastructure and Communities) moved that the bill be concurred in.

[*Translation*]

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

Some hon. members: Agreed.

Some hon. members: On division.

(Motion agreed to)

[*English*]

When shall the bill be read the third time? By leave, now?

Some hon. members: Agreed.

Hon. Gordon O'Connor (for the Minister of Transport, Infrastructure and Communities) moved that the bill be read the third time and passed.

Mr. Lawrence Toet (Elmwood—Transcona, CPC): Mr. Speaker, I am pleased to speak today in support of Bill C-52, the fair rail freight service act.

Before I begin, I would like to thank the hon. Minister of Transport, Infrastructure and Communities for his tremendous leadership on this particular issue. I would also like to thank the members of the Standing Committee on Transport, Infrastructure and Communities, who have recently concluded a comprehensive study of Bill C-52 and referred it back to this House.

The committee held hearings for the past two and a half months, hearing from dozens of witnesses: from the shippers representing the agriculture, mining, forestry and chemical industries, to the railways —CN, CP, the Railway Association of Canada and the short lines— as well as other important supply chain partners such as the Canadian port authorities. I am very pleased that the committee has examined this legislation so thoroughly and carefully considered all of the various issues.

Our government remains focused on creating jobs, economic growth and long-term prosperity, and that is what Bill C-52 is all about.

Transportation plays a major role in supporting our government's economic agenda. It drives and attracts international trade, which makes it essential to ensuring Canada's economic competitiveness in the world. As this House knows, after years of neglect by the previous Liberal government, in 2008 our Conservative government launched the rail freight service review to get an accurate picture of how well the rail freight transportation system was working.

The review panel recommended commercial solutions to address service issues, with legislation to be used as a backstop if necessary. In response, our government committed in March 2011 to table a bill on rail freight service, and Bill C-52 delivers on that promise.

The fair rail freight service act would strongly deliver for shippers by giving them more leverage to negotiate service level agreements with the railways. This would expand the clarity, predictability and reliability they need to succeed in global markets.

This bill would amend the Canada Transportation Act to give shippers the right to request a service level agreement from a rail company. In the event that rail companies and shippers were unable to reach an agreement on their own, the bill would create an arbitration process to establish the terms of service that a shipper is entitled to receive from the railway.

Bill C-52 would grant the arbitrator the power to define, in a forward-looking manner, the railway's service obligations for a specific shipper. The arbitrator's decision would be backed by very strong enforcement tools to ensure compliance by the railways. In addition to the existing enforcement tools that already exist in the Canada Transportation Act, Bill C-52 proposes to give the Canadian Transportation Agency the power to impose administrative monetary penalties on railways to hold them accountable for their service obligations.

During second reading, some of my opposition colleagues across the way raised some concerns about the bill that I would like to address.

First, there were questions regarding the ability of shippers to trigger the arbitration process. Bill C-52 is very clear that the shipper would trigger the arbitration process, not the railway, and the threshold to access arbitration would be quite low. To begin the process, a shipper would only need to demonstrate to the Canadian Transportation Agency that an effort had been made to reach a service level agreement commercially and that a 15-day notice had been served on the railway prior to the arbitration request. Then the shipper would present to the agency the issues he or she would like resolved and ask that these be referred to arbitration. In short, the shipper would get to frame the issues that were submitted for arbitration.

Second, some opposition members raised concerns that the level of the administrative monetary penalty would be too low. The level of the penalty would be significant: up to $100,000 per violation per arbitrated service level agreement. This amount is four times the level of other administrative monetary penalties in the act. If a railway had multiple violations, it could be fined many multiples of $100,000. This would be a very strong enforcement tool.

● (1050)

I would also like to speak on issues raised at committee hearings. As I mentioned earlier, during the hearings on Bill C-52, the Standing Committee on Transport, Infrastructure and Communities heard testimony from everyone wanting to share their views on Bill C-52: shippers, railways, ports and many associations that lobby for rail freight shipping in Canada. Overall, it is clear that shippers support Bill C-52. They overwhelmingly said that this legislation would give them more leverage in their negotiations with the railways.

There were some concerns raised by my opposition colleagues at committee, which I would also like to address. Some questioned whether *force majeure* clauses and performance metrics are captured in the scope of what an arbitrator could impose in a service level agreement. Transport Canada officials testified before the committee and made it very clear that both *force majeure* and performance metrics are included in the bill.

The shippers suggested some amendments that the committee ultimately judged, after careful consideration, as unacceptable. There were two reasons for this. First, many of the amendments were contrary to the approach to arbitration in Bill C-52, which would give the arbitrator broad discretion to impose the right service contract for a particular situation, in recognition of the fact that each situation is different and there is no one-size-fits-all solution. It is important for the House to understand that legislation is a very blunt instrument and rail freight service issues are often extremely complex. Therefore it is essential to ensure the arbitrator would have enough flexibility to impose a service contract that made sense, given the unique circumstances of each case. For example, shippers asked for changes to the level of service provision that would prescribe detailed service obligations for railways. This would limit the arbitrator's ability to consider the circumstances of each shipper and establish service agreements on a case-by-case basis. Under Bill C-52, the arbitrator would still be able to include every service element a shipper could ask for.

Second, some of the shipper amendments were not possible because of inherent legal risks associated with the proposals, which in some cases would be unprecedented concepts in Canadian law. The committee examined this very carefully. The shippers sought amendments to give the arbitrator the ability to impose pre-established damages or penalties that the railway would pay in the event of a hypothetical service breach in the future. This concept is not consistent with the way damages are handled in contractual law and it is not consistent with the role of regulatory agencies, which is to enforce compliance after an actual breach, not before a potential breach. It is also full of legal risks and would limit the ability of shippers to seek actual damages in court after a service breach.

Also, shippers asked that the arbitrator not take into account the railway's obligation to other shippers and users of the network. It is very clear that the way a railway serves one shipper will affect the service to another. That is the nature of the railway business. It would be completely irresponsible for the arbitrator to be denied the ability to consider the railway's network and its service obligations to other shippers. Such a proposal could have devastating consequences for our entire rail freight system, harming all shippers and threatening our economy. This is why it is important for Bill C-52 to require the arbitrator to consider the rail network and the railway's obligation to other shippers.

The railways strongly maintain that the bill is not required, given recent improvements to rail service. They warned about unintended consequences of regulation and the potential negative effects of government intervention on the efficiency of the supply chain. They are opposed to the entire premise of this legislation.

That said, the railways also requested amendments at committee stage, which were carefully considered. Ultimately, their amendments were also determined to be unnecessary. For example, the railways proposed to limit access to arbitration to only captive shippers, those that have no alternative means of transporting their goods. This amendment would unduly restrict access to service arbitration for shippers, reduce shippers' ability to establish service terms in a timely manner to address their business needs and conflict with existing shipper protection clauses in the act that are available for all shippers.

● (1055)

The railways also proposed an amendment to completely eliminate the administrative monetary penalties provision in Bill C-52. Again, this proposed amendment was rejected by the committee because it is important to ensure that the Canadian Transportation Agency would have a strong enforcement tool to force the railways to comply with the arbitrated service level agreements if necessary.

The testimony heard at committee clearly demonstrated the extent to which shippers and railways have very different perspectives on these issues. This underscores the need for Parliament to assess their proposals with a view to ensuring that the fair rail freight service act would maintain its original focus, which would be to ensure that shippers would have the leverage they need to secure service level agreements from the railways, but do it in a way that would not undermine the efficiency and performance of the rail transportation system as a whole. Bill C-52 would do exactly that. It would support shippers' needs for commercially negotiated service agreements and would provide a legislative backstop if those negotiations were to fail. I believe the bill would strike the right balance for our entire Canadian economy.

I also would like to speak to those benefits to the economy. By working together, Canada's railways, farmers and many others who harvest and ship our natural resources have helped to build our great country. Beyond their own businesses, they drive economic growth and create jobs right across Canada. However, those in agriculture and resource production depend on efficient, effective and reliable rail service to move their products to customers in Canada and around the world. For example, last year Canadian farms shipped more than $3 billion in agricultural products by rail. By ensuring more reliable shipping from gate to plate, as they say, Bill C-52 would help strengthen the livelihood of those who produce food in this country.

Before this legislation was tabled, the shippers asked the government to include three essential elements in the bill for it to be successful. They were, one, a right to a service level agreement with the railways; two, a process to establish a service level agreement when commercial negotiations fail; and three, consequences for non-performance on the part of the railways. I am proud to say that Bill C-52 would deliver all three of these elements.

The range of support for Bill C-52 is broad. Consider these comments:

The Coalition of Rail Shippers said, "Bill C-52 meets the fundamental requests of railway customers for commercial agreements".

Greg Stewart of Sinclar Group Forest Products Ltd. told the committee on March 7, 2013, that the proposed legislation was "...a significant improvement and will reduce the risk" for shippers.

Jim Facette, CEO of the Canadian Propane Association, told the committee:

> We believe this piece of legislation...provides a very good balance between railways and shippers. We're not coming today with any changes at all. Finding a balance is very, very difficult.... For us, it contains all the mechanisms and measures we requested some years ago: a right to a level of service agreement, an arbitration process, and administrative monetary penalties.

Mr. Facette also said that Bill C-52:

> is viewed by the propane industry as a balanced approach to managing relations between railways and shippers, and the CPA urges Parliament to pass the legislation in a timely manner.

Also at committee, representatives from the ports expressed strong support for this bill. Mr. Peter Xotta, vice-president of planning and operations at Port Metro Vancouver, said:

> ...Bill C-52 is extremely important to Port Metro Vancouver.... Clearly, the establishment of service agreements through normal commercial processes should be encouraged, with arbitration as a last resort.

The Prince Rupert Port Authority noted that it:

> ...supports what we believe is the principal object of this piece of legislation, which is to ensure that there are agreements in place that provide clarity, transparency, and certainty both to shippers and to rail lines regarding the obligations of both parties in their roles in the supply chain.

The fair rail freight service act would help build a more prosperous economy. It would create a strong incentive for both shippers and railways to work together to negotiate service agreements commercially, and it would create a fast and efficient arbitration process if these negotiations were to fail to achieve the clarity and predictability that shippers need.

● (1100)

In conclusion, let me say to my colleagues in this House that we need to pass Bill C-52 as soon as possible to ensure that our rail system and Canada's economy are on the right track.

The proposed legislation would deliver significantly for shippers and would fulfill our government's promise to create a legislative backstop for fair rail freight service issues. However, well beyond the shippers, I would like to stress that the real winner would be the entire Canadian economy. By strengthening our agricultural and resource producers, the bill would build prosperity for many of the people we represent.

I call upon all members of the House to support Bill C-52, expedite its passage through the remaining parliamentary stages and refer it to the other place without delay.

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, I listened with interest to my colleague's comments. While it is clear that the bill would move the yardsticks somewhat for the rail shippers, it is also clear that the rail shippers themselves are not satisfied with the final result.

In particular, the rail shippers themselves feel that the economic might of the rail companies, one of which made $2.7 billion last year, would not actually be deterred in any way by an administrative monetary penalty of $100,000, which in fact is less than 1/1000th of a per cent of the earnings of one of these companies.

Also, they are concerned that there is no mechanism in the bill for them to be able to avoid suing these rail companies should there be a breach, whereas in labour arbitrations and in labour collective agreements, there is always a way for the smaller player, the individual, to take on the bigger player, the employer. That is absent from the bill, and we believe it to be a very large failing.

I wonder if my colleague would comment on that failing.

Mr. Lawrence Toet: Mr. Speaker, the administrative monetary penalty in this bill is actually quite significant, because it is not a one-time $100,000 penalty. The administrative penalty could be applied many times over the course of a service level agreement if the railway did not fulfill its obligations.

It is also important to note that this particular act, and I spoke of this, would not take away the ability for a shipper to go through the normal court process if it feels that a service level agreement has not been fulfilled and that has incurred financial costs. The shipper would still have the ability to go through the courts to seek a finding to force the railway companies to pay those final bills.

[*Translation*]

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Mr. Speaker, I would like to thank the member for his speech. We work together on the Standing Committee on Transport, Infrastructure and Communities, and we had the pleasure of studying this issue at a number of meetings.

The Conservatives have a habit of coming to committee with preconceived notions, and I find that disappointing. They do not really listen to witnesses. They do not ask questions to determine if the witnesses' testimony is relevant or not because they follow their ideology and their minds are made up. Pardon my language, but they just do not seem to give a damn.

The Coalition of Rail Shippers proposed six minor amendments that, in my opinion, would really help them. The coalition believes that even though the bill helps them and is a step in the right direction, it gives far more support to CN and CP.

I am wondering if my colleague is able to list three of those amendments. I sometimes get the impression that the Conservatives did not even necessarily listen to them, let alone really study them. Could he list three of the amendments and tell me why he voted against them?

● (1105)

[*English*]

Mr. Lawrence Toet: Mr. Speaker, the hon. member's comments about our having preconceived notions is completely false. As a member of the committee, she would know that we ask many tough questions of both the shippers and the railways in asking them to back up their requests for amendments.

We talked very closely about many of the considerations they brought forward, and we addressed them specifically in committee with the witnesses who came before us.

One of the specific examples was the desire of the shippers to have the network not be looked at as part of the arbitration process. They did not want the arbitrator to look at the whole network as part of the process. If we do not look at the whole network and we tell the shippers that the rail freight company only has to look at their particular issue and does not have to worry about the big picture of shifting freight across Canada for multiple shippers but just their particular issue, we would have a situation in which a shipper would be tying up the resources of the railway for an undetermined and unlimited amount of time and affecting other shippers because they would not be able to get their goods to market.

Would it be fair that one shipper could basically hold many other shippers across Canada hostage? It is wrong, and it could be a complete collapse of the network if we allowed that to happen. That is one example in which we listened very closely and closely questioned the witnesses who appeared. We closely questioned the shippers.

We did go through a deliberate process. We looked very closely at the request for amendments, and we determined that those amendment requests were actually contrary to what they were trying to accomplish, and were actually even dangerous for themselves in many items. That was also pointed out very clearly by Transport Canada officials. It was one of those situations in which they needed to be aware of what they were asking for, because they might not be getting what they thought they were getting.

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, the Conservatives obviously have a hard time understanding that rail transportation is a public service and one that is essential to the Canadian economy.

How can this government hope to ensure—with this incomplete bill that provides only some solutions—that our natural resources will be developed and exported in a timely manner and at prices that will help the economy grow?

[*English*]

Mr. Lawrence Toet: Mr. Speaker, it is refreshing to hear somebody from the NDP talking about resource development being necessary in this country, because so often NDP members stand in the House and say that we should not develop anything and should shut down all resource development. It is refreshing at least to hear that they have a desire to have resource development in our country. We hope they will get on board with some of our resource development initiatives.

It is also important to remember that the railways are an essential service. That is why the government did a review. We looked at the report and the review very closely and came up with a solution that serves the railways so that they can continue to serve all shippers across the country.

This legislation always has been considered as a backstop. We would love to see no arbitration cases ever come out of the legislation. We have now given an incentive and a little more strength to the shippers to be able to go to the railways and negotiate commercial solutions and commercial service level agreements. That is ultimately the goal of the legislation.

I believe very strongly it will deliver on that goal and I look forward to seeing the bill passed by this House and moved to the other House very quickly.

Mr. Dan Harris (Scarborough Southwest, NDP): Mr. Speaker, on this side we want to see resource development that takes our environment into account and creates jobs here in Canada for Canadians instead of flushing them down a pipeline to the United States to the tune of 40,000 lost jobs.

On this issue, 80% of the service commitments for agricultural rail customers are currently not being met. As well, 80% of the shippers are not satisfied with the services they are receiving. The shippers are so desperate for anything at this point that they welcome even the watered down and weak protections offered by the bill, which would be stronger if the government had listened to our recommendations in committee.

A few minutes ago the member mentioned that they had recourse to the courts. Of course this is important and valuable, but is that the government's solution—that companies should have to go to the courts? Why not write a bill that would not force shippers to have to go to the courts, spend money and waste the time of the court in trying to deal with legitimate issues?

● (1110)

Mr. Lawrence Toet: Mr. Speaker, they do have recourse to the courts, and that is something that is a final backstop. The administrative monetary penalties in the act are very strong, and the railways will be looking at them very closely. No railway that has to report to its shareholders wants to be paying fines in the millions of dollars over the course of the year for a failure to deliver on an agreement that it made. There is great protection in here for the shippers, and it allows the railways to continue to operate so that we can deliver the goods around the world for Canadians.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, for many years now, whether it be grain farmers, forestry companies or mining companies, what they have wanted to do is to ship their products from coast to coast to coast so that they could get loaded into a container and be exported. Eighty per cent of the shippers have been saying that the service that they are getting from rail companies is not satisfactory.

Why is that? It is because in Canada there is really a monopoly of service. CN and CP control all the tracks. They do not compete with each other, and there are no other choices. Yes, perhaps shippers could use trucks, but imagine large amounts of coal or large numbers of logs being shipped by truck. It is just not feasible.

Many grain, lentil or soybean farmers and many in the forestry industry are saying they need to get their products to the coast on time. They need to have advance warning if a train will not be coming on time. They also need to be assured that if the service is not satisfactory, there would be some kind of refund or compensation. If not, there would be a complete imbalance of power in that the rail companies could say whatever they want, charge whatever they want, deliver whatever kind of service they want and not worry about losing customers. The market is completely skewed. We all firmly believe that competition matters and that shippers should get the right price, but in this case there is no competition at all. There is a complete imbalance.

What is happening is that sometimes with no or very short advance warning, the train does not show up on time, or if it does show up, it does not deliver the products on time. As a result, the grain rots. Sometimes the company hires a large group of people to get the grain, or whatever product they are trying to ship, ready to be shipped, and the trains do not arrive. What do they do? Some of the companies, rather than booking one container, will book several, one before and one after, because if the products do not show up on time, they do not get their product exported properly. As a result, millions of dollars are lost because of poor rail freight service.

Successive governments have said they understood the problem and would do something about it. They talked a lot about it, yet nothing has been done.

The Conservatives promised that action would be taken. They first had a stakeholder panel and did a study. That study consulted everyone, and it took many years. As the report came forward, the rail companies said they did not need legislation; they would provide good service, and we should not worry about it. The Conservative government at the time agreed, but suggested a mediation process, the idea being to see how it went and then, if that did not work out, it would introduce legislation. Most of the shippers agreed to give it a try, although they did not think it would work because of the complete imbalance of power.

The Conservatives then made a promise in the last election that action would be taken. Now, two and a half years later, we finally see a bill in front of us.

● (1115)

Last year I got very impatient, so I established a private member's bill. I took the stakeholders' report and all of the recommendations in it and put them into a private member's bill. The shippers looked at the private member's bill and thought it was a model for what should be done and said that if the government were to take action, that should be the kind of legislation that should be made into law.

Unfortunately, we have this bill in front of us. This bill is a start. However, it does not include a model of what a service agreement should be, which means that companies that have no service agreements have to start with a blank slate. Instead of having a framework, with a model, they have no guidelines and have to start from square one with no template to back up their right to service agreements. That is very unfortunate. Negotiations need flexibility, but they should not have to start with a blank piece of paper. Optional elements should include performance measures, communication protocols and consequences for non-performance. None of that is in this bill, which is unfortunate.

This bill would only cover those that have no service agreements. Any companies that have service agreements with CN and CP would not be covered, unfortunately. In terms of conflict resolution, the shippers want a process like arbitration that covers not only negotiations for new contracts but also violations of existing contracts. Companies could have existing contracts, but if punishments are not spelled out, how would those contracts be honoured? Conflict resolution has to be accessible and affordable for all shippers. Unfortunately, this bill made it very complex. For some of the smaller companies in the forest industry and farmers, it is going to be very difficult to access because of the process and the red tape involved in this bill.

One of the critical points shippers have been talking about is that there has to be compensation for non-performance. If their products are not delivered on time, there have to be consequences. Unfortunately, there are none. Shippers need to be compensated for contract violations, not just when an arbitration agreement is reached. Any penalties have to go straight to the shippers, not to the federal government.

What does this bill do? This bill says that if CN or CP violate a contract, and compensation is awarded to the shipper and not to CN or CP, then they should pay a fine. I think the fine is something like $100,000. The amount of $100,000 is too small, and the penalty does not go to the customers. It goes to the government. That does not make sense. If I am a customer, go into an arbitration process and prove to Transport Canada that the company was not providing good service to me, the customer, one would think that the reward would go to the customer. In this case, no, it goes to the government. In some ways, that is a bit of a tax grab.

Bill C-52 covers only new agreements and not existing ones, as I said earlier. This bill would unfairly exclude shippers from any protection and conflict resolution measures. Instead, they would be stuck with continued contract violations, with retribution.

I heard my Conservative colleague say that they could always go to court. Of course they could always go to court. Why do we need a government, then? They could go to court now, of course. The problem is that the court process is long, involved, and expensive. Companies would end up spending most of the money on lawyers rather than on producing better products for their customers.

● (1120)

What does all of this mean? It means that a lot of Canadian customers, whether they are logging companies or grain farmers, are saying that it is hurting their exports. It is hurting Canada's productivity. It is costing our economy millions of dollars. Because they have no say over how the pricing works, they were hoping that this bill would not just talk about the service but would talk about the pricing.

We could have the best service, but if the price is too high and farmers cannot afford to ship their grain, what good is it? Unfortunately, that key component is missing from the bill in front of us. It deals only with service, service contracts and service agreements but not with pricing. That big chunk still has to be tackled through the Canada Transportation Act.

We need to know what fair pricing is. Right now, we do not know, and the government has not tracked it. We also need to know what kind of performance standards should be acceptable. There needs to be a model so that people could learn from best practices. That, too, is missing.

Yes, the shippers were happy that there was finally some kind of legislation, weak though it is. They want it passed. However, the coalition of all rail shippers came together and said that they wanted a series of amendments. They did a lot of good work. They came to the transport committee and they proposed six areas to work on.

They want to tackle the problem of what should be in the service level agreements. They want to make sure that they are legally protected. They want to allow shippers to include arbitration conflict resolution in service level agreements for non-performance. They want protection from additional service charges. That is important, because we can have an agreement, but if service charges are laid on all of a sudden, it is very difficult for shippers to plan ahead.

They want to narrow the arbitration to what the shippers' complaints are about and not allow the rail companies to broaden the scope of the arbitration. It is hard to believe that this bill, which is supposed to support the shippers, would allow shippers to put in their complaint after which CN and CP could say that they too have things to put on the table, which they could do. The shippers are slightly worried about that. I do not blame them. It is almost like protection against retaliation. If they dare challenge the CN and CP monopoly and dare to say that the service is not up to par and they take it to arbitration, CN and CP could retaliate and cost them a lot of money.

Remember, CN had a $3-billion profit last year, so it is not doing too badly. CP will also begin to have a profit margin.

The shippers' last recommendation was to lighten the burden of proof on shippers to demonstrate that they are captive during the arbitration.

Those are the six recommendations they had. They provided detailed support and documentation. They looked at the bill very carefully. They hired lawyers and different companies, whether they were logging and forestry industries, Canada Post, or the coalition itself, which all came in and said that this would make the bill much stronger.

● (1125)

Unfortunately, without much debate, without much deliberation, the Conservative majority on the transport committee said no and voted down all of the recommendations. That is really unfortunate. In some ways it is a betrayal of the good faith of these companies. They have been waiting for years for action. They have been waiting for legislation. They have been very patient. They waited for over a year for the negotiator, Mr. Dinning, to be appointed. They waited a year, because the Conservatives were not doing anything. Right after the election, the Conservatives had a blueprint showing how to go forward, but they did nothing. A year later, they appointed Mr. Dinning. The report took a long time, and this legislation has taken a long time.

Flawed as the legislation is, we as New Democrats support the bill, because it is better than nothing, but there is a lot of room for improvement.

Ultimately, Canada needs two pieces of legislation. The first piece of legislation would regulate and would clearly indicate to CN and CP what the performance standards should be, what the arbitration process should be, what kind of service contract should be given to the shippers, and what the results, the consequences, the penalty would be if the company failed to satisfy customers.

We also need a second piece of legislation that would provide a level playing field and deal with pricing. How much should it really be? How much should it cost? What would be the upper and the lower range? We need to let the market dictate pricing, but because the market is completely skewed right now, there is no competition. The government needs to step in and provide the support Canadian companies are desperately looking for.

All of the products Canada exports require a good transportation system, whether one is a small soybean farmer or one is shipping lentils or logs outside Canada. More and more oil is being shipped by rail. Rail service is good for the environment. It is an efficient way of moving things. We would prefer to see more train service rather than more trucks. As a result, the NDP believes that the Canada Transportation Act must be amended so that there is a level playing field for all shippers.

We support the bill, but we wish the Conservatives would listen to their constituents and these companies a lot more.

● (1130)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I wonder if the member could provide comment on the shippers' expectations since 2008, when they expected the government to take some action on the issue. It was a couple of years later that the panel ultimately pointed out the degree to which some legislation needed to be brought in. Initially it was expected that something was going to be put in place that would allow shippers to be on a more level playing field. Today shippers are disappointed that the government has not gone far enough.

I wonder if my colleague could provide some specific comment with regard to those expectations.

Ms. Olivia Chow: Mr. Speaker, the shippers have been voicing their discontent since 2007. A talk-it-out-and-wait tactic was employed, starting with the promise of an expert panel review. The freight rail service review started in 2008 and the independent expert panel's final report was tabled in early 2011. There were a lot of pent-up expectations. In the fall of 2011, the Conservatives started a mediation process. It did not yield any results. CN and CP were unwilling to make any meaningful concessions. The mediation process was led by retired Conservative politician, University of Calgary Chancellor Jim Dinning. It failed. Mr. Dinning released a report in June 2012. Then the Minister of Transport promised legislation in the fall.

We gave the government a model piece of legislation using the expert panel's recommendations. Perhaps the CN and CP lobbying effort was too powerful and as a result they were successful. There were dozens of documented visits to government offices. A media campaign undertaken by CN showed its determination to keep the status quo.

It is quite unfortunate that we have such a watered-down bill as a result. There is massive disappointment in the industry. However, they see it as a first step. Hopefully, there will be better legislation in the future when the NDP form the government in 2015.

Mr. Paul Calandra (Oak Ridges—Markham, CPC): Mr. Speaker, I thank the opposition critic for her support of the bill. As she mentioned it is an important bill and we have had a lot of consultation with respect to it.

I would also note that it is supported by Pulse Canada, the Grain Growers of Canada, the Forest Products Association of Canada, the Western Barley Growers Association, the Chemistry Industry Association of Canada, the Western Grain Elevator Association, the Fertilizer Institute, the canola growers, the western Canadian grain growers. There is a very broad level of support for this bill.

I am happy that the NDP members are supporting it. I wonder if the critic will work with her colleagues to help them understand just how important the bill is and if we can expect them to work with us to get the bill passed as soon as possible.

● (1135)

Ms. Olivia Chow: Mr. Speaker, after we have been pushing the minister for five years, since I became the transport critic, I have personally been writing letters, bills and working with the Coalition of Rail Shippers. I have met with all of them and they do support it. On February 20 they provided a comprehensive list of recommendations, not just for the NDP but for every member of Parliament in every party. It lists the problem, why it is a problem and then a fix. It was very clear. They took the bill, dissected it and made very clear recommendations. None of what they wanted went into it. They do want some action. However, they certainly want to be listened to.

One aspect of the consultation process is to hear and listen. It makes no sense to consult and then not listen to any of the recommendations. These shippers came to the transport committee and we consulted with them, but none of their recommendations were accepted, which is unfortunate.

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, I want to thank my colleague from Trinity—Spadina for her excellent work on this bill and on all of the shippers' concerns.

I would note that very recently, in fact, there have been difficulties with shipments out of this country to other countries, which is indicative, I think, of the problems that we have with the bill. Bill C-52 corrects some of the problems, but it does not correct all of the problems. The shippers are not universally happy with the results.

The NDP agrees that we are a trading nation. However, if, as a trading nation, Canada has an inefficient and outdated service model for delivering goods to its ports, we cannot compete and we will lose in the overall trading field in the rest of the world.

I wonder if the member would like to comment further on our position in the world with regard to trade when it comes to things like Bill C-52 and our attempts to make it better.

Ms. Olivia Chow: Mr. Speaker, to have a successful export policy, and for Canada to have a good reputation around the world as being a country that knows how to export, we have to deliver products on time. We cannot say that we will send a number of containers of logs or tonnes of grain, but then have the containers not show up on time. Therefore, it is critically important for our export market to have a good transportation system.

Unfortunately, a fundamental weakness with Bill C-52 is with the outline of the arbitration process, which could not only be too expensive for some shippers, but the option of arbitration is only available when contract negotiations fail and not in the case of violations to existing service level agreements.

For example, if CN promised a certain performance standard through the service agreement and violated that service agreement, that should automatically trigger arbitration. However, in this case, the bill does not say that. The bill says that one can only go into the arbitration process when the contract negotiation fails, which could take a long time, could be very costly and it is not exactly what the shippers want.

● (1140)

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, CN was privatized in 1995. Would it not have made more sense, at that time, to establish a policy to protect Canada's economic interests instead of just sacrificing a public asset to neo-liberalism?

[*English*]

Ms. Olivia Chow: Mr. Speaker, that is a perfect question.

Yes, that would have been the time to set all the legislation in place. It would also have been the time to make sure that there was VIA Rail legislation, which we still do not have. As a result, passenger rail service is declining at a time when other countries around the world are increasing their passenger rail services.

Remember, more than 70% of all goods in Canada are shipped by rail. If we do not have good rail service, we do not have good export capabilities.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is important that we recognize the true reason we have this bill before us today. It is not because the government wants to provide good, sound legislation. Yes, there is some reason to be encouraged by the legislation we are debating today, but let there be no doubt that the government has fallen short. The bottom line is that there is some legislation likely to be passed at some point in the near future that would improve upon the system, but it not something that has been driven by the government.

Virtually since 2007, maybe even a year or two prior, possibly during the organizing of shippers, stakeholders who have an interest and felt that there needed to be something done in terms of legislation, ultimately came together. They started not only to put pressure on government, but also to ensure that opposition parties were in that loop, so that shippers and all Canadians would benefit by good, sound legislation.

When we think of those stakeholders, individuals or organizations, we are talking about industries such as agriculture, forestry, minerals, chemicals, fertilizers, oil and gas, and of course, our manufactured goods. These are all critical industries from coast to coast to coast that need to be recognized in terms of their valuable economic impact for all Canadians. It has taken years now for the government to take action. It is safe to say that the government could have acted on this issue much more quickly. That is something that I would ultimately argue. I would point out a couple of thoughts in terms of the legislation, but let there be no doubt that the only reason why we have it today is because of the efforts of those industries and their appeal to government and opposition parties that we need to get this legislation not only introduced, but ultimately passed.

I would then argue that we had a wonderful opportunity to deal with the issue in such a fashion that it could have made even that much more of a positive impact. In fact, when the government first introduced the legislation, there was quite a sense of yes, finally it is there. Then there is an expectation, especially when it deals with the service level agreement, which was absolutely critical in terms of seeing any type of legislation brought to the floor of the House. That was a critical and absolute necessity in order to move forward.

The government has now had ample time to come up with the single, largest, most important component, the service agreement. Even though it is in the legislation and that is why initially there was a great deal of support for it, a lot of that support has dwindled. It is not as enthusiastic as it could have been or should have been. That is because we start to see that the government really did nowhere near what it could have done in introducing this legislation.

I know the deputy leader of the Liberal Party on numerous occasions, whether in question period or different addresses to the House, has talked about the importance of our railways and the services they provide, as no doubt all members of Parliament will.

● (1145)

I know the member for Wascana has felt very passionate about this issue and has done a fabulous job in representing the position of the Liberal Party of Canada on this. We have emphasized how critically important it is that we get this legislation. While the government sat and waited, the member for Wascana continued to raise the profile of this issue, whether it was inside or outside the House because we recognized what the industry stakeholders had said.

If members want take a look at those industries, some of which I listed a few minutes ago, they could easily understand why it is such a critically important issue. We are talking about the transportation of goods not only from east to west but also from north to south and around the world through our ports. It is critically important to each and every person who calls Canada their home that we do the right thing.

One could question why it took the government as long as it did to bring this legislation forward. Suffice to say, we do see it as a step forward, and therefore the Liberal Party will in fact support Bill C-52.

However, if the government had listened to what took place in committee, let there be no doubt, we would have better legislation. At the report stage, the deputy leader of the Liberal Party tried to bring in three amendments that would have dramatically improved the legislation.

The government has been afforded the opportunity to support good amendments that have been brought forward but, for whatever reason, it has chosen not to. I suspect there might be a philosophical twist to it that comes out of the Reform Party days, where the Conservative Party originated, which does not necessarily speak to the interests of all Canadians, but rather to a specific group of individuals in Canada. One could question why the government did not recognize the importance of those amendments and allow them to pass.

I would like to make reference to one specific amendment. This was made an hour or so ago, and was yet another attempt, not the first attempt, by the deputy leader of the Liberal Party to improve the legislation. It was to amend clause 11. We wanted to add the following to paragraph (2):

> For greater certainty, nothing in this Act prevents the arbitrator from including in his or her decision terms providing for compensation payments to be made by the railway company to the shipper in the event of losses incurred by the shipper as a result of any failure by the railway company to fulfill its service obligations as provided under section 169.31.

This is not the only time the deputy leader of the Liberal Party has attempted to get that included in the legislation. An attempt was also made in the committee stage.

One has to question the government about why it would not. Is it not concerned about the shipper? All this amendment would have done was allowed the discretion of the arbitrator to say that given what had taken place, some of that money should be allowed to directly flow to the shipper. After all, in most cases if not all, the arbitration process will be triggered by the shipper. The individual that is most handicapped, the individual that is not on the level playing field, is the shipper.

● (1150)

It is a legitimate question to pose for the government. If it recognized the efforts that the shipper had put in, not only the preparation in the advocacy role of the legislation and the literally hundreds, if not thousands, of collective hours that would be put into this whole process, why then was the government not prepared to listen to what was said? Why does the government, this Reform-Conservative government, not see the value of at least allowing this amendment to move forward?

At the end of my comments I will be provided the opportunity to answer questions. I would welcome any government member to stand in his or her place to explain to the shippers why they should not be allowed any sort of compensation directly to them from an arbitrator of some sort that would allow them to be compensated. I would have thought this would be a positive thing.

Members do not have to just listen to the Liberal Party. I suspect that if members listened to some of the individuals who presented to the panel or at the committee stage when the bill was in committee, they would have heard the same sort of response, the response that there was absolutely nothing wrong with the amendment that had been suggested by the member for Wascana.

The Liberal Party will support Bill C-52, but the government has made a mistake by not going far enough. We are not too late to improve the system, if the government really and truly wants to. We have seen this in the past.

The member for Wascana, on behalf of the Liberal Party, introduced a few amendments, three of which we attempted to bring in at report stage on this bill. It is not too late. The bill still has to, technically, go through the Senate. We have seen this before when the member for Mount Royal, the critic from the Liberal Party, made amendments in the House and they were soundly rejected. However, then the Senate, in its wisdom, was able to incorporate virtually the identical amendments that strengthened the legislation.

I am an optimist. I hope the government will not only look at the amendment that we attempted to move today, but will consider some of those other amendments that would ensure a level playing field for the different stakeholders to which this legislation hopes to appeal. I hope the government is listening on that point because it is still not too late.

The railway freight review process really began in 2008. There was a commitment in 2008; then a panel would have been appointed in 2009, and then we had the report in 2010.

● (1155)

One of the most important aspects of the report, which I took note of, was a statement that shippers were getting the railway services they had ordered approximately 50% of the time. Imagine shippers knowing that once they deliver their product to where it needs to be picked up by the rail line to get it to its destination, 50% of the time something goes wrong so they cannot make a commitment. That is very telling.

The rail line companies have had plenty of opportunity over time, in a good faith manner, to resolve the many different outstanding issues. However, if I am a producer of commodity X and can get my product to the station, but 50% of the time there will not be a car even though it was pre-booked, what do I do, as a shipper? For shippers, that is a truly amazing situation. This is one of the reasons this legislation is important. It has raised issues of that nature.

We recognize the right to have a service level agreement. These service level agreements are absolutely critical for the government to have incorporated into the legislation. If we talk to the stakeholders, what we will find is that an unlevel playing field allows them very limited flexibility in competition. The competition is even becoming that much scarcer. There is the whole issue of rail line abandonment and improvement of our rail lines. I could probably spend a great deal of time talking about that.

In some regions in Canada, particularly in our Prairies, it is amazing how the concentration of rail lines has taken place. There was a time when we could travel all over the province of Manitoba, Saskatchewan and a good part of Alberta, and we would see all sorts of rail lines that would feed into the main line. They would go to places such as locations of commodities in our agricultural community. We would have many of these wooden elevators seen in many pictures and postcards of that rural lifestyle that was there. We have seen a much higher concentration of rail service taking place in selected areas, which many would argue would make it a whole lot more cost efficient, but none of those cost benefits seem to go down to the producer or to the shippers. However, that is an argument for which I would need an extra 20 minutes or so.

The government has really lost an opportunity to do the right thing, a better job. That is what the deputy leader of the Liberal Party attempted to do.

● (1200)

We can make this legislation better, and if we did that, not only would shippers benefit but, I would argue, all people who call Canada their home from coast to coast to coast would directly benefit if the government were prepared to do the right thing and accept amendments to this legislation. At the end of the day, it would be great to have a piece of legislation that would do so much more for our communities than it might be doing.

Mr. Paul Calandra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, every time the member speaks, he brings in the Reform Party of Canada as if it was a disease of some sort. Somehow the millions of Canadians in western Canada who voted for the Reform Party in 1993 and 1997, the Alliance Party in 2000 and 2004 and then the Conservative Party in 2006, 2008 and 2011 were not smart and their votes are meaningless. This is something that permeates the Liberal mindset. Western Canadians just are not smart enough, according to the Liberal Party of Canada. We hear that from its leader.

When we talked about liberating western Canadian grain farmers, the western Canadian grain farmer was not smart enough and the Liberal Party knew better than they did. It continues on in every single thing it does. It is an attitude that western Canadians and anybody who thinks differently from the Liberal Party must be wrong. It is why the Liberals went from here to there and now to a small corner in the House of Commons: because they are arrogant, they do not care about the people of this country and they always think they are right. It kills them that the NDP is the official opposition because they do not deserve to be there and Liberals are smarter than everybody else.

They do not know about trade. In the years they were in government in this country, did they ever sign a trade deal? No. Did they ever fix the rail service? No. They talk a good game, but when they have the opportunity, they do nothing. They do absolutely nothing.

Mr. Kevin Lamoureux: Mr. Speaker, I find the member's perspective very interesting. I could take a look at what Pierre Elliott Trudeau did for western Canada and compare that to what the current Prime Minister has done. Has the member ever heard of the Canadian Wheat Board? Did he ever represent what wheat farmers were saying about what the Conservative government did with the Wheat Board? We had a law that said the prairie grain farmers would have a plebiscite. What did the Reform-Conservative Prime Minister say? He completely forgot about the law. He said we did not have to have a referendum, even though he knew a majority of the prairie farmers wanted to retain the Wheat Board. He was too scared to allow that referendum to occur, because if he had allowed it, he knew he would have lost, and he did not want to lose. He wanted to put his own philosophical Reform agenda ahead of what the prairie grain farmers really wanted.

That is the reality of it. The member can try to spin it any way he wants, but the Liberal Party today better represents the Prairies than the current Prime Minister and the Conservative caucus. That is the reality. It is demonstrated in their attitudes to what they did with the Canadian Wheat Board. The Liberal Party does not have to make—

● (1205)

The Deputy Speaker: The parliamentary secretary is rising on a point of order.

Mr. Paul Calandra: Mr. Speaker, I am wondering if the House would give consent to allow him to continue to speak about how well Mr. Trudeau treated western Canada and the achievements of that government in helping bring down western Canadians, who had worked so hard to build such a great country. If we give him unanimous consent to continue to talk—

The Deputy Speaker: That is obviously not a point of order.

The member for Winnipeg North is rising on a point of order.

Mr. Kevin Lamoureux: Mr. Speaker, on the same point of order, I am glad the member is prepared to give unanimous support for me to talk about one of Canada's greatest prime ministers, Pierre Elliott Trudeau. I would be more than happy to talk endlessly about—

The Deputy Speaker: That is not a point of order.

Questions and comments, the hon. member for Brome—Missisquoi.

[*Translation*]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, I want to thank my Liberal colleague for his speech. I want to know whether he realizes that by selling CN at a low price in 1995, the Liberals of Canada made matters worse for shippers and set the stage for a monopoly. They missed the opportunity to create a competitive environment by ensuring that the rail transportation system remained public. Does the member realize that by selling CN at a low price, the Liberals sold Canada's soul?

[*English*]

Mr. Kevin Lamoureux: Mr. Speaker, I am not too sure if the NDP's policy is to nationalize CN rail.

I know that when the Conservatives privatized Manitoba telephone systems, there were many NDP MLAs who stated that they were going to re-nationalize the Manitoba telephone system, which they of course failed to do. They have been in government now for 12 or 13 years and they have never done that.

I would be interested to know if their policy now is to nationalize one of Canada's railways and, I suspect, its railway lines? If the answer to that is yes, I would not suggest that Canadians hold their breath on that particular point.

What we need to recognize is that we had the different stakeholders, including the shippers themselves in 2007, who came not only to the government but to opposition parties. They said "here is the issue, and we need to be able to have this issue dealt with". They wanted to see legislation put into place.

I believe that all parties responded to the pressure back in 2007. If the member looks, he will see that the Liberal Party was not in government, because the NDP worked with the Conservatives to defeat the Liberals.

The shippers themselves started to lobby here in Ottawa in 2007 for the legislation. The only difference is that we believe that the legislation could be stronger and better.

Mr. Paul Calandra: Mr. Speaker, I have to take exception to his complaining about the one decision that the NDP has made correctly in its more than 50 years of existing, when its members actually voted with us to get rid of the most corrupt government in Canadian history.

I could not help but get up and protest that, because they worked really hard to make sure we got a government out that was corrupt. We got the Liberals out of office and put the most accountable government in Canadian history in office, a Conservative government, so I have to defend the NDP for that.

Ultimately, we are talking about a bill here that has been consulted on widely. We have support from the Forest Products Association of Canada, the Western Barley Growers Association, the Chemistry Industry Association of Canada, the Western Grain Elevator Association, the Canadian Fertilizer Institute and the Canadian Canola Growers Association. All these people are supportive of this bill.

We know the NDP supports it. The critic spoke very eloquently about that. We know the Liberals support it. Therefore, I wonder if he has consulted the vast Liberal western caucus—

The Deputy Speaker: Is the member for Humber—St. Barbe—Baie Verte on his feet on a point of order?

● (1210)

Hon. Gerry Byrne: Mr. Speaker, I have a question for the debater here today.

The Deputy Speaker: Perhaps you would hold your seat until we finish this round.

The hon. member for Winnipeg North.

Mr. Kevin Lamoureux: Mr. Speaker, a tear almost fell from my eye when I saw that we have the Conservative-Reformers now wanting to once again embrace the New Democrats and relive the moment of glory when the New Democrats voted with the Conservatives to destroy things—they applaud—such as the Kelowna accord, the Kyoto accord and the great health care accord that delivers the billions of dollars that provinces needed. Yes, I suspect they will have to relive those memories into the future.

The member needs to do a little bit better on his addition in terms of the numbers of MPs from western Canada. There are a lot more than one, and I can assure the member that we have got great potential for growth.

The Deputy Speaker: Questions and comments. The hon. member for Humber—St. Barbe—Baie Verte, you only have about a minute left.

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, the member mentioned those who expressed the point of view that they are not in tune with the people, in contradiction to an election result. The member for the Conservative Party just said that Liberals do not care about western Canadians and, quite frankly, held contempt for them, which is totally inaccurate and unfair.

However, Peter Penashue, when he lost the election in Labrador, stood on his feet and said that Labradorians lost because they did not make a very good decision and that they should have elected him. He said that Labradorians were, quite frankly, not very bright because they did not vote for the Conservatives.

Would that be a good indication of arrogance on the part of the Conservative Party, its mandarins and its candidates? Would that be a reflection of the ignorance of the people of Atlantic Canada?

I ask if a perspective could be offered, given the comments from the Conservative Party—

The Deputy Speaker: Resuming debate, the hon. member for Trois-Rivières.

[*Translation*]

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, I will be sharing my time with my dear colleague from Marc-Aurèle-Fortin.

It was not so long ago that I was a teacher and I must say that the level of debate I have seen this morning would not have served as a good example for my classes in which my students were learning to debate substantive issues. I rise with mixed feelings.

I want to say from the outset that I will of course be voting in favour of this bill, even though I cannot do so with deep conviction. This is mainly because of the meetings I had with shipping organizations. The conclusion I came to out of all these meetings is the old adage that you are probably familiar with, Mr. Speaker, given your wisdom: that a bird in the hand is worth two in the bush.

Under the current circumstances, with the way the Conservatives are governing, people are so afraid of ending up with nothing that they would rather accept what little they are offered knowing that at least it is a step in the right direction even though so much more could have been done.

An hon. member: Two steps.

Mr. Robert Aubin: Yes, two steps, and we might even be on our way toward a solution. It is in that frame of mind that we will be voting in favour of Bill C-52, An Act to amend the Canada Transportation Act (administration, air and railway transportation and arbitration). It is more a matter of railway transportation in this case. Arbitration is probably the most interesting thing about this amendment to the legislation. I will come back to that a little later.

For those who may not have heard much about this bill, let me briefly talk about what the problem is. In Canada—a vast country if ever there was one—it is advantageous to transport bulk commodities over long distances by train. It makes sense. It was meant to be. It is impossible for some shippers to even think about a mode of transportation other than rail transport.

If we had to use trucks to transport the goods shipped by a single train with several cars, first of all, it would be difficult to even get a fleet of trucks that could transport these goods. Second, this would clearly have a major impact on the environment, and third, the trucking company would become completely unproductive from an economic perspective. Rail transportation is therefore the most popular and preferred method of transportation for economic and environmental reasons.

However, as we all know, freight rail services in Canada are managed by the virtual monopoly of two companies: CN and CP. However, as I will explain later, although there appears to be competition between the two companies, that competition tends to disappear in many situations. It is difficult for shippers to negotiate contracts that meet their expectations and benefit from competition in a monopoly situation.

It is easy to say that at least Canada has two railway companies, CN and CP; however, the healthy competition that should lower prices is strangely absent. Instead, the territory, and therefore the market, is shared between these two companies. We have two companies holding a virtual monopoly rather than real competition.

In regions that have access to both CN and CP, unfortunately, one of the companies often demands prices that are too high, which once again leaves shippers with only one choice.

For several years, shippers have faced problems not only with fees, but also with delays, service interruptions and lack of available cars. There are also problems with outdated and broken cars that let part of the harvest spill out onto the tracks.

I put myself in the shoes of someone who produces grains, chemicals, natural resources or whatever watching money spill out onto the tracks as the train heads towards the port. Every time that happens, the individual's profit margin and overall profitability take a hit.

● (1215)

This immediately results in higher costs for shippers and a drop in profitability. Furthermore, in an economy in which the just-in-time strategy is very often the norm and is an obvious competitive advantage, shippers are caught in a David and Goliath struggle that is difficult to resolve without the government's help.

I will leave it up to my colleagues to figure out who is David and who is Goliath. I think it will be easy enough, except that in Canada, David never manages to prevail over Goliath.

Quality rail service is critical for shippers. These products are being exported, and I think it goes without saying that our exports suffer greatly in the fiercely competitive international markets as a result of numerous flaws in Canada's rail transportation system.

Businesses pay the price every time, because they lose a contract, or they have less room to manoeuvre or they make less profit. David was at least able to make the government aware of the problems he had with Goliath, but it took a lot of effort. I would say this is a marathon rather than a sprint. Efforts to raise awareness began in 2007, but it took until 2013, today, for the government to bring in a meagre bill.

I should also mention the work done previously by my colleague from Trinity—Spadina, who introduced Bill C-441, which members will certainly remember and which had loftier ambitions for dealing with this matter.

Nevertheless, there is a glimmer of hope. In 2015, we will replace this government that is plagued by scandals and poor management, and we will be able to do more about this.

I have to admit that I support this bill because of the shippers, as I mentioned earlier. This puts me in mind, appropriately enough, of the little engine that could, except that in this case, we are talking about a big engine that moves slowly indeed. It really needs a nudge.

What is in Bill C-52, an outstanding bill in the eyes of the Conservatives?

Obviously, the main point is that shippers will be able to use an arbitration process to settle their disputes with a railway company that, as we know, has a virtual monopoly.

To be eligible for arbitration, the shipper must demonstrate that attempts have been made to arrive at an agreement with the railway company, which is not easy to begin with. In its decision, the arbitrator establishes the level of services the railway company must provide and its obligations to the shipper. That would be part of the contract, I suppose. Contracts are confidential, which is why I said "I suppose" in the previous sentence.

In addition, Bill C-52 will only apply to new contracts between shippers and railway companies.

Furthermore, the maximum penalty is $100,000. I guess $100,000 for a company that made a profit of $2.7 million is not very scary. What is worse is that, if imposed, the fine will not go to the shipper to make up for the inconvenience, but into government coffers. Is this a new tax or a new fee? I have no idea. I will let the public decide whether this is appropriate or not.

Since I am quickly running out of time, I will move on to the conclusion right away.

I will support this bill, although it is a reflection of a tired government that is more concerned about image than substance. These days, even its image is taking a hit.

All shippers who work daily to provide Canadians and international clients with the best of their acquired expertise can count on the NDP, not only to allow this legislation to move forward in its early stages, but also to follow up and assess the effectiveness of the measures put in place by Bill C-52.

● (1220)

The solution is simple: in 2015, elect an NDP government that will once again make it possible for all Canadians to proudly believe that we can build a more just society where everyone's efforts will bear fruit.

[*English*]

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, I thank my colleague who sits with me on the transportation committee and who would have noticed that even before the committee started its deliberations, it was clear that the Conservatives were not interested in any amendments to the bill, despite the well thought out and comprehensive amendments brought forward to us by the rail shippers themselves. They found serious flaws with the bill and serious ways of solving those flaws. We in the NDP, of course, supported many of those amendments as a way of making the David and Goliath relationship a little fairer. It would not be completely fair, but it would be a little fairer.

I wonder if the member could comment in particular on the right to an arbitration process that would include an ability for the shipper to be awarded damages or to receive some recompense from the carrier, before going to court, through the agreements that would be reached through arbitration.

[*Translation*]

Mr. Robert Aubin: Mr. Speaker, I would like to thank my hon. colleague for his question, which actually has several parts. I will try to briefly address each of his sub-questions.

First, with regard to the amendments, I fully agree with my colleague's comments. This is not the only parliamentary committee to consider this approach as highly partisan.

Is there a party anywhere on earth that can get every single thing right in the first draft? Apparently, yes: Canada's Conservatives. According to them, every bill tabled by the government needs no amendments and no changes because it is perfect at first writing.

As an example, I will discuss a proposed amendment that clearly shows what could have been done to improve things by going through a second, third and fourth step. The amendment proposed including detailed information on service agreements to help everyone understand the specific obligations. This would not be too difficult to do, yet even this was denied. I will stop there for now, but I may have the opportunity to come back with more examples. Even so, I think this is enough to make the point.

As for the shippers' ability to successfully manage a David and Goliath relationship during arbitration with such giants as railways, it is obvious that in the end, should David prevail, the monies should go to him rather than fattening up the Treasury Board's coffers.

● (1225)

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I thank my colleague, the deputy critic for transport, infrastructure and communities, for his well-crafted speech. He has shown us yet again how eloquent he is and how he has a great command of the language of Molière.

He said that the Conservatives did not want to improve bills in committee. That is absolutely appalling. I would like the member to talk about the imbalance. He made reference to David and Goliath in talking about the relationship between carriers and shippers.

Could the member tell us a little bit more about the imbalance between freight train and passenger train companies?

Mr. Robert Aubin: Mr. Speaker, I thank my hon. colleague from LaSalle—Émard for her question.

I have been making a concerted effort these days to try to develop even half the talent I have in the language of Molière in the language of Shakespeare, but that will have to be for another day.

My colleague is particularly interested in public transit. Considering the time I have today, I will focus on that.

To begin I would like to remind everyone following the debate that Canada is the only G7 and OECD country that does not have a national public transit strategy. This sets us apart once again, but not in a good way. The Conservatives are to blame for this, but so are the Liberals, who also could have done something. It does not exist today because successive governments have failed to create a transit policy. In 2015, the NDP will have some solutions for Canadians.

As for the possibility of having passenger trains and freight trains travelling on the same rail lines at the same time, there are many examples in countries around the world where people agree on transportation schedules.

That is definitely not the case here, where priority is given to the transportation of goods. With an ever-growing population and urban areas that are exploding, we need to revisit this issue. It will most certainly be the subject of a future debate and another bill.

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, we are here in the House to correct one of the failings of neo-liberalism that dates back to 1995, namely the ridiculous, ill-conceived privatization of Canadian National. A public service was dumped. It was privatized, without any consideration for the needs of those who used the rail lines.

We will be supporting this bill because it contains certain elements that are extremely beneficial. It corrects certain shortcomings. It does not correct them all, but it does correct some. Shippers will have the right to enter into service agreements with rail companies. The bill also creates an arbitration process, conducted by the Canadian Transportation Agency, for failed negotiations, and it imposes penalties for violating the results of arbitration. That is a start.

We would have liked to see financial remedies included in the bill. Also, we would have liked this bill to cover previously negotiated agreements, but that was not included. However, this is a first step. People came to us asking for more. We will not forget about them. That is important. Obviously, significant corrections will have to be made in 2015.

The government is making a lot of corrections with this law, but it is not fixing all the problems. Neo-liberalism continues to drive this government, meaning that the government gives the rights of companies priority over Canadians' right to a good public service. Regrettably, that way of thinking did not end with this law. The Liberal Party of Canada unfortunately adopted this neo-liberal ideology in 1995. CN was not the only crown corporation that was privatized at the time and that is now causing us problems, but that is how it is.

Allow me to provide a brief history of the problem. Before 1995, CN was a crown corporation that provided a public service. When people complained, they complained to the government, which took corrective measures. CN's priority was to give Canada a tool to promote economic growth. It was not to make as much of a profit as possible. That is a key difference. We had more services. We had a better service and it allowed us to increase our country's collective wealth. However, true to form, the Liberal government at the time privatized CN. The Liberal Party had debts to pay and friends to reward. It privatized crown corporations without any guarantees that would protect the interests of users, which were not taken into account. No protective provisions or regulations were put in place. The Liberals did not pay any attention to any of that.

This work was not done in 1995. Now, we have to do it. I find it somewhat odd that the representatives of the Liberal Party are blaming the government for failing to fix the situation when they are the ones who created the problem in 1995 and who never bothered trying to fix it the entire time that they were in office until 2006, yet in Canada, 70% of surface goods are shipped by rail. That is a huge amount. Basically, the railway is a structure that allows us to function economically.

Up to 80% of the service commitments for agriculture rail customers are not currently being met. This basically means that rural shippers are being taken to the cleaners. It seems that the priority is to help the company maximize its profits, not to support our agricultural industry. In this regard, the Liberals and the Conservatives are both on the same page. The Liberals privatized CN, a company that is essential to grain exports, while the Conservatives did away with the Canadian Wheat Board, simply because it was too Canadian for them.

● (1230)

Thank goodness it was the Conservatives. If the Liberals had done it, they would have sold CN to an American company. Some things never change. Once a Liberal, always a Liberal. It is obvious that people need lobotomies to join the party, and that goes double for people who want to become Liberal MPs.

The mining sector uses trains to export our resources. It accounts for half of all jobs in the first nations. This sector is the second-largest employer, after the public sector. Rail service is fundamentally important to all regions and all rural areas. This infrastructure is essential to them, but the government has forgotten them.

Since 1995, farmers and other businesses have been suffering as a result of the poor quality of freight rail service, yet they have not managed to get Ottawa's attention. Neither the Liberals nor the Conservatives have been able to deliver the goods. The goods have never been delivered.

Punctuality is important to rail transportation. If a shipper needs 50 train cars to transport iron ore, nickel, potash, wood, grain or wheat, the company cannot show up with 40 cars. That would be 10 cars too few. If a freight train from Thunder Bay or Montreal is supposed to roll into the port of Vancouver at 10 o'clock in the morning because the boat is leaving at 2 o'clock in the afternoon, but it shows up 16 hours late, the boat will not wait. That is a problem and it is hurting our economy.

Some people claim to be in favour of jobs and economic growth, but when they are faced with a key issue that is hurting the Canadian economy, they say that they will try to fix things, but that is all. There is a problem. They say private companies have rights, and we cannot interfere in their business.

We saw this recently with Air Canada. The government said that Air Canada was a private company that had the right to lay off 2,300 Canadians. It was not the government's concern, and it did not want to intervene. That is the problem. This is hurting our economy, and the government could not care less. This same government then turns around and says that it is championing economic growth. It is not delivering the goods, and that is an understatement.

There are currently 1.4 million unemployed workers. We hope this policy will help bring down the unemployment rate somewhat. In order to see the unemployment rate and the number of unemployed workers drop, Canadians will have to wait for a real Canadian government. Until then, this bill is a step in the right direction.

We cannot change the past, but we can ensure that the public services provided by private companies are offered in a responsible manner. That is non-negotiable. Although private companies say that they will replace the Crown, the Crown's main priority is not to make a profit and give the CEO a bonus, but rather to deliver the goods. In order for Canada's economy to grow, it is crucial that the goods be delivered quickly.

● (1235)

[*English*]

Mr. Paul Calandra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, let me say at the outset that I hope the translation came through wrong because if it was right what I got from it is that the hon. member said that anyone who believed in the Liberal Party, voted for it or took out a membership with it had to have had an intellectual lobotomy. We have seen this from both parties.

The member from Winnipeg, whose riding I do not remember, has said that anyone who voted for the Reform Party in the past was just not smart enough, that western Canadians did not know what they were talking about, and that the millions of people who voted for the Reform Party had to be wrong and were not sane Canadians.

The official opposition is now saying that anyone who is a member of the Liberal Party must have had an intellectual lobotomy. What is it about the opposition parties that they so disrespect the choices Canadians make? What is it about—

The Acting Speaker (Mr. Barry Devolin): Order, please. The hon. member for Kingston and the Islands is rising on a point of order.

Mr. Ted Hsu: Mr. Speaker, I am curious, not about the subject with respect to what my colleague is saying but to the relevance to the bill that we are discussing today.

The Acting Speaker (Mr. Barry Devolin): Order. The hon. member for Kingston and the Islands raises an important issue—that is, relevance. I would just take the opportunity to remind all hon. members that what they say in their speeches ought to be relevant to the matter before the House. Obviously, there is some latitude in context there and when questions are asked sometimes it relates to the context rather than the bill itself. However, as a general rule I would remind all hon. colleagues to stick to the matter before the House.

If the hon. parliamentary secretary could quickly put his question.

● (1240)

Mr. Paul Calandra: Mr. Speaker, I hope the hon. member will apologize to those Canadians who might have a different opinion than he does.

Now that we have heard that both the NDP and the Liberals are supporting the bill, I would ask the member to reflect on this. We have had a broad level of consultation on it, have seen how many people across the country are supporting it and how important it is to industry, export and trade, which the opposition members do not support, including jobs and economic growth. In light of the fact they are supporting the bill, will they help us in passing it quickly?

[*Translation*]

Mr. Alain Giguère: Mr. Speaker, I thank the hon. member for giving me a chance to clarify this interesting position.

A member of the Liberal Party of Canada who blames the government for public transit problems has obviously forgotten that his party is the one that created those problems. Maybe their lobotomies caused some memory loss.

As for the government member's comments, he must understand that we support the bill because it will finally allow users, those who pay for this service, to obtain an essential service.

In 2013, it makes absolutely no sense that trains do not arrive on time, that there are not enough cars and that rail lines are in such a sorry state. If the Conservatives cannot understand that, what are they doing in power?

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, I have a question about CN.

My NDP colleague spent a few minutes strongly criticizing the privatization of CN. Is he in favour of re-nationalizing CN?

Mr. Alain Giguère: Mr. Speaker, that is hypocritical neo-liberal talk.

They privatize without any regulations or obligation and then when it is time to correct the situation, they have no recourse. Nationalization is not the problem. Regulation is the problem. You cannot sell a crown corporation like a fool without protecting the consumers.

That is what should have happened in 1995, but they failed to do that. They still do not understand that it was important to do that. They have their neo-liberal blinders on and think that everything must be sold. They are just like the Conservatives, but at least the Conservatives are candid enough to tell us to our faces. The Liberals are not.

[*English*]

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, I am glad to be able to rise and add to this debate on the third reading of Bill C-52.

Today is an important day in history, as it turns out, because this date in 1887 was the first day a train actually arrived in Vancouver. That train had a picture of Queen Victoria on the front of it, which I am sure the members opposite will be very glad of.

Our rail system has some problems, and those problems have been caused by years of neglect by governments with respect to the monopolistic position the rail companies are in vis-à-vis the rail shippers, the people who actually use the rail system. I will not go into the problems we have with the rail passenger system, which has suffered untold neglect by both the Liberals and the Conservatives.

In 1995, the Liberal government decided to sell CN, which was at the time one of Canada's biggest rail shipping companies. I am not going to answer a question from the members to my left about whether we are going to re-nationalize CN. That is not the point. The point is that when a public entity is given to the private sector, one must look at the consequences of that decision. If one of the consequences is to have created a virtual monopoly, then one needs to have put in regulatory controls to balance the playing field. That the Liberals did not do. I have heard from the member for Winnipeg North that the member for Wascana is a champion for the shippers, but from 1995 to 2006, his government was in power, and the Liberals did nothing to protect the rail shippers from their decision to privatize one of Canada's two large rail-freight operations. The shippers finally complained loudly and long enough that this Conservative government said that it would do something about it. That was in 2007.

Here we are in 2013, and I hear the parliamentary secretary and others saying to hurry up and pass this bill. We have been talking about this for seven years. Let us hurry up and have a bill to talk about. Finally we do, and it is flawed. That is one of the reasons I am here to talk about this bill today. It is not that we are not supporting it. We do sometimes have to hold our noses and support flawed legislation, because it is at least one step forward. However, we could have gone six or seven steps forward, and the Conservative government chose not to.

In 2008, as a result of a lot of pressure from the shippers, who said that they were being held hostage by the rail companies, there was a rail service review. That service review came up with a report in early 2011, before the current government was elected. In its platform, the Conservatives pledged to do something about it, but interestingly, even though the rail service review was in, it was not in the Speech from the Throne. There was no indication that this bill would be part of the legislative agenda of the current government. In fact, the Conservatives did not actually propose legislation. When the rail service review report was put in place, the Conservatives then tried mediation. They tried to talk it out between the parties and see if they could work it out. The problem is that talking does not work if one of the parties is so enormous that it absolutely controls the other.

Then the member for Trinity—Spadina put forward a private member's bill, Bill C-441, that would deal with all the steps of the problem. It would deal with the service level agreements, the price and a whole bunch of the issues the rail shippers had determined were their problems in dealing with this David and Goliath situation. All of a sudden, the Conservatives said, "Whoops, we forgot. We had better put a bill forward", and Bill C-52 magically appeared.

The trouble is that Bill C-52 does not actually deal with some of the shippers' problems. It deals with one in particular, and really, that is all that has happened in this bill. It would deal with one of the shippers' problems, which is that they do not have the right to a service level agreement in their negotiations with the rail companies. That means that they do not have the right to negotiate, to firmly fix in their contracts with the rail companies, that, yes, a train will arrive on Saturday when their grain is ready to be shipped; yes, there will be 12 boxcars; yes, those boxcars will make it to Vancouver by two weeks from Saturday. Those are the kinds of things the shippers said they just cannot get.

● (1245)

Finally, we have a piece of legislation that would actually deal with that, in a roundabout way, by saying that if the shippers cannot work it out with the rail companies, then they would have the right to an arbitrated process. Therefore, the shippers would now have a right to an arbitrated process that would give them that service level review.

I am being reminded, Mr. Speaker, that I will be splitting my time with the member for Brossard—La Prairie.

Therefore, one piece of the puzzle would be solved. As a result, this party will be supporting the bill at third reading but wishes that it had gone further.

The shippers would now have the right, as a result of the bill, to an arbitrated service level agreement. However, that arbitration would come at a cost. The shippers themselves would have to pay for half the cost of that arbitration process.

The railroads have deep pockets. Paying for an arbitration process, for them, would be like a small flea on the back of an elephant. It would mean nothing to them. However, to the shippers, it may mean something. There would be no assistance from the government in the cost of this arbitration process. That is one problem.

The railways have a monopoly on price, as well, and price is not part of what could be arbitrated. The price is something that would be subject to negotiations only between the shippers themselves and the railroad. The railroads would not have to do anything about the price in this arbitration process. All they would have the right to talk about and all that could be arbitrated would be the service level agreements.

Railways have a habit of charging extra fees. Airlines have extra fees now. Passengers are charged for bags. Apparently some airlines charge passengers to use the overhead bins. There is one airline in Europe that is going to charge passengers to use the bathroom.

The railways do the same thing.The railways have the ability, as a part of the service level agreement, to set up fees, which the shippers will pay if their product is not ready on the day they suggest or if there is any other problem the railways might consider the fault of the shippers. The shippers do not have any reciprocal rights.

That is something else that is missing from the bill. The shippers cannot charge the railways a fee if they are late. In fact, the government has said that if the railways break these agreements, the shippers' only recourse is to go to the courts for recompense from the railway companies.

Again, we are dealing with a David and Goliath in the courts. We now have the situation where small wheat farmers in central Alberta, who are barely making ends meet with their wheat farms because of the demise of the Wheat Board, are actually going to have to sue the rail companies, at their own expense, because the rail companies failed to meet their arbitrated service level agreements. That is yet another penalty for these poor shippers.

The shippers have told the government, and we in the NDP agree, that a mechanism by which the shippers could arbitrate a penalty regimen back to the shippers would be appreciated so that if the railways break the service level agreement, the shippers would know what they were going to get and would not have to go to court. That is done all the time in labour arbitrations and labour negotiations.

The government claims that it is not going to do it here. It is saying that the shippers should speak to the courts.

In closing, I would like to say that we in the NDP will, in fact, be supporting the bill. However, there is a lot more the bill could have done, but every single one of the amendments we proposed was rejected by the government at committee without, really, a whole lot of thought.

● (1250)

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, I have been listening intently to the last number of interventions. What I think is not understood well by the opposition is the incredible value the railways provide in Canada. In fact, it is a North American industry. From any perspective, the freight railways in North America are the finest in the world. They support trade, certainly international trade and ports, and businesses.

In fact, the previous speaker spoke about wheat. There were record grain shipments just a couple of years ago, and those numbers continue to climb, as a matter of fact. Goods leaving Canada through our ports and coming into Canada through our ports are shipped by the railways. This is an incredible strength for Canada.

I think what the government has sought to do is to balance the rights of the shippers and the railways and to provide a mechanism whereby we can come to agreements that actually work for shippers and that support industries and support communities.

It is a good bill. The member should support it.

Mr. Mike Sullivan: Mr. Speaker, in fact, we have said that we will support it. We are disappointed that it does not go far enough.

While the rail companies do provide a service in Canada, the shippers have said that the service has not been a fair marketplace. While we are correcting part of that unfair marketplace, we are not dealing with the whole problem. For example, soybeans from Argentina enjoy a competitive advantage in markets such as Japan and China, because they are delivered faster and more punctually than soybeans from Canada, despite the fact that the total distance covered is significantly shorter for products from Canada. Part of that problem is the ability of the rail companies to meet a service level agreement. That is part of what the bill does.

However, we on this side of the House, who actually believe in fairer and freer trade, believe that we should be in a position to compete with countries like Argentina and not allow them to overrun us.

● (1255)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I thank the member for York South—Weston for his presentation. I see that the official opposition is prepared to support the bill, recognizing that there are so many lost opportunities.

Recently the railway industry in our country picked four pillars as its priorities going forward. One of those is sustainability, particularly with respect to reduced greenhouse gases and the fact that shipping goods by rail is much better for climate action than shipping by transport trailer and truck. I wonder if the hon. member has any thoughts on what opportunities we have missed in this piece of legislation to also recognize the greenhouse gas benefits of shipping goods by rail.

Mr. Mike Sullivan: Mr. Speaker, one of the government's reactions to comments about the pricing portion of the bill was to suggest that shippers have another alternative. Many of them, but not all of them, have trucks as an alternative. Well, trucks consume considerably more fossil fuel and have a larger environmental footprint. As a result, we should be encouraging the use of rail rather than discouraging it through inaction on the part of the government.

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I want to thank my colleague for his speech. In the House of Commons he often speaks to transport-related issues.

We all know that freight and passenger transport is vital to Canada. In fact, that is what Canada was built on and what continues to contribute to Canada's economic prosperity.

The hon. member talked about how other countries have managed to balance the interests of the shippers, those who use the railway for moving freight and people. I would like him to elaborate on that.

[*English*]

Mr. Mike Sullivan: Mr. Speaker, certainly Canada is a laggard when it comes to the creation of rail systems across our great land. We are one of the last countries to adopt good rail transportation strategies. We have no public transportation strategy by the government. We have no support from the federal government for public transportation in a concerted and disciplined way. As a result, we, as Canadians, are suffering from a lack of good public transit infrastructure and a lack of electric public transit, which in fact deals with greenhouse gas problems and helps the environment. We in Canada should be doing way more than we already are.

[*Translation*]

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, I rise today to speak to Bill C-52, An Act to amend the Canada Transportation Act.

The NDP thinks this is a very important issue, and it is no secret that we will be supporting the bill, essentially because it is a step in the right direction. I will explain. However, much more could have been done. Unfortunately, the government missed the opportunity to do more. Before getting into the bill specifically, I would like to talk about why railway transportation is so important in Canada.

It comes as no great surprise that railway transportation is important in Canada when you consider that 70% of surface transportation of goods is done by rail. Railway transportation is an effective way of fighting greenhouse gases. My colleague mentioned that as well. We must encourage train use as much as possible.

I am glad to be able to travel by VIA Rail this afternoon to get to my riding. We must promote train use. Here we are talking about shipping merchandise. I am not merchandise, so I will get back to talking specifically about the bill.

The bill is a step in the right direction, since it tries to solve the problem of the existing monopolies. When we talk about rail service, we are fully aware that the two major companies, CN and CP, have a virtual monopoly.

The virtual monopoly is a problem. It is one outcome of the actions that the Liberal government took in 1995, which included the privatization of CN. In addition to privatizing CN, the government did not implement the appropriate regulations. That is why we are surprised to see the reaction of the Liberals when they complain about the Conservative government's failure to act. It is true and we agree that the Conservative government waited a very long time before introducing a bill. Actually it was 2007 or so. That is when studies were carried out. A report was also released in 2011. That means that we have waited for more than five or six years for this bill, which provides a partial solution to one of the existing problems.

The Liberal government at the time identified a problem. In 1995, when the Liberal government privatized CN, it had the option to look at what could be done to avoid a monopoly over rail transportation.

What regulations can we put in place to ensure that services are better designed and distributed? The lack of regulations is a problem. Take VIA Rail for example. In some cases, this company needs to rent the railway tracks from CN or CP.

That also has to do with the virtual monopoly. As a result, shippers using rail services must pay more. In addition, they are experiencing some problems with the services provided. We hear a lot about the impact on consumers, among others. Higher costs and delays are among the problems linked to the virtual monopoly.

Bill C-52 addresses some of those problems. It creates an arbitration process. That arbitration process will allow for better discussion and a better way of solving problems with certain distributors. As my colleague mentioned, penalties will be imposed in some cases. The problem is that the money from those penalties will go into government coffers, not to the shippers. The NDP is trying to protect shippers in that respect.

Studies were done and reports were released. Unfortunately, the Conservatives did not take advantage of all of that information.

I would like to thank our transport critic, the member for Trinity—Spadina. She introduced a private member's bill outlining a better system that would give greater protection to shippers.

● (1300)

In response to that bill, the Conservatives introduced a bill that is quite flawed. I have already pointed out a few of those flaws. For example, the government could have done more when it came to arbitration. Unfortunately, it did not.

I am thinking of light rail transit on the new Champlain Bridge. It is the right way to go considering that we are moving towards an economy of the future. However, seeing how the government is managing this file, it makes us wonder whether it will act openly and transparently, particularly regarding construction of the Champlain Bridge. This corridor between Montreal and the south shore, as well as between Canada and the United States, is very important.

The government's actions worry us. It makes decisions behind closed doors and ignores what is said during consultations. We see that here. Even though the government brags about having consulted a number of people and says it stands behind shippers, at the end of the day, it introduced a bill that does not reflect all the suggestions that were made. None of the amendments, NDP or Liberal, were accepted by the Standing Committee on Transport, Infrastructure and Communities. Here again, the government is not open to suggestions.

It is unfortunate because we said that we support the bill. However, today, we are pointing out certain flaws. The government seems to be digging in its heels once again. Of course, this is a majority government that can do as it pleases. When it comes to protecting shippers, we are told that it is part of our economy. However, that is no longer the case when it comes to protecting consumers. It is difficult to understand why the Conservative government is not listening to what the opposition has to say and, in particular, to what the shippers and the witnesses told the committee.

A lot of work remains to be done. We are used to having a government that does not listen very well. We are supporting this bill because it is a first step and we are headed in the right direction. However, the government has not taken advantage of this opportunity.

As for the Liberals, they knew when they decided to privatize CN in 1995 that a virtual monopoly would be created. Why did they not introduce this type of bill? Why did they not do more and include what they are asking for today? When the Liberals were in power between 1995 and 2006, why did they do nothing about this? Why did they wait so long, and why are they getting all worked up today and saying that they are the defenders of the system and they want to protect shippers?

We have been saying from the very beginning that there was much to be done at the time. We lament the fact that it took the Conservatives so long to act and that the Liberals' failed to make progress on this file when they were in government.

I mentioned some amendments in the report that should have been included. A 2008 study, which was released in 2011, was a starting point. The NDP is not simply voicing its opposition to the bill, but is also making suggestions. We suggested including details about the service agreements. At this point, there really are none because there is a monopoly. We want a better system that better protects shippers.

There is a problem with the dispute resolution mechanism in service agreements in the event of breach of contract. With this bill, shippers must pay the fees for the arbitration process that will be put in place. Why not make the big corporations, CN and CP, pay these fees and solve these problems since they are the reason for bringing in these agreements?

● (1305)

[*English*]

Mr. Paul Calandra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, as I have said a number of times, we spent a good number of years speaking to people before we brought the bill forward, consulting with Canadians and with people within the industry. We have now a very broad cross-section of people in industry who support the bill, and they want us to get on with it.

The member was quite right that the Liberals, when they had their opportunity, did nothing with this. As I said earlier, we are very grateful that the NDP joined with us to get rid of the Liberal Party and bring in an accountable government back in 2006.

I want to focus on one part of the his speech and what we have heard constantly from some of the members opposite with respect to the NDP future policy of nationalizing CN Rail.

In the context of this debate, has the NDP costed out how much it would be to nationalize Canadian National Railway, what the cost would be to the shareholders of that company and how that would improve freight rail service in Canada? Would it increase taxes to cover the cost of that nationalization? Would it make other cuts to cover the cost of that? Has the NDP costed that out, or is that all just part of the—

● (1310)

The Acting Speaker (Mr. Barry Devolin): The hon. member for Brossard—La Prairie.

[*Translation*]

Mr. Hoang Mai: Mr. Speaker, I am not sure I want to thank the member for that question, but I will do so anyway, because I am polite.

First of all, let me say that we are not in favour of nationalizing CN. What we said, and I will repeat it again, is that the problem was created in 1995, when the Liberals were in power and they decided to privatize CN without putting any regulations in place to protect shippers. My colleague should agree with us on that.

I think he will agree that the Liberals are to blame for their inaction, but then he also needs to look in the mirror and ask himself why the Conservatives did nothing about this when they came to power. Why did they wait so long? When they finally decided to do something, they introduced a bill that does not go far enough and does not do enough to protect the rights of shippers. That is the problem we have with this bill.

Instead of making up ridiculous stories, the Conservatives should really focus on what is going on here and on the bill, which unfortunately still has flaws. It is a step in the right direction, but it needs improvement.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, at times the New Democrats lose their focus and want to take shots, whenever they can, at the previous Liberal government.

It is important for us to note that the shippers, the industries—agriculture, forestry, minerals, chemicals, fertilizer, the oil and gas industry, our very important manufacturing industry and others—collectively, back in 2006-2007, then came to the opposition and the government of the day saying that they needed this type of legislation brought in. That is where the issue originated.

We could be very critical and agree that the government took quite a while to respond, but we do have legislation before us today. We in the Liberal Party will be supporting the legislation through third reading, but we want to see amendments to the legislation.

The deputy leader of the Liberal Party proposed three amendments at the third reading stage. Had the amendments of the member for Wascana been allowed, would the NDP have supported them, which would have been of great benefit for us?

[*Translation*]

Mr. Hoang Mai: Mr. Speaker, I thank my hon. colleague for his question.

First of all, we do not mean to bash anyone, but I am simply explaining why we now have this problem. With regard to the privatization in 1995, one cannot help but wonder why no one looked at the possibility of not privatizing the tracks. That issue could have been debated and we could have avoided our current situation, with a virtual monopoly, poor service, and so on.

As for amendments, we proposed some at the Standing Committee on Transport, Infrastructure and Communities. They essentially supported what the shippers coalition was calling for. We proposed some things, but unfortunately, the Conservative government did not accept any of our very well thought-out amendments.

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Mr. Speaker, first I want to say that I will be splitting my time with the member for Surrey North.

[*English*]

I want to thank my colleague from Trinity—Spadina for all of her hard work and passion in this field. I will start with a short resumé of what happened and why we are here today.

[*Translation*]

Essentially, the bill gives rail freight customers and shippers the right to enter into service agreements with railway companies. It also establishes an arbitration process, led by the Canadian Transportation Agency, to resolve disputes in the event negotiations fail and sets penalties for violations of arbitration decisions.

I would like to give everyone some background. In 1995 the Liberals, who were in power at the time, decided to sell CN. The problem was that they neglected to put in place an effective regulatory framework for rail transportation. As a result, railway companies held a virtual monopoly. The Liberals were in power until 2006 but did nothing to address this problem. There was nothing in place. The problems likely to arise in these situations usually affect prices. Indeed, since railways had a virtual monopoly, users sometimes had to pay very dearly.

In committee, witnesses told us that sometimes the trains arrived without enough cars. In other cases, trains failed to come in on time. Finally, in 2006, when the Conservatives rose to power, they came under a lot of pressure. Seven years later, the bill is before us. We will support the bill, but I would still like to add something.

● (1315)

[*English*]

I had the chance to speak to Bill C-52 at the last reading stage. Since then, this bill has been studied in the transport committee, of which I am a member. This bill is a first step in the right direction and I support that, so I will vote in favour of this bill. However, it is important to note that several witnesses who came before the transport committee to speak about this bill wanted amendments. With the suggested amendments, this bill would become a robust tool and industry standard for Canada.

The committee received a list of six amendments that were the bare minimum of what the Coalition of Rail Shippers and other witnesses would like to see in this bill. The Coalition of Rail Shippers is the main rail freight customer stakeholder organization in Canada. These witnesses are experts in their field and key actors in their industry. It is important that the House acknowledge the amendments suggested by this organization. It is also important for us to consider the expert testimony that the transport committee received.

The following six key amendments were suggested by the shipping community: first, include details on service agreement components; second, delete the term "operational" as it would limit the ability to negotiate and arbitrate service agreements; third, include a dispute resolution mechanism in service agreements for breach of contract; fourth, limit the ability of railway companies to levy penalties and charges that are not in service agreements; fifth, limit arbitration for failed service agreement negotiations to matters raised by the shipper; and, sixth, limit railway companies' ability to raise network issues in arbitration, i.e., finding convenient excuses for not agreeing to shippers' demands in contract negotiations and arbitration.

These amendments are sensible, practical and, might I add, modest. Unfortunately, all six amendments were defeated at committee by my colleagues opposite. My NDP colleagues and I moved nine amendments at committee. The committee is there to provide space and time for parliamentarians to consider bills of law in depth. How can we uphold the value and ethics of this democratic place when already during witness testimony it is clear that the Conservatives are unwilling to make any changes to the bill? Why are the Conservatives blocking parliamentary work at the committee stage?

[*Translation*]

Here, I would like to point out that the Conservatives asked only one question about the nine amendments that my three colleagues and I proposed. I am somewhat annoyed by that approach. Committee work is meant to foster discussion.

I remember when I was elected two years ago, members from all sides told me that there were too many attacks in the House. I was also told that at times there are more monologues than discussions. However, I was also told that it is different in committee, and that it is in committee that the real group work happens because everyone wants to move this country forward. That is what I was expecting.

I found myself serving on a committee where the Conservatives did not ask any questions. We proposed amendments to move things forward, but they did not want to discuss them. We talked about our amendments and we explained them. We explained why we wanted to amend the bill and which expert testimony we based our amendments on. They had absolutely no interest, however, because their minds were made up before they even heard the witnesses.

● (1320)

[*English*]

As I said earlier, I will support the bill because it is a first step in the right direction. Without the rejected amendments, the bill remains a partial success for the shippers. I look forward to participating in strengthening the bill in the future by working with the Canadian shipping community and fighting the issue of price gouging and uncompetitive rail freight rates.

The NDP has participated in efforts to provide the shipping community with better legislation and regulations for quite some time, and we will continue to be involved in this process to benefit shippers by addressing the shortcomings of Bill C-52.

Earlier I mentioned that several witnesses at committee honoured the amendments brought forward by the Coalition of Rail Shippers. These included Pulse Canada, the Mining Association of Canada, the Forest Products Association of Canada and the Grain Growers of Canada. All those groups wanted those six amendments to be adopted.

In February I raised some concerns that I had with the bill, including pricing discrepancies between CN and CP; the lack of market competition, innovation and regulation, because CN and CP operate as a duopoly; and the poor quality of rail freight transportation services.

The parliamentary secretary just asked my colleague a question about the fact that we have one of the nicest systems in the world, but I have some statistics.

[*Translation*]

According to the Rail Freight Service Review, 80% of shippers are unhappy.

[*English*]

I am not so sure that it is the nicest system in the world. I hope not, according the statistics.

At the last reading, I stated that the rail freight service review found that 80% of shippers are not satisfied with the services that they receive. This poor quality of services is affecting Canadian exporters, damaging our reputation in the global market and costing us jobs. We cannot afford to be left out of competitive business deals because the CN and CP cannot guarantee satisfactory service.

I will finish by saying that we must make rail freight services work again for shippers across Canada. We can accomplish this with strong legislation, a strong Bill C-52. I will support it even if I still believe that some amendments should have been adopted by the government.

Mr. Paul Calandra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, I am interested to hear how the NDP now is in such favour of working together at committee because I was here when our government was a minority and the NDP, the Liberals and the Bloc would turn down every single amendment that government members brought forward. They would turn down witnesses. They would turn down reports. They would force committee studies, but now, all of a sudden, the Canadian people have spoken and they have given this government a majority mandate to get the job done across this country. All of a sudden we have heard time and time again that opposition members do not agree with the Canadian people. We know that.

I keep hearing this and I am wondering if the hon. member at committee asked about the nationalization of CN Rail, because the opposition members constantly talk about it in their speeches. I am wondering if the member asked questions about how much that would cost, whether the people who use the rail service are in favour of nationalizing CN Rail, how much it would cost Canadian taxpayers, how much it would cost shareholders of CN Rail to nationalize it and how nationalizing CN Rail would actually help freight services.

[*Translation*]

Ms. Isabelle Morin: Mr. Speaker, I am not sure if my colleague opposite was listening to my speech, because I was not talking about nationalization. However, I did mention that the Liberals sold CN in 1996.

Since the member asked me how things are working in my committee, I am happy to tell him that we have problems.

Since I was elected, 99.3% of the amendments we have proposed over the past two years have not been accepted by the Conservatives. That is not what I call teamwork. I will not talk about how things were before I arrived, because I was not here. I am talking about what I have seen so far.

We had another problem in committee, and I actually moved a motion on that. The committee chair decided that the meetings will be one hour and forty-five minutes long instead of two hours. In my view, that affects my participation in the committee, because I am often the one who has less time to speak. Given the sequence of speakers, I get less floor time.

The Conservatives do not ask us questions and do not want to talk with us. That is another problem facing the committee right now.

I did not ask specific questions about nationalizing CN. Rather, I am interested in what we can do with Bill C-52 to improve Canada's rail system.

● (1325)

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the NDP has found itself in an interesting position. Some speakers stand up and take their shots at the Liberal Party by saying the Liberals privatized CN back in 1995, implying that it was the wrong thing to do, yet very few of those members have the courage to stand in their place and say that as a political entity they will re-nationalize it. The NDP is scared to say exactly where it is today on that issue. Does that party want to nationalize it? If so, there is a significant cost. That party has an obligation to indicate whether or not that is what it wants to do. Do you want to nationalize it, or did the Liberal Party do a good thing back in 1995?

With regard to dealing with our rail lines, rail freight rates have always been a primary concern of the Liberal Party. If we deal with the shippers properly, all Canadians will benefit.

The Acting Speaker (Mr. Barry Devolin): The hon. member for Winnipeg North asked the Chair for an opinion. I would just remind the hon. member not to speak directly to his colleagues but to direct all comments through the Chair.

The hon. member for Notre-Dame-de-Grâce—Lachine.

[*Translation*]

Ms. Isabelle Morin: Mr. Speaker, that is rather strange.

I just stated the facts in my speech: the Liberals sold and privatized CN. I am not saying that it was either a good or a bad decision; what I am saying is that the government should have implemented regulations before selling, privatizing and denationalizing CN. The government should have come up with some rules to make it work. Simply privatizing a company and leaving the rest to the market is not okay.

We saw prices that made no sense, and people came to tell us that the service was not good. When 80% of those who use a service say that it is not good, it is no longer a question of nationalization or denationalization. We must not forget that it is an essential service, as the member said. If it is an essential service, there must be regulations to ensure that it is a good service.

[*English*]

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, it is an honour to speak to this bill, which is very important to my constituency of Surrey North. I have a number of port facilities and a major rail yard in my constituency.

The railway had an important role in the history and development of our country and in bringing people together from east and west. Even today, the rail lines play a very important part in the economic development of our country. Over 70% of surface goods are transferred by railroads in our country, and that is a very significant part of our economy, which depends on the movement of goods, whether from one part of Canada to the other or as exports.

The problem right now, which the Conservatives have been sitting on for the last five years, is that small business, farmers, miners and other industries in western Canada have been asking the government to help them get their products to ports and various markets and to provide some sort of guidelines or agreement with the railway companies so that they can move their products there.

I want Canadians to know that we have a dual monopoly in the country. CN and CP control railway traffic throughout Canada. The problem has been inefficiencies in getting railway companies to provide on-time service or to guarantee that they are actually going to pick up products to deliver to various ports or markets.

The Conservatives are very keen on signing trade agreements. However, we have seen what the trade deficit is even now. Under the Conservatives, we have the biggest trade deficit in the history of the country. We have a trade deficit of over $50 billion. When they took over, we had a surplus of $18 billion, but now we have a trade deficit of over $50 billion.

The Conservative government has no clue how it is going to improve the well-being of our farmers, miners or forestry towns or how it will create well-paying jobs for Canadians in the western part of Canada. It is bent on signing paper trade agreements, but what it needs to focus on is the needs of our community, the needs of our farmers, our miners and our western producers so that they can get their products out to the ports and the markets on time. The government has failed to invest in the infrastructure needed for this country to progress into a greater trading and export nation so that we can generate these jobs.

Under the Conservative government, we have seen a lack of infrastructure funding for moving our products out to the ports. It is hurting our jobs and communities. It is hurting our ports in that they do not know when the products are going to come. It is hurting our trucking industry. It has a ripple effect if the products do not reach their destinations on time because of the inaction by the government over the last five years at least.

I was listening to the previous member from the Liberal Party, the member for Winnipeg North. Liberals will have crocodile tears as they say they will support this idea and provide Canadians with a proper rail service. I am sorry to say it, but where were they? Prior to 2006, they had a chance to provide help for our forest communities, mining towns, pulse growers and farmers in the prairies, but they will say one thing when they are not in government and do exactly what the Conservatives do when they are in government. That is their record.

● (1330)

The Conservative record is also one of inaction. They have failed to provide support for our businesses and for our farmers to help them get their products to the market on time.

I sit on the international trade committee, where I have heard many times from pulse organizations, farmers, beef producers and all sorts of other industries in western Canada. They have been complaining and have been lobbying government for a number of years to let the government know that they have issues in getting their product to the market. Part of the reason is that rail companies fail to deliver on the commitment to have their products shipped out to the ports or to other parts of North America. Time and time again we have seen this delay, this foot-dragging, from the Conservatives for the last many years.

This is a small step in the right direction. A number of amendments were introduced at the committee stage. As with other bills that have been introduced in this House that go to committee, 99.3% of the amendments that the NDP has introduced have been rejected. One would think maybe 5% or 10% would be approved to improve the bill and help our communities, businesses and farmers by improving the effectiveness and efficiency of our rail system. However, even if the bill is poorly drafted or has spelling mistakes, the Conservatives believe that whatever they have is it. No amendments will be approved at the committee stage. That has been the Conservative record.

What we need to do to provide help for our businesses, our farmers, and our forestry industry is help them get their products out. We introduced a number of amendments; not only that, the industry provided at least six amendments that could help improve the bill and could help the farmers, miners and forestry towns. However, the Conservatives stonewalled those amendments from being incorporated into the bill.

This is one small step. As with other bills I have seen in this House, we as parliamentarians can do a lot more than what is being done by the government. I think we can help our businesses. We can improve our forestry towns. We can help our farmers.

Farmers put in a lot of hours. Some of them put in 14 or 16 hours a day and 80 or 90 hours a week. Farmers work hard to bring their crops to fruition; it is our job to help them get their products to market. Clearly the Conservatives have failed miserably at investing in the infrastructure that would allow our farm products, our industry products and our forestry products to be exported. That is the Conservative record.

As I have said previously, under the current government we have the largest trade deficit ever. That should be a concern to all Canadians. When the Conservatives took over, we had a trade surplus. Now we have a trade deficit of over $50 billion. That is a concern to me and a concern to my community, because jobs are dependent on trade exports.

Conservatives have failed miserably on this agenda of providing infrastructure, not only to move our goods in general but to move goods within cities. We have seen the gridlock. I have seen the gridlock in the Lower Mainland in greater Vancouver. I have seen the gridlock in my own city. I have seen gridlock in ports. Conservatives need to invest locally, in communities, so that we can move our products overseas.

Again, I will be supporting this bill. It is a small step in the right direction. However, the Conservatives can do more to help our farmers, our miners and our forestry industry.

● (1335)

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, one thing the opposition has given no recognition to is the significant improvement in grain shipments from Canada's west.

When we became the government in 2006, we were effectively overrun with complaints from western Canadian farmers who were having problems unloading their grain at various elevators and having that grain picked up by the railways. However, since 2006 on-time delivery and on-time shipments have improved significantly, to the point where we hear very few complaints. The system is working well. As I indicated, there are record grain shipments out of Canada's west today. There are record grain shipments out of Canada as a whole. This had been a real strain for grains and oilseed producers.

In fact, the softwood lumber industry in British Columbia, where the member is from, is booming. It came back in a significant way. They found ways to innovate, and the railways are playing a big part in B.C. ports.

The member mentioned the railway and Canada's history. The railway was the national dream. It is what brought B.C. into Confederation. Today, it is a huge part of B.C.'s strength, with both shippers and the railways combining for a successful story.

This is a good bill that the member should support.

● (1340)

Mr. Jasbir Sandhu: Mr. Speaker, in fact one of the port facilities, Fraser Surrey Docks, is my riding.

I do not know who this member has been talking to, but I have talked to wheat farmers, forestry officials, the pulse industry and beef producers. They have been complaining over the last number of years about the ineffective, inefficient rail freight service in this country.

The Conservative government has failed for five years to provide infrastructure for an efficient rail service for our farmers. The government has failed to invest in the infrastructure funding needed to move the goods that our farmers produce.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, yes, it is a good bill, and the Liberal Party will be supporting it, but it could have been a better bill, and that is what we need to emphasize.

For example, I will make reference to one quick amendment moved by the deputy leader of the Liberal Party:

> For greater certainty, nothing in this Act prevents the arbitrator from including in his or her decision terms providing for compensation payments to be made by the railway company to the shipper in the event of losses incurred by the shipper as a result of any failure by the rail company to fulfill its service obligations as provided under section 169.31.

The point is that the bill could have been made a whole lot better.

Would the member not agree that this amendment highlights a lost opportunity to make the bill a better piece of legislation to the benefit of everyone?

Mr. Jasbir Sandhu: Mr. Speaker, the member is right about a lost opportunity. Before 2006, the Liberal government had many years to improve this situation and provide efficient and cost-effective service to our farmers, the forestry industry, et cetera. The Liberals failed on that. However, now they have crocodile tears, saying they support this bill and would like to introduce more amendments.

They do one thing while in government, which is actually nothing, like the Conservatives who sat on this important bill for our farmers for five years, yet the Liberals will say exactly what we have been advocating for, efficient and cost-effective service, when they are in the opposition.

I have no sympathy for my friend the member for Winnipeg North

Mr. Dan Harris (Scarborough Southwest, NDP): Mr. Speaker, it is a pleasure to rise again to speak to Bill C-52. When many people were going to bed last night, we thought we would be debating a different bill this morning. However, from time to time the government does like to make late-night changes to throw the opposition off and to play games.

I now find myself in a position of supporting a bill that is only a half measure. Once again, a bill has come back to the House from committee wherein the Conservative majority has shown complete disdain for the testimony and recommendations made by key stakeholders. Once again, the Conservatives had a chance to significantly improve a bill at committee, but as in all other committees, it used its majority to shut down sensible and considered amendments, which could have easily improved this essentially flawed legislation.

Canadians are watching and seeing quite clearly how the government lacks any of the accountability it once supposedly so lovingly cherished and promised to Canadians. The recent growing scandal in the Senate only acts to highlight the arrogant sense of Conservative entitlement that the members on this side of the House see every day during our work in committees. This arrogance will come back to bite the government in the rear. Sadly, it also means that Canadians end up paying the price for the government's bad decisions.

The Conservatives had a chance to get Bill C-52 right but instead chose to do only half a job. They could have chosen to help strengthen a very significant part of our economy. Instead, they once again caved in to powerful lobbyists and decided to protect their big rail buddies, leaving Canadian shippers holding the bag and the costs.

Poor rail freight service is hurting Canada's exporters, damaging our productivity and global competitiveness and costing us jobs. We cannot afford to lose international business because big rail cannot get its act together.

Disruptions to rail freight services, as well as poor, unacceptable services, are costing the Canadian economy hundreds of millions of dollars every year. Idle manufacturing plants and mines, rotting crops and missed deliveries to outgoing ships due to inefficient and dreadful rail services are a daily reality for Canadian industry.

It is important to note that rail transport is the backbone of the Canadian economy. More than 70% of all surface goods in Canada are shipped by rail. However, 80% of service commitments for agricultural rail customers are not being met by the rail companies due to such issues as delays and an insufficient number of railcars. The recent rail freight service review, which has been mentioned time and time again today, found that 80% of shippers are not satisfied with the services they receive. That means there is only a 20% satisfaction rate, which is abysmal. In any other industry, without this existing duopoly with CN and CP, businesses would be run into the ground for having such poor service records. Rail freight customers, from farmers to mining companies, are suffering from this virtual monopoly. In most parts of the country, shippers cannot choose between rail service providers because they only have access to either CN or CP, and that is if they still have rail service.

Rail line abandonment has been brought up more than once today. A couple of weeks ago I was driving through Arnprior, which is not far from here, expecting to cross the railway line, but it had been torn up. In the prairie provinces, the short lines that give access to the agricultural industry and farmers to reach the main line terminals and distribution centres are being ripped up. In the last 15 years, we have lost more than 10,000 kilometres of rail in Canada, which has been torn up because CN and CP have chosen to change the distribution methods. There is really no cost to them; they will not suffer, because there is no other game in town.

We have seen some real entrepreneurship in the prairie provinces where farmers, local municipalities and communities have banded together to bring rail service back into their communities. They are forming co-ops to save their short lines and bring their products to market in a more effective way, no thanks to the current government or the one before it.

● (1345)

Shippers are routinely suffering from service disruptions, delays and various forms of non-performance by CN and CP. Deliveries and pickups are done on time or are skipped altogether. Frequently, even the number of ordered railcars is not matched by delivered railcars, and sometimes cars are damaged. A broad range of industries is affected by the situation, from natural resources to manufacturing, including agriculture, forest products, mining, chemical, and the automotive businesses. A large portion of the goods in these industries is destined for export. Lacklustre rail service is thus hurting Canada's exporters' ability to compete in global marketplaces. For example, soybeans from Argentina enjoy a competitive advantage in markets like Japan and China because they are delivered faster and more punctually than soybeans from Canada, despite the fact that the total distance covered is significantly shorter for products coming from Canada.

For years now, shippers have been voicing their discontent, but no concrete action was taken by the Conservatives. Bill C-52 would be a half-hearted attempt to level the playing field for industries that are dependent on reliable, speedy rail freight services. Hundreds of millions of dollars in economic losses, decreased competitiveness in the global marketplace and lost jobs apparently do not interest the Conservatives.

Shippers are so desperate that any form of protection is welcome, which is why so many industry groups are supporting the spirit of this bill. However, the watered-down Conservative bill comes as a disappointment for many across those industries. Since 2007, a talk-it-out-and-wait tactic has been employed, starting with the promise of an expert panel review. The rail freight service review started in 2008. The independent panel tabled its final report in early 2011. Half a year later, the Conservatives initiated a mediation process that did not yield any results; it was more wasted time from the other side. Presumably, with the backing of the Conservative government, CN and CP management were unwilling to make any meaningful concessions. The mediation process, led by retired Conservative politician and university chancellor Jim Dinning, failed and his report was released in June 2012.

Parallel to the end of the mediation process, my colleague from Trinity—Spadina tabled a private member's bill, Bill C-441, the rail customer protection act. The private member's bill, coupled with advocacy work from the shipping community, put pressure on the government to follow up on the promise to actually table legislation.

It is also interesting to note that CN undertook a massive lobbying effort last year, first to prevent the bill and then to water it down. Dozens of documented visits to government offices and a media campaign showed its determination to keep the status quo. I would remind the House again that the status quo means that 80% of shippers are unsatisfied with the service that CN and CP are delivering.

Bill C-52 would focus squarely on commercial agreements between rail companies and shippers from a procedural point of view, having the rights to a service level agreement arbitration process in the case of failed negotiations, but not at any other time. Also, it would not address the other elephant in the room: pricing and cost. Certainly it would give an arbitration process, but any penalties garnered from that would not go back to the shippers to compensate them for their losses and their costs; they would go to the government.

The member for Elmwood—Transcona earlier today spoke about how they would have recourse to the courts. Yes, of course they would, but that would bring many costs and time and effort there, with no guarantees, of course. We should be designing bills that would not seek to actually draw people into the legal system. We should be avoiding having people unnecessarily go to court. As for the $100,000 limit on the fines, CN made $3 billion in profits last year, so a $100,000 fine could just be classified as the cost of doing business.

The consensus of the shipping community was to deal with pricing later and tackle service level agreement issues first. While Bill C-52 would fall short on a number of stakeholder demands, it is prudent to support the bill as the shipping community believes it would be a good first step. The task now is to address shortcomings and strengthen the bill to the benefit of the shippers and also to ensure that they get what they need in future rounds of negotiations.

● (1350)

The NDP proposed nine amendments at committee that were summarily rejected by the Conservatives. As my colleague, the member for Notre-Dame-de-Grâce—Lachine mentioned, there was only one Conservative question during all of those amendments, so they really were not interested in hearing about the suggestions we were making.

All those industry groups that the Parliamentary Secretary for the Minister of Heritage mentioned over and over again also submitted several recommendations to the committee, which the government also ignored. I would like to hear him answer why the government ignored those questions the next time he gets up to try to grill us on nationalization.

I am looking at the time, Mr. Speaker. I would definitely like to have some questions from my hon. colleagues before we hit question period, so I will wrap up now.

Mr. Paul Calandra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, I will set out a few dates in the context of this. In 1961 the NDP was founded. In 1962, it lost an election. In 1963, 1965, 1968, 1972, 1974, 1979, 1980, 1984, 1993, 1997, 2000, 2004, 2006, 2008 and 2011, it lost. One would think that after losing 16 elections, these guys would finally understand that what Canadians want are governments that put their needs first.

One would think that after the devastation in B.C., where New Democrats were supposed to win by massive amounts but lost when their leader turned his back on jobs and economic growth for the people of British Columbia, they would finally get it. Clearly they do not.

Here they are in this House arguing to nationalize CN Rail. At what cost would that be to taxpayers? At what cost would that be to shareholders who might actually be in the gallery petrified that their investments are going down the tube?

The New Democrats talk about the $3-billion that CN Rail made as if it were a curse, or a disease. My God, a company has made money in Canada and is creating jobs and economic growth—

● (1355)

The Acting Speaker (Mr. Barry Devolin): Order. The hon. member for Scarborough Southwest.

Mr. Dan Harris: Mr. Speaker, what is a curse and a disease is a government that thinks it is okay to lose complete track of $3 billion and not have any shame about that fact.

What is a travesty is a government that thinks that the unelected, unaccountable and entitled Senate should be sitting in decision of the bills made by the duly elected people of Canada who represent Canadians. The Conservatives obfuscate and deny; they block and they talk about how honourable these people are, when they are milking the taxpayers for millions of dollars, when they are submitting improper claims and then saying they were confused by the difficult one-page form. Well, if they cannot fill in a one-page form, they should not be here.

The Acting Speaker (Mr. Barry Devolin): Before I go back to questions and comments, I will just remind all hon. members that their questions and answers ought to be related to the matter before the House.

The hon. member for Winnipeg North.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, we need to look at the reason the legislation is before us today. It is not because of the Conservative government. It is not because the NDP is having a tiff. The reality is that we have stakeholders, such as our industries—agriculture, forestry, minerals, chemicals, fertilizers, oil and gas—and of course our manufacturers. They provide the jobs that Canadians really and truly want. That group of people led to the pressure for the government to materialize Bill C-52. They worked in co-operation with opposition parties. They want a sense of co-operation coming from the House of Commons and they are not seeing that. The government turned a deaf ear to even a simple, effective amendment from the deputy leader of the Liberal Party.

My question for the member is this: would he not agree that this legislation could be improved if we had amendments that were accepted by the government?

Mr. Dan Harris: Mr. Speaker, I will apologize to you and the House, of course. I like to answer questions that are asked of me. It is a lesson the government would hopefully learn by 2:15 today in question period.

The member for Winnipeg North talked about why we are here debating this bill. I would like to take him back to the root cause of the entire issue, which was when the Liberal government in 1995 privatized CN and did not put any rules and regulations in place to protect shippers from the problems that exist now. We can trace that all the way back to 1995. Then the Liberals were in power for another 11 years after that fact and never got off their butts to fix it.

The member mentioned the deputy leader, the member for Wascana, who was in cabinet during that entire period. Therefore, I would like to ask him if perhaps he ever brought those concerns up with his cabinet colleagues and the prime minister at the time to actually deal with the problems shippers were facing then, as they are now, many years later?

[*Translation*]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, I thank my hon. colleague for his very heartfelt speech, as always.

Why, in his opinion, are the Conservatives defending businesses that abuse their market power? Why are they abandoning the regions? Why are they not standing up for farmers as well as mining and forestry communities in Quebec and Canada?

[*English*]

Mr. Dan Harris: Mr. Speaker, it is inexplicable to me why the government chooses to abandon the regions at a time when we should work to develop regional economies, especially those that survive primarily on seasonal industries. There is more work and economic building to create jobs in those areas so people do not have to think about leaving or worry about having to travel 100 kilometres away so they can get jobs and not be kicked off of EI, and other things.

We on this side would like to see rail development in Canada and infrastructure built in a way that will ensure Canadians' prosperity for years to come.

I apologize to the member for Peterborough for not having a chance to get to his question.

● (1400)

The Acting Speaker (Mr. Barry Devolin): The time provided for government orders has expired. The hon. member will have four minutes remaining for questions and comments when this matter returns to the House.

STATEMENTS BY MEMBERS

[*Translation*]

LOUIS-JOSEPH PAPINEAU PRIZE

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I am proud to rise in the House today to commend my hon. colleague, the dean of the House, who was recognized at the ninth edition of the Gala des Patriotes.

The hon. member for Bas-Richelieu—Nicolet—Bécancour was awarded the Louis-Joseph Papineau prize for his outstanding contribution to the sovereignist movement.

Elected to the federal Parliament in 1984, he has always been a key figure in our struggles to ensure that the values and interests of the Quebec nation are recognized and respected. A founding member of the Bloc Québécois in 1991, the hon. member for Bas-Richelieu—Nicolet—Bécancour has always loudly proclaimed his love for the people of Quebec and asserted their right to control their own destiny. He has been a key witness to the federalist parties' attempts to make Quebec a province like the others, and he is more convinced than ever that Quebec's future hinges on its independence.

Today I commend this tireless crusader who came to the independence movement following both his mind and his heart and whose loyalty and passion have stood the test of time.

Bravo.

[*English*]

VOLUNTEERISM

Mr. Corneliu Chisu (Pickering—Scarborough East, CPC): Mr. Speaker, it gives me great pride to honour the efforts of one of my constituents, Mr. Gary Webster, for his volunteerism for the Canadian Executive Services Organization, CESO. CESO is a registered Canadian charity that works to improve economic and social conditions around the world.

Mr. Gary Webster, the retired general manager of the Toronto Transit Commission, recently assisted the municipal government of La Paz, Bolivia, in providing technical and strategic advice for a mass transit project for the city.

Mr. Gary Webster and volunteers like him are prime examples of Canadians dedicated to making this world a better place.

I would now like the House to join me in congratulating Mr. Gary Webster on the completion of this endeavour and making Canada proud.

* * *

[*Translation*]

MUNICIPALITY OF MONT-CARMEL

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Mr. Speaker, Mont-Carmel is a model of innovation and determination.

Tomorrow it will receive the title of most resilient municipality of 2013-14. Mont-Carmel will host the eighth annual day of rural resilience and pride. A delegation from Les Méchins, the village that won the title last year, will hand over this symbol of rural pride to the mayor, Denis Lévesque.

Elected officials from eastern Quebec, including the reeve of the Kamouraska RCM, Yvon Soucy, will also be there. The Kamouraska chapter of Solidarité rurale will lead discussions on taking pride in living in a rural area, and there will be a tribute to community builders such as Jean-Claude Plourde and Benjamin Drapeau.

The regional economies are bearing the brunt of the often half-baked service cuts in the current austerity budget. It is the resilience of hundreds of municipalities such as Saint-Pamphile, Mont-Carmel, Saint-Cyprien and Percé that keeps people in those municipalities and helps them to enjoy an exceptional quality of life there.

This is a major source of inspiration for me as I help work toward the goal of having an NDP government in 2015. An NDP government would stop doing away with public services in the regions and start working with the regions on creating a better future.

* * *

[*English*]

AL STRIKE

Mr. Erin O'Toole (Durham, CPC): Mr. Speaker, I rise today with a mixture of sorrow but also of celebration of a life well lived. This morning lifelong Bowmanville resident Al Strike died.

Al was the leader of a multi-generational law firm in Bowmanville that bore the Strike name for three generations. He was known for supporting local business with his intellect and service, but, more importantly, he was known for serving our community.

Without Al Strike, there would not be arenas or pools built. He helped with Community Care Durham, served on the board of Durham College and helped Valleys 2000. Al and his wife Anna, for over 50 years, supported the Lakeridge Health Bowmanville. He was a 60-year Rotarian, and two years ago he inspired me and others to help build a fish bypass with Valleys 2000 on the Bowmanville Creek.

His was a life well lived, Mr. Speaker, and our community is better for it.

My deepest condolences go to his wife Anna, and to his family and friends. The “silver fox” has passed, but his legacy on Bowmanville Creek will continue.

* * *

● (1405)

HEALTH CARE

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, today there are dozens of doctors in the House and prowling the Hill, meeting with MPs and senators. They want to advocate, an unwelcome word in that administration, for the sustainability of medicare and the health of Canadians.

The Canadian Medical Association has advocated in the past for tobacco cessation, heart health telemedicine, aboriginal self-government and bans on uranium and asbestos mining.

They are the front-line workers who use evidence and clinical data to achieve health outcomes. They interact with patients daily. They enjoy one of the highest levels of credibility and trust. They know better than anyone that public health care is the number one issue for Canadians, who see it as a core value and not just a social program.

The CMA is here to speak for patients who, in their cross-country conversations, said that they wanted effective, quality, efficient and timely care, all of which today's report by the Health Council of Canada says have worsened.

Members should meet with them and listen to them. They have innovative and evidence-based solutions to offer that can only be of benefit to all Canadians.

* * *

LYNNE WOOLSTENCROFT

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I rise to note a significant loss to Waterloo region.

For over 30 years, Lynne Woolstencroft served as a teacher, a school board trustee and chair of the board, a city councillor, a regional councillor and as mayor of the city of Waterloo. She was a loving wife, a devoted parent and a proud grandparent.

When I was first elected as a trustee, Lynne welcomed me to the Waterloo County Board of Education. Later, it was my honour to follow her as board chair.

Lynne genuinely cared for her community, its members and its environment. Her legacy will include French immersion programming, the Perimeter Institute, the Centre for International Governance Innovation and University of Waterloo's Research and Technology Park.

To her husband Peter, her children Anne, Rob and their spouses, her grandchildren Maggie, Colin, Caitlin, Dylan and Liam, we share in their deep sense of loss and assure them of our prayers as they embark on the challenging journey ahead.

* * *

KOMAGATA MARU

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, today, May 23, marks the 99th anniversary of the arrival of the *Komagata Maru* into Vancouver's Burrard Inlet. With 376 passengers on board, the *Komagata Maru* ended its long Pacific journey to Canada, only to be met with rejection.

Due to the discriminatory "continuous journey" regulation, passengers were prevented from disembarking while the ship remained in Burrard Inlet for two months. Passengers were denied basic necessities, such as food and water.

This was one of several incidents in the early 20th century involving Canada's exclusion laws designed to keep out immigrants of Asian origin and descent.

The tragedy of the *Komagata Maru* marks a dark chapter in Canadian history, one that must be honoured by the recognition of the failures of our past and inspire us to pursue a more equal Canada for future generations.

Along with my NDP colleagues, I will continue to push for a formal official apology on the floor of the House of Commons for this tragedy. An apology is long overdue and a necessary part of the healing and reconciliation process.

* * *

BIRTHDAY AND ANNIVERSARY CONGRATULATIONS

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Mr. Speaker, the old saying goes, "Just like a fine wine, everything gets better with age".

I rise in the House today to recognize a number of very tremendous milestones for some constituents in my riding.

I am honoured to extend my best wishes to Thelma Baily and Edna Levett, who will be celebrating their 105th birthdays in the coming month. Thelma will celebrate her 105th on June 18 and Edna will celebrate hers on June 21.

In the past 105 years, Thelma and Edna have seen two world wars, made it through the Great Depression and have witnessed the birth of the automobile, electricity and the computer, among other things. Indeed, life has changed a great deal since the birth of these two women, and I congratulate them on this tremendous milestone.

I am also proud to congratulate Elsie and George Moss, Gordon and Lola Welch and Warren and Ruth O'Connor on celebrating their 70th wedding anniversaries this past month. For two people to commit themselves to each other for 70 years is certainly quite an accomplishment.

Once again, I would like to congratulate all of these individuals on these incredible milestones.

* * *

● (1410)

ALFRED ROUSSELLE, IAN BENOIT AND SAMUEL-RENÉ BOUTIN

Mrs. Tilly O'Neill Gordon (Miramichi, CPC): Mr. Speaker, it is with a heavy heart that I rise in the House today to pay my respects to Alfred Rousselle, Ian Benoit and Samuel-René Boutin, three lobster fishermen who lost their lives on May 18 when their boat capsized in a tragic fishing accident near Tabusintac, New Brunswick.

We know that every morning fishermen set out, driven by a dedication to providing for their families and a love for the sea. They do so despite knowing the great risks and dangers that may lie ahead of them.

Alfred, Ian and Samuel-René will be remembered for that dedication and for their strength and bravery, qualities every fisherman must possess.

The Ground Search and Rescue, the RCMP, the DFO, Inspector Mark Bertrand and all the volunteers must be acknowledged for their bravery and aid in bringing these men home to their families.

My heart and prayers go out to the families, friends and communities that are mourning the loss of these three great men who were taken much too soon.

* * *

[*Translation*]

GEORGES MOUSTAKI

Mr. Pierre Dionne Labelle (Rivière-du-Nord, NDP): Mr. Speaker, Georges Moustaki, with his Mediterranean face, the face of a wandering Jew and a Greek shepherd, and his wild hair, left us this morning, taking the byways he travelled all his life to finally join Félix Leclerc, Jacques Brel, Barbara and Georges Brassens in the pantheon of French song.

Moustaki was a poet who wrote about intimate and universal concepts, and his songs have been sung throughout the world in every language by musicians from several generations.

He was a humanist and pacifist who lived on the left bank. As a champion of freedom and simple living, he was an icon for an entire generation—a generation for whom love and the future of our planet were more important than all the gold, power or money in the world.

Here are the lyrics of one of Moustaki's songs:

> See the people bustling about,
> Clothed in lies and deception.
> You can be a beggar and proud of it,
> Clothed in rags but not poor.

Thank you, Moustaki.

[*English*]

BATTLE OF MONTE CASSINO

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Speaker, last Sunday I had the privilege to attend the commemoration ceremonies of the 69th anniversary of the Battle of Monte Cassino, conducted by the Allies against the Winter Line in Italy in an attempt to break through into Rome. The series of four assaults took place January 17 to May 18, 1944. The Allied forces consisted of the United Kingdom, the United States, Free French forces, New Zealand, India and Poland, as well as our own fellow Canadians. The fighting inflicted over 55,000 casualties to the Allies. Finally, May 18 found the Poles taking Monte Cassino, and the road to Rome was open.

Let me thank and congratulate Krzysztof Tomczak, commander of SWAP 114, for organizing the event, and the four heroes of the Cassino battle, Stefan Podsiadlo, Boleslaw Chamot, Ludomir Blicharski and Tadeusz Gosinski for attending.

I would ask all members of the House to join me in paying tribute to all heroes of that historic battle.

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[*Translation*]

JOLIETTE CONSERVATIVE ASSOCIATION

Ms. Francine Raynault (Joliette, NDP): Mr. Speaker, people in my region are tolerant but they are not fools. We had proof of that yesterday, when the president of the Joliette Conservative Association, Georgette Saint-Onge, submitted her resignation.

Among other things, she accused the Conservative Party of impeding her activities and preventing local newspapers from covering one of her events.

This is unacceptable in a democracy. I would like to acknowledge Ms. Saint-Onge's courage, which proves that, in Lanaudière, we do not let anyone walk all over us.

I will close with a quote from the former president's letter of resignation: "In any event, the Conservative Party is headed once again for a brick wall in Quebec in the next election. I would seriously suggest that you not spend one penny more on political organizing in Quebec, because it is a complete waste of money."

* * *

[*English*]

LEADER OF THE NEW DEMOCRATIC PARTY OF CANADA

Mr. Rodney Weston (Saint John, CPC): Mr. Speaker, yesterday on the television show *Power Play* the leader of the NDP hinted that he would drag Canadians into constitutional battles without a serious plan. When asked about Senate abolition, the leader of the NDP said, "There are other things that will be on the table....Newfoundland, Labrador and Quebec are going to look at their historical angles and some sort of protection there, so we have to take that into account". His NDP democratic reform critic admitted that abolition will be "at minimum extraordinarily difficult".

We have outlined our Senate reform plan both in legislation and before the Supreme Court of Canada.

Why does the leader of the NDP want to get Canadians into constitutional battles without a plan? What exactly "will be on the table"?

* * *

● (1415)

APPLE BLOSSOM FESTIVAL

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, every year in Nova Scotia's beautiful Annapolis Valley, we celebrate the arrival of spring with the Apple Blossom Festival. This year from May 29 to June 3, crowds will gather to crown Queen Annapolisa and join in the children's parade and the grand street parade. Visitors will enjoy fireworks, talent shows, art shows, antique tractor pulls and many other events that will be fun for the whole family.

While this internationally renowned festival is now in its 81st year, we have some firsts to celebrate this year. For the first time we will be welcoming delegates from our twin festival in England, the Goosnargh and Whittingham Whitsuntide Festival.

I would like to congratulate Rose Stevenson-Davidson, the president of the Apple Blossom Festival, as well as all of the organizers involved in this wonderful celebration. I would like to invite all members to come to Nova Scotia as we celebrate family, friends and fun at the 81st annual Apple Blossom Festival in the beautiful Annapolis Valley this spring.

* * *

[*Translation*]

LEADER OF THE NEW DEMOCRATIC PARTY OF CANADA

Mr. Royal Galipeau (Ottawa—Orléans, CPC): Mr. Speaker, the leader of the NDP has a troubling secret. He has known about the political corruption in his province since 1994, when the former mayor of Laval, Gilles Vaillancourt, offered him an envelope to help him.

The leader of the NDP only informed the authorities 17 years later. Even more worrisome is the fact that in 2010, he denied that Mr. Vaillancourt offered him an envelope.

The member for Outremont must explain why he did nothing about this compromising situation. The Leader of the Opposition hid his inside knowledge of corruption from the public for two years before deciding to break his silence last week.

Will the leader of the NDP offer to appear before the Charbonneau commission to explain what he knows about corruption in Quebec?

[*English*]

DEMOCRATIC REFORM

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, Canadians are witnessing the death rattle of an archaic, outdated and expensive anachronism. With false residency claims, double-dipping expenses and political stumping at the taxpayers' expense, the Senate has gone from an expensive nuisance to a national disgrace. It is more in sadness than in anger as Canadians watch this abuse and the ethical lapses unfurl. We were promised that things would be different, but instead the legacy of the administration will be $16 glasses of orange juice and an almost comical cliché of hog-troughing senators.

Grassroots Conservatives must be horrified that this administration has more in common with Grant Devine than with Preston Manning. Conservatives squandered their chance to do anything meaningful with their minority government. When we ask ourselves what they have accomplished with their majority government, they abolished the gun registry and the Canadian Wheat Board. Whoop-de-do-dah-day. Pretty thin gruel for a strong, stable majority Conservative government. What a pathetic waste of an opportunity to build a better Canada.

The Senate of Canada should be abolished. That is plain and simple.

* * *

LEADER OF THE NEW DEMOCRATIC PARTY OF CANADA

Mr. Phil McColeman (Brant, CPC): Mr. Speaker, it took the leader of the NDP 17 whole years to reverse his story and come clean to Canadians that he was involved in a bribe offer from the former mayor of Laval. He has an interesting standard of ethics. First, he keeps it a secret. Then he misleads Canadians saying he was not presented with a bribe. Then he reverses his story when the police come knocking.

He claims to be "proud" to have helped the police. It baffles me that the leader of the NDP is proud of hiding a secret for years and reversing his story when law enforcement gets involved amidst the biggest corruption inquiry in our history. I am certain law enforcement officers are not proud of his actions, or should I say inaction.

The standard he has set for his party when it comes to dealing with bribery and corruption is appalling. It makes one wonder who else on the other side of the House was involved in such schemes.

ORAL QUESTIONS

● (1420)

[*English*]

ETHICS

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, on February 17 the Prime Minister answered in the House that "All senators conform to the residency requirements."

The Senate audit report contradicted this and concluded that Senator Duffy's primary residence was Ottawa, not P.E.I., yet when the final report was tabled, this key paragraph had been erased.

Last night we learned that the Prime Minister's former communications director, now a senator, helped whitewash the Duffy report.

Can the government tell us whether anyone in the PMO was aware that this report contradicted their Prime Minister?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, it is my understanding that the Senate report does reflect the findings of the auditor—the auditor, by the way, that both the opposition and the government agreed should be brought in, an independent, outside auditor.

The report reflected that finding. I understand, of course, that new questions have been raised. That is why the Senate is looking at the matter again, and that is also why the Ethics Commissioner is looking into this, as is the office of the Senate ethics commission.

These questions are being raised. They are being put forward. They will be answered.

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, the meaning of the deleted paragraph is clear. It reads:

> His continued presence at his Ottawa residence over the years does not support such a declaration and is contrary to the plain meaning of the word 'primary' and to the purpose and intent of the provision.

Who in the PMO was aware of the details in the report? Who in the PMO was involved in any discussions about the Senate committee's work? Did anyone in the PMO play any role in removing this key paragraph?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as I have said, the Senate report, I understand, reflects the findings of the independent auditor, but new questions have been raised. That is why the Senate is reopening this subject matter, to get into some of these questions, which I think is the appropriate thing to do.

I would also point out to members opposite and to taxpayers, more importantly, that there are opposition members on this committee who can ask whatever questions they want to ask.

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, answers like that are classic non-denial denials, just like the non-denial denial from the Prime Minister's former lawyer, Mr. Perrin.

He says that he did not know about the cheque being sent, but was silent on whether he knew about the deal being negotiated. He did not say whether he played a role in implementing the decision that led to the cover-up.

Let us keep this one simple. Were any lawyers in the PMO aware of what Nigel Wright and Senator Duffy were cooking up?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, we are not aware of any legal agreement between Mr. Wright and Mr. Duffy. It is as simple as that.

The Prime Minister was very clear about that yesterday when he took questions from the media. He has been very clear about that and consistent about that. Those facts have not changed.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, what I understand from that answer is that the Prime Minister's lawyer may have been aware.

When the Prime Minister learned about what happened, he did not demand a resignation, did not call the police and did not apologize. Instead, he steadfastly defended those involved in the scandal. Yesterday, the Prime Minister said that if he had known, he never would have let it happen.

Why, then, would the Prime Minister say that he had full confidence in Nigel Wright on the first day of the scandal?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, on Tuesday, here in Ottawa, and yesterday, in response to questions from the media, the Prime Minister said that he did not know until the news came out in the papers. That was when the Prime Minister found out what was going on.

Because of that and because of Mr. Wright's statement that he had acted alone and that he was stepping down, the Prime Minister accepted his resignation.

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, in just one week, the Prime Minister went from having full confidence in his former chief of staff to being "not happy". That is quite an about-face.

The Conservatives are quite specific in their denial. They deny the existence of any legal documents, but they have nothing to say about the February 20 email.

Does the Prime Minister's Office have any document—a memo, a handwritten or electronic note, an email, a PIN, a BBM, a fax, anything—regarding Nigel Wright's $90,000 payment to Mike Duffy?

● (1425)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, we are not aware of any kind of legal document or agreement between Mr. Wright and Mr. Duffy. The Prime Minister was very clear about that yesterday, and we are repeating that today.

[*English*]

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, if the Prime Minister is truly as perturbed as he claims to be about the Wright-Duffy scandal, he must explain why it took him nearly a week to come to grips with his chief of staff's wrongful behaviour.

With knowledge of a $90,000 secret deal that perverted the course of a forensic audit and caused a Senate report to be doctored, the Prime Minister still expressed total confidence in Mr. Wright for more than five days. Why that long delay? Did the Prime Minister think he could bluff Canadians about this stunning lack of ethics in his inner circle?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as the Prime Minister said yesterday:

> Immediately upon learning that the source was indeed my chief of staff, Nigel Wright, I immediately asked that that information be released publicly.

This is behaviour that the Prime Minister believes was irresponsible and inappropriate. Nigel Wright says that he acted solely. He has taken responsibility and resigned, and that is the right thing to have happened.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, any payment to anyone to influence the conduct of a senator is an indictable offence carrying jail time as a penalty under both the Parliament of Canada Act and the Criminal Code. It should not take a week to figure that out.

Throwing Wright and Duffy under the bus does not make the corruption go away. The whole illicit scheme is outlined in an email, dated February 20. The Prime Minister's Office has that email. Will they table it today?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as I have said, this question was just asked by the official opposition. We are not aware of any legal agreement between Mr. Duffy and Mr. Wright whatsoever, in any format whatsoever.

As my colleague knows, the Ethics Commissioner and the Senate Ethics Officer are both looking into this independently. The Senate committee is taking another look at the subject matter as well. Opposition members of that committee can ask any questions that they want. Rightly, there are new questions that have been raised, and those questions do need to be answered.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, after the illicit $90,000 payment to Senator Duffy by the Prime Minister's chief of staff, Duffy scuttled Deloitte's forensic audit, and two of the Prime Minister's closest cronies, Conservative Senators Tkachuk and Stewart Olsen, doctored the Senate's report.

Who ordered them to do that? Was it Mr. Wright? Will the Prime Minister remove Tkachuk and Stewart Olsen, the very same people who doctored the Duffy report in the first place? Will he remove them from the Senate committee that is now supposed to review that same report?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, with regard to this report, as I said again to the official opposition, it is an important point to again reiterate that the Senate report did reflect the auditor's findings that there were inappropriate expenses that were charged to taxpayers by Senator Duffy. That was outlined in the report, but indeed, other questions have been raised, which is why the Senate has decided to open up this matter and to re-examine it. It is also why the Senate ethics office and why the Ethics Commissioner, as well, are looking into this matter.

I hope that the member opposite and all members of the House would allow them to do their work and allow them to make a report so that we can, indeed, get all that information.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, on February 17, the Prime Minister told the House that Mike Duffy met the resident requirements for the Senate, but he did not tell the people of Canada that the Senate had found that Duffy was ineligible to claim his status in Prince Edward Island. This key passage was removed from the Senate audit by Senator Tkachuk and Senator Stewart Olsen.

Carolyn Stewart Olsen has been the Prime Minister's closest adviser for ten years. She is as close as one can get. Who in the Prime Minister's office made the call to Olsen?

Now that the RCMP is involved, who helped Wright and who helped Stewart Olsen in this cover-up?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, again, that is simply not the case. The Senate report did reflect the findings of the independent auditor. It reflected the findings that there were some inappropriate expenses that were incurred and billed to taxpayers. It also reflected that the money was paid back.

New questions have been raised, which is why the Senate committee is taking another look at it, and that is the appropriate thing to do.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, they need to get their story straight. Last week, they were saying that Nigel Wright was a hero for writing a secret cheque. Meanwhile, the New Democrats were calling in the RCMP. We are talking about two key advisers: one in the Prime Minister's Office; the other sitting on the in-camera review of the Senate.

They say they want to help us get to the bottom of this, so who exactly has the Prime Minister called in to investigate? Who has he spoken to, and what phone records, memos, emails or cheque stubs have been handed over to help this investigation? Now that the RCMP is involved, what have they done to help?

● (1430)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, there are a couple of things, as I said. The Ethics Commissioner is looking into this. The independent Senate ethics office is looking at this as well. The Senate committee is taking another look at this matter as well.

What Canadians expect from the Prime Minister is the leadership he has demonstrated in the House to move forward with Senate reform. That is why—

Some hon. members: Oh, oh!

Hon. James Moore: We have put legislation before the House for Senate term limits and for Senate elections. We have actually gone further. We have asked the Supreme Court for a reference to tell us how much further we can go and what our mandate can be to move forward on these things.

The NDP is full of rhetoric and self-righteousness. We actually want to move forward and reform the Senate.

[*Translation*]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, the Prime Minister's leadership involved putting all his trust in his chief of staff. Carolyn Stewart Olsen, who doctored the Senate report, is the Prime Minister's former director of communications. She worked closely with the Prime Minister's former executive assistant, Ray Novak, his new chief of staff. It is therefore very likely that Mr. Novak is also involved.

The Conservatives are unable to tell the truth in this scandal, but we have just learned that this matter is now in the hands of the RCMP, thanks to the NDP.

I have a very simple question. At any point, did the Prime Minister tell Mr. Wright to take care of Mr. Duffy's mess?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as I said, the Conflict of Interest and Ethics Commissioner is looking into this, as is the Senate Ethics Officer. They will certainly consider the questions asked by the opposition. A Senate committee is also looking into this matter and the new questions that have been raised over the past few days. We are certain that the facts will be uncovered and that we are going to move in the right direction. Taxpayers will see real Senate reform.

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, the RCMP is also looking into the matter, thanks to the NDP.

I understand that the Prime Minister may have asked Mr. Wright to deal with the incident involving Mr. Duffy, which means that the Prime Minister might be involved in the cover-up. In any case, he expressed his confidence in Mr. Wright when this scandal went public. Yesterday, the only thing that the Prime Minister—who is off on his own in South America—had to say is that he did not know about the $90,000 cheque.

Has the Prime Minister talked to Nigel Wright about the shenanigans in the Senate since June 13, 2012, when the Auditor General's report was tabled?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as Mr. Wright himself clearly indicated in the statement he made following his resignation, he acted alone. It was not until later, when it was reported in the media, that the Prime Minister found out what was happening. The Prime Minister was certainly not at all pleased with Mr. Wright's actions.

Mr. Wright resigned and the Prime Minister immediately accepted his resignation because this is not the type of behaviour that we expect from people in public life, and Mr. Wright did not act in the best interests of taxpayers.

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, I do not know how anyone else feels, but when I see the minister pretending he does not understand the question and beating around the bush instead of giving a straight answer, I get the feeling someone is trying to hide something.

The Conservatives are refusing to launch an independent investigation into the Senate's spending scandal. They will not tell us whether they have talked to the RCMP. They will not tell us whether any documents about legal or illegal activities exist at the PMO.

Could they at least tell us whether someone else in the PMO was aware of what was going on between Mike Duffy and Nigel Wright?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, I strongly disagree with the preamble to the question from my colleague opposite. It is quite clear that the Conflict of Interest and Ethics Commissioner is fully independent. The Senate Ethics Officer is fully independent. They are perfectly free to do their work and examine those issues. They will prepare their report and submit it. That is coming.

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, some 12 senators, the Prime Minister's former counsel and his former chief of staff are involved in a scandal of epic proportions and apparently no one in the PMO knows anything. Really? Nobody believes that Nigel Wright alone dealt with the Senate problems.

Other than Nigel Wright, who else talked to Mike Duffy? Who ordered Carolyn Stewart Olsen to change her report? Who else knew about the dealings between Mike Duffy and Nigel Wright?

● (1435)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, Nigel Wright was the only one involved. That is what he said in his statement and that is why he resigned.

* * *

[*English*]

JUSTICE

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, yesterday, deigning to speak to us from Peru, the Prime Minister said that Nigel Wright wrote a cheque for Senator Duffy for what he called "the right motive", but the Prime Minister is ignoring that making a payment to a senator in relation to a controversy before the Senate or for the purpose of influencing a senator is an indictable offence under the Parliament of Canada Act.

Can today's stand-in prime minister tell us why the Prime Minister continues to soft-pedal potentially criminal activity?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, if the hon. colleague wants to quote the Prime Minister, I would encourage him to use the entire quote. Here is the full quote of what the Prime Minister said. He stated:

> That's the right motive, but nevertheless it was obviously not correct for that decision to be made and executed without my knowledge or without public transparency.

That is the full quote. It was irresponsible behaviour on behalf of Nigel Wright. The Prime Minister made that clear. Nigel Wright has resigned, and it was the appropriate thing to do.

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, the only wrong thing was not telling the Prime Minister or the public. That is what that quote says directly.

Let us go back to Lima. The Prime Minister emphasized that Mr. Wright paid out Senator Duffy with Mr. Wright's own money, as if that somehow absolves Mr. Wright of possible criminal responsibility involving up to a year in jail under the Parliament of Canada Act and 14 years under the Criminal Code.

Does the government front bench agree with the Prime Minister that Mr. Wright was trying to do the right thing when he used his own money so that Mr. Duffy could pretend to be paying back the $90,000 as his own money?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, first things first. As I have said a few times now, the independent Ethics Commissioner is looking into this. Before my hon. colleague starts handing out these kinds of assessments, he might want to wait for that report to come back. That is first.

Second of all, of course we agree with the leadership the Prime Minister has shown in ensuring that taxpayers' money is spent in a responsible way, not only in the Senate but also in the House and also by his staff. What Nigel Wright did was wrong. The Prime Minister was very clear about that. When he offered his resignation, the Prime Minister accepted it immediately, because Canadians need to know that they have a prime minister they can trust with their money, and they do.

* * *

ETHICS

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, the motives were right, but the actions may have been criminal, and the government is patting itself on the back when Canadians want answers. They are fed up with these non-answers, carefully parsed words and doublespeak from Conservatives.

Conservatives are now so desperate that they trust Liberal senators to get to the bottom of this scandal. We have asked for legal documents, but maybe all along we should have been asking for the illegal documents as well.

Did the Prime Minister ask Nigel Wright or Carolyn Stewart Olsen to look into the scandal about Mike Duffy? Enough with the spin; just give us a straight answer, for once.

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): As we have said, Mr. Speaker, no matter what it is that we say, the reality is that the opposition is going to attack.

What is important here for taxpayers is that there is a process in place to examine all these questions, again, not just in 30-second exchanges in the House of Commons. We have the Ethics Commissioner looking into this. There is the Senate ethics office that is looking into this. These are professionals who will do this in an independent way and answer these questions, and we are entirely confident that Canadian taxpayers know that they have a Prime Minister who has put in place a process that will ensure that their tax money is not abused.

[*Translation*]

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, ordinary Canadians do not have influential Conservative friends who can make their problems go away, but Mike Duffy does. Two Conservative senators, David Tkachuk and Carolyn Stewart Olsen, helped Mike Duffy.

Why do they still have the confidence of the Prime Minister if he is so outraged by the situation?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, the Senate report reflected what was found by the independent auditor the Senate hired to examine Mr. Duffy's expenses. That is the report that is on the table.

Because there are other questions, as my colleague has demonstrated, the Senate has begun a new process, which includes Liberal senators. If he has questions, he can consult them. There will be a new report on this matter.

● (1440)

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, as I said, ordinary Canadians do not have influential Conservative friends who can make their problems go away, but Mike Duffy does. I am referring to the Prime Minister's former press secretary, Senator Stewart Olsen. We know that the report on Senator Duffy was whitewashed.

Who ordered Senators Tkachuk and Stewart Olsen to do this? Was it the Prime Minister, Nigel Wright or someone else in the Prime Minister's Office?

[*English*]

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, before the Liberals really throw stones, they ought to recognize that they are standing inside of a very large glass house on this subject matter, because it was just two years ago that Liberal members of the Board of Internal Economy, Liberal members of the House, whitewashed and protected three Liberal members of Parliament who took $175,000 in taxpayers' money that was falsely claimed by three Liberal members of Parliament in their housing allowances. These are Liberal members of Parliament who are currently in the House. Before the Liberals start throwing stones at others, Liberals in the House had better start walking the talk.

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, I detect a measure of desperation coming from the other side.

I have a simple question. Now that the RCMP has approached the Senate to access documents and information, can the minister tell us whether the RCMP has approached the Prime Minister or anyone in his office for access to documents and information?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, it has not. Unlike under the Liberals in the Suharto affair, we do not tell the RCMP what to do. The RCMP operates independently.

Getting back to this central question, the Liberals are pretty stridently self-righteous on this issue. However, the Ethics Commissioner is looking into it, the Office of the Senate Ethics Officer is looking into it and the Senate committee is going to do a new report on it, so on this issue the facts will be found.

Before the Liberals throw stones, they have a glass house crashing around them, because there are three Liberal members of Parliament who were caught taking $175,000 in false housing claims. They are currently in this House. When are they going to pay back that money?

[*Translation*]

GOVERNMENT APPOINTMENTS

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, it seems that the prerequisite for—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. member for Hochelaga.

Ms. Marjolaine Boutin-Sweet: Mr. Speaker, it seems that the prerequisite for being a member of the new Social Security Tribunal is having close ties to the Conservative Party.

History is repeating itself. The Conservatives used to appoint their cronies to the Board of Referees. In return, they illegally filled the party coffers. Now, the same wheeling and dealing is happening with the Social Security Tribunal.

The tribunal will make decisions that affect employment insurance, old age security and pensions.

Will the minister commit to enforcing the rules and ensuring that the Social Security Tribunal is independent?

[*English*]

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, as everyone in the House understands, the employment insurance tribunals no longer exist. They have been replaced by our government with the new Social Security Tribunal. This is an important tribunal because the people who sit on it are making decisions that affect the lives of people in a very direct and personal way. Their decisions will affect people's livelihoods, for some of them at their most vulnerable time.

They are also responsible for ensuring the integrity of our social security system. That is why they are selected on the basis of merit and why they have to meet the specific experience and competency criteria required to do the job.

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, just days after the government's EI board appointees were caught giving improper donations to the Conservative Party, which have not been paid back, it is clear that the minister is on yet another partisan appointment binge. The new Social Security Tribunal is being stacked with failed federal and provincial Conservative candidates, members of Tory riding associations and even a former provincial Tory cabinet minister.

What will it take for the government to get the message that "who you know in the PMO" is not merit?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, as I said, there is a rigorous process in place to review appointments to make sure that they are made on the basis of merit, because this is a very important tribunal. It is a tribunal that will make decisions affecting people's lives at a very vulnerable time. They also have to have the judgment and experience necessary to defend the integrity of the social security system that so many Canadians want to depend on when they are in need and to make sure that it is not abused in a fashion that will hurt those who are genuinely in need.

That is why it is important that we have good people on this tribunal. That is why there is an important process in place that ensures that appointments are on merit.

● (1445)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, it feels like so long ago since the Prime Minister announced his Public Appointments Commission to scrutinize his government's appointments. Then, $2.5 million later, he scrapped it.

Now, in this Parliament, only two of 43 appointments referred to the Standing Committee on Government Operations and Estimates have appeared.

I have a simple question. Can the government confirm if it advised these appointees that they are obliged to appear when invited by a parliamentary committee?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, as I have indicated in the past, appointments made by our government are based on sound merit. They are people who are committed to serving the public in a fashion that many of us appreciate.

For many people it is a significant sacrifice, but they do it out of a spirit of public service and a spirit of commitment to make their country a better place, much as many people in this House come here to do for the exact same reasons. That is why it is important that we ensure, as our government does, that the people we appoint to deal with these important responsibilities are indeed people of merit and substance.

* * *

[*Translation*]

ETHICS

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): Mr. Speaker, long gone are the good old days of 2005, when a certain person said, and I quote, "When does a government finally decide to be accountable? After five years? Ten years?"

The person who said that was the current Prime Minister. At the time, the Conservatives were campaigning on their high horse of transparency. Unfortunately, that horse has been put out to pasture. After the Senate spending scandal, after the Conservatives stacked the Social Security Tribunal with their cronies, after the misplaced $3.1 billion, it is clear that times have changed.

Why have the Conservatives become what they once spoke out against?

[*English*]

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, it is my pleasure to stand in the House today and talk about the great plans we have with respect to open government.

We are one of the world leaders on the world stage, through the Open Government Partnership. There are 273,000 data sets online right now at open.gc.ca available for researchers, citizens and entrepreneurs. That is the kind of leadership we are pursuing in many different facets of open government, and we are proud of it.

CANADA REVENUE AGENCY

Mr. Bryan Hayes (Sault Ste. Marie, CPC): Mr. Speaker, our government is committed to cracking down on crime and rooting out corruption in our tax system. Can the Minister of National Revenue please update the House on the government's action to clean up the Montreal tax service office?

Hon. Gail Shea (Minister of National Revenue and Minister for the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, I do consider any misconduct by CRA officials disturbing. CRA investigated these matters some time ago and referred the findings to the RCMP. These individuals have not worked for CRA for several years.

Over the last few years, we have worked with the RCMP to clean up the situation at the Montreal tax services offices. We are committed to protecting the integrity of our tax system and cracking down on crime, and we are pleased with this most recent progress by the RCMP.

* * *

[*Translation*]

GOVERNMENT EXPENDITURES

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, while the Conservatives are busy forcing the budget implementation bill through Parliament at top speed, I wonder if they have had any time to look for the missing $3.1 billion.

It has been 23 days since the Auditor General revealed that the Conservatives lost track of billions of dollars in funding set aside for public safety.

Can the minister tell us whether they have found the money and if he has any documentation to prove it?

[*English*]

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, the hon. member and the other members of her caucus, in the same amount of time, could have merely looked up this public material that was passed by previous Parliaments in the public accounts of 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2009. It is all there.

● (1450)

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, with $3 billion unaccounted for and even the Auditor General unable to find it, is that the answer?

Meanwhile, for the third time the Conservatives are forcing a budget bill through Parliament in their sham process. Some committees only have one or two meetings on very complex issues in Bill C-60 that deserve more attention. We had a witness just this morning at the finance committee who asked why he was there and not before HRSDC. Welcome to Conservative Ottawa.

Why do the Conservatives insist on evading parliamentary scrutiny and what do they have against fiscal accountability?

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, fiscal accountability is what this government is all about. We have put forward a budget implementation bill that we are looking forward to the opposition members actually reading, understanding and supporting. It would provide measures for Canadians that would follow on our long-term plan of creating more jobs and helping businesses by reducing their costs so that they can create the jobs. That is what is important to Canadians, and I would encourage the hon. members to get on with their work at committee and get the budget passed.

* * *

TAXATION

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, a party that ran on accountability cannot account for $3.1 billion. Wow.

As well, a party that denounced an iPod tax has now introduced its own through the back door. In a bizarre twist, we learned just today that the Conservatives have long planned on making this tax retroactive, demanding that retailers pay back-taxes on all the iPods they have sold in the past, and even on some TVs. Obviously, retailers are simply stunned.

Why did the Conservatives not even give industry a warning that these changes were coming?

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, there is no fact in that question. It is all false.

The only people in the House of Commons who actually want to put a tax on iPods are the New Democrats. They are the only ones who want to increase taxes.

IPods have been coming into this country tax free, and our government will ensure that that continues.

* * *

[*Translation*]

GOVERNMENT ADVERTISING

Mr. Mathieu Ravignat (Pontiac, NDP): How hypocritical, Mr. Speaker. They have the nerve to accuse the opposition of wanting to put a tax on iPods, but three years later they are caught with their pants down, introducing that same tax.

Since they keep saying one thing and doing another, they have to spend money on pitching their twisted logic to the public. That is why they spent $190,000 a minute on ads for a job program that does not even exist.

Is the President of the Treasury Board using his new iPod tax to pay for these ads?

[*English*]

Hon. Lisa Raitt (Minister of Labour, CPC): Mr. Speaker, I am delighted to answer the question. That allows me to talk about a fantastic measure in our new economic action plan 2013. That is the Canada job grant. Indeed, because we think it is such a great program, we believe it is important to communicate it to all Canadians so that they can see themselves, or see their own potential, in those commercials.

I think it is very important that in those ads we see young women wearing hard hats. Women are an under-represented group in the trades. We are promoting their presence and will continue to.

* * *

ETHICS

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, most ordinary Canadians do not have personal lawyers on retainer to help make legal troubles go away. However, the Prime Minister did. The Prime Minister's personal legal counsel at the time the Wright-Duffy deal was cooked up was Ben Perrin. Mr. Perrin issued a carefully worded statement this week saying he did not participate in Wright's decision to cut a personal cheque to reimburse Senator Duffy's expense.

Never mind the cheque; could the government confirm that Mr. Perrin was in fact involved in negotiating the Duffy-Wright deal?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as I said, we are not aware of any legal documents associated to a Duffy-Wright deal and Mr. Perrin can speak for himself, as he has through his own statement.

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, three days ago the Minister of Heritage tweeted that "Nigel Wright is a great Canadian. Canada is stronger because of his service...." Now that the RCMP is on its way, does the member still think that is true?

● (1455)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, it may surprise the member opposite to know that very good people can make very big mistakes, and I think that is what happened here.

* * *

[*Translation*]

SEARCH AND RESCUE

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, in his follow-up report, the Commissioner of Official Languages concluded that the Conservatives did nothing to implement his three recommendations regarding bilingualism in rescue centres. They did nothing to guarantee bilingual service or to ensure the safety of francophone maritime users. In short, Halifax cannot take over the activities of the Quebec City centre.

Instead of jeopardizing the lives of francophone mariners, fishers and recreational boaters, when will the Conservatives finally commit to keeping the Quebec City centre open?

Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services, for Official Languages and for the Economic Development Agency for the Regions of Quebec, CPC): Mr. Speaker, we are currently studying the report and the recommendations made by the Commissioner of Official Languages. We want to make it very clear that the Canadian Coast Guard will not consolidate the Quebec City marine rescue sub-centre unless it is convinced that the ability to provide bilingual services will be maintained.

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, it has been almost a year since the report came out. I would like the government to stop studying the report and start implementing its recommendations.

The commissioner confirmed what the NDP has been saying all along. Unless proper language services are provided, the Quebec City centre should remain open. The Conservatives did nothing to ensure the safety of francophones at sea after they made the irresponsible decision to close the Quebec City centre.

Will they keep the Quebec City centre open permanently, yes or no?

Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services, for Official Languages and for the Economic Development Agency for the Regions of Quebec, CPC): Mr. Speaker, we want to make it very clear that the Canadian Coast Guard will not consolidate the Quebec City marine rescue sub-centre unless it is convinced that the ability to provide bilingual services will be maintained.

* * *

[*English*]

JUSTICE

Ms. Joan Crockatt (Calgary Centre, CPC): Mr. Speaker, in all its forms, child abuse is an appalling crime that has a lifelong impact on its victims.

I am proud of the decisive action that our government has taken, not only in support of those who have been traumatized by child abuse, but also to clamp down on offenders. This includes tougher sentencing and elimination of house arrests for child sexual offenders and investments in state-of-the-art child advocacy centres.

Will the minister please inform the House what steps our government is taking today to further protect the rights of victims in Canada?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, I know the hon. member is very excited because today the Minister of Justice is attending the grand opening of the Sheldon Kennedy Child Advocacy Centre in her hometown of Calgary.

Today, our government announced an investment in the centre to help young victims and their families. We are all very proud to support Mr. Kennedy, who is a tireless advocate on behalf of children who have fallen victim to child sexual predators.

Our Conservative government will continue working to protect society's most vulnerable people, especially children.

Oral Questions

GOVERNMENT APPOINTMENTS

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, the people of P.E.I. are hurt, ashamed and disgusted with the whole Duffy fiasco and the effect it is having on the province.

Would the minister of ACOA show that someone over there has learned something about the mistakes of their boss, drop the talking points and answer the following question directly and honestly: iIs the ACOA minister's former provincial cabinet colleague, Kevin MacAdam, still being paid $135,000 a year for an ACOA job in P.E. I. that he has never shown up for, while claiming government housing allowances for living in Ontario?

Is there another shoe to drop here in P.E.I.?

Hon. Gail Shea (Minister of National Revenue and Minister for the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, we will take no lessons on integrity from that party, I can tell members that.

The independent investigation by the Public Service Commission did not find any evidence of wrongdoing or influence on the part of ministers or political staff in this matter.

The Public Service Commission report clearly states, and I would ask that member to listen, “No evidence was found to support allegations of political influence in the ACOA investigations”.

* * *

ABORIGINAL AFFAIRS

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, the government is once again trying to stall the equality in child welfare case at the Canadian Human Rights Tribunal, this time using as an excuse its failure to disclose tens of thousands of documents.

It has already spent $3 million trying to have this case dismissed. It would have been far better off to spend that money preparing for the case.

Would the minister commit to making these documents available and stop delaying the proceedings so first nation children get the justice they deserve?

● (1500)

Hon. Bernard Valcourt (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, notwithstanding the rhetoric of the NDP, which opposed a simple bill like Bill S-2 to give rights to children and women on reserves, its members stand to complain about the process that is before the court.

We have disclosed some 120,000 pages. There are more to come. It has chosen to go before the commission. We will follow the rules imposed upon us to give the documents that we have and that are relevant to the case.

INTERNATIONAL TRADE

Hon. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, our government is committed to strengthening our relationships with our partners in the Americas.

This week the Prime Minister and the Minister of International Trade are in South America, working to deepen our trading relationships and create new opportunities for Canada's exporters.

Could the hard-working Parliamentary Secretary to the Minister of International Trade please share with the House how our government's ambitious pro-trade plan is creating jobs, growth and long-term prosperity for hard-working Canadians?

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, for the Atlantic Canada Opportunities Agency and for the Atlantic Gateway, CPC): Mr. Speaker, our government continues to expand Canada's role in the Americas. Under our government, Canada has signed trade agreements with Peru, Colombia, Honduras and Panama, all agreements opposed by the NDP.

The NDP cannot hide from its anti-trade record. It even sent an anti-trade mission to Washington to lobby against Canadian jobs.

Our Conservative government continues to develop new opportunities to grow Canadian exports and create Canadian jobs.

* * *

[*Translation*]

SECURITIES

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, the Conservatives are still trying to ram a single national securities regulator down the provinces' throats. The Minister of Finance says he wants to press ahead with his plans for a common regulator over the objections of Quebec, Manitoba and Alberta. Worse than that, he is moving forward after being told "no" by the Supreme Court. Even the Maple Group, which controls the TMX, has said that the current systems works well.

Why is the Minister of Finance trying to impose a common securities regulator on the provinces when the current system is working well?

[*English*]

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, I would suggest the current system is not working that well when we talk to investors who want to come and invest in Canada. It is a very cumbersome system. They have to go through 13 different processes. We want to provide a welcome environment for investment in our country, and that is why we need to move forward.

We are working co-operatively with the provinces, and it is a very good process so far. The courts have made it very clear to us that we, as a federal government, have the responsibility for capital markets and that we must pursue that.

[*Translation*]

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, yesterday the Minister of Finance made very clear his obsession with securities regulation and his intention to circumvent Quebec's own securities regulator, the Autorité des marchés financiers, yet the current system is working very well. It comes in second among industrialized countries. The president and CEO of the AMF appeared before the committee himself to speak out against the inappropriate extension of the federal office responsible for creating a Canada-wide securities regulator and—importantly—to point out that a common regulator would be a step backwards.

When will the minister stop trying to strip Quebec of its financial expertise?

[*English*]

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, we cannot ignore our regulatory responsibilities or the decision of the court, which has said very clearly that there are certain responsibilities for capital markets, and they lie with the federal government.

We firmly believe Canada needs a common securities regulator to better protect investors, improve market oversight and reduce costs for businesses. We are working co-operatively with the provinces, and that process is moving forward.

[*Translation*]

Ms. Marjolaine Boutin-Sweet: Mr. Speaker, yesterday, during question period, I spoke about a report prepared by the Popular Travelling Commission on the Right to Housing, which states that more than a quarter of a million households in Quebec have critical housing needs.

Today, I am seeking the unanimous consent of the House to table this report in both official languages, for everyone's benefit and to allow my colleagues in the House of Commons to examine Quebec's troubling housing situation so that we can all work together to fix it.

● (1505)

The Speaker: Does the hon. member have the unanimous consent of the House?

Some hon. members: Agreed.

Some hon. members: No.

* * *

[*English*]

BUSINESS OF THE HOUSE

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, it has been a bit of a rough week for our colleagues across the way. We are coming back from a riding week with the government absolutely mired in scandal. The Prime Minister has lost confidence in some of his most trusted hand-picked friends and advisers and the unelected, unaccountable and under investigation Senate keeps giving him gifts he does not want. The Prime Minister has not even been able to answer questions in the House this week because he desperately needed to get to Peru, this week in particular.

[*Translation*]

Two weeks ago, the Leader of the Government in the House of Commons listed the bills that have become a priority for the government.

Many of those bills have been sitting on the order paper for months, some for years even, not being debated. In order to study this long list of bills—and perhaps in the hope that we will spend less time scrutinizing their ethical lapses—the government has decided to sit until midnight for the next five weeks.

[*English*]

I might add that this is without a budget for overtime for staff on the Hill to accommodate five overtime weeks. I wonder if my hon. colleague across the way is prepared to move the necessary ways and means motions to accommodate it. I suspect not.

We will continue to sit until midnight, and I hope Conservatives will actually engage in some of these debates they so desperately wanted to see into the night.

Could the government House leader tell me which bills he intends to call, specifically on which days, and at which point in the day and night for tomorrow and next week as well? Could he also tell me if he anticipates the Prime Minister to be here next week to answer some of the tough questions to which I think Canadians want and deserve answers?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, as you know, our government has moved forward this week to conduct business in the House of Commons in a productive, orderly and hard-working fashion, and we have tried to work in good faith.

We began the week debating a motion to add an additional 20 hours to the House schedule each week. Before I got through the first minute of my speech on that motion, the hon. member for Skeena—Bulkley Valley interrupted with a dubious point of order to prevent the government from moving forward to work overtime. His was a bogus argument and the Speaker rightly saw the NDP delay effort as entirely devoid of merit and rejected it outright.

During its first speech opposing the motion to work hard, the NDP then moved an amendment to gut it. That amendment was defeated. The NDP then voted against the motion and against working overtime, but that motion still passed, thanks to the Conservatives in the House.

During the first NDP speech on Bill C-49 last night, in the efforts to work longer, the NDP moved an amendment to gut that bill and cause gridlock in the House. I am not kidding. These are all one step after another of successive measures to delay. During its next speech, before the first day of extended hours was completed, the NDP whip moved to shut down the House, to go home early. That motion was also defeated. This is the NDP's "do as I say, not as I do" attitude at its height.

Take the hon. member for Gatineau. At 4 p.m., she stood in the House and said, "I am more than happy to stay here until midnight tonight...". That is a direct quote. It sounded good. In fact, I even naively took her at her word that she and her party were actually going to work with us, work hard and get things done. Unfortunately, her actions did not back up her words, because just a few short hours later, that very same member, the member for Gatineau, seconded a motion to shut down the House early.

I am not making this up. I am not kidding. She waited until the sun went down until she thought Canadians were not watching anymore and then she tried to prevent members from doing their work. This goes to show the value of the word of NDP members. In her case, she took less than seven hours to break her word. That is unfortunate. It is a kind of "do as I say, not as I do" attitude that breeds cynicism in politics and, unfortunately, it is all too common in the NDP.

We saw the same thing from the hon. member for Davenport, when he said, "We are happy to work until midnight...", and two short hours later he voted to try to shut down the House early. It is the same for the hon. member for Algoma—Manitoulin—Kapuskasing and the hon. member for Drummond. They all professed an interest in working late and then had their party vote to shut down early. What is clear by their actions is that the NDP will try anything to avoid hard work.

It is apparent that the only way that Conservatives, who are willing to work in the House, will be able to get things done is through a focused agenda, having a productive, orderly and hard-working House of Commons. This afternoon, we will debate Bill C-51, the safer witnesses act, at report stage and third reading. After private members' hour, we will go to Bill S-12, the incorporation by reference in regulations act, at second reading.

Tomorrow before question period, we will start second reading of Bill S-14, the fighting foreign corruption act, and after question period, we will start second reading of Bill S-13, the port state measures agreement implementation act.

Monday before question period, we will consider Bill S-2, the family homes on reserves and matrimonial interests or rights act. This bill would provide protection for aboriginal women and children by giving them the same rights that women who do not live on reserve have had for decades. After question period, we will debate Bill C-54, the not criminally responsible reform act, at second reading, a bill that makes a reasonable and needed reform to the Criminal Code. We are proposing to ensure that public safety should be the paramount consideration in the decision-making process involving high-risk accused found not criminally responsible on account of mental disorder. It is time to get that bill to a vote. We will also consider Bill C-48, the technical tax amendments act, 2012—and yes, that is last year—at third reading.

On Tuesday, we will continue the debates on Bill C-48 and Bill C-49, the Canadian museum of history act.

On Wednesday, we will resume this morning's debate on Bill C-52, the fair rail freight service act, at third reading.

On Thursday, we will continue this afternoon's debate on Bill C-51. Should the NDP adopt a new and co-operative, productive spirit and let all of these bills pass, we could consider other measures, such as Bill S-17, the tax conventions implementation act, 2013, Bill C-56, the combating counterfeit products act, Bill S-15, the expansion and conservation of Canada's national parks act, and Bill C-57, the safeguarding Canada's seas and skies act.

Optimism springs eternal within my heart. I hope to see that from the opposition.

* * *

● (1510)

POINTS OF ORDER

ORAL QUESTIONS

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): I would like to seize a little bit of that optimism from the House Leader, Mr. Speaker, and embrace that.

About two months ago, I asked about a reference that was made to a letter that was written from my office in support of temporary foreign workers. It was referenced by the minister and several other backbenchers on the Conservative side.

I ask the House Leader to produce the letter. This is my fourth intervention, I believe, because there has been no record of a letter. He assured me he would produce it.

In the absence of that letter, am I to arrive at the conclusion that no such letter exists and that the minister was misleading the House, or will the government embark on making sure that letter is forwarded to me?

The Speaker: I am not sure if the government House leader will come back to the hon. member or not, but we will see what happens in the days to come.

Orders of the day.

GOVERNMENT ORDERS

[*English*]

SAFER WITNESSES ACT

The House proceeded to the consideration of Bill C-51, An Act to amend the Witness Protection Program Act and to make a consequential amendment to another Act, as reported (without amendment) from the committee.

The Speaker: There being no motions at report stage, the House will now proceed, without debate, to the putting of the question on the motion to concur in the bill at report stage.

Hon. Gail Shea (for the Minister of Public Safety) moved that the bill be concurred in at report stage.

The Speaker: 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 Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And five or more members having risen:

The Speaker: Call in the members.

● (1550)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 693)

YEAS

Members

Adams	Adler
Aglukkaq	Albas
Albrecht	Alexander
Allen (Welland)	Allen (Tobique—Mactaquac)
Allison	Ambler
Ambrose	Anders
Anderson	Andrews
Angus	Armstrong
Aspin	Atamanenko
Aubin	Ayala
Bateman	Bélanger
Bellavance	Bennett
Benoit	Bergen
Bernier	Bevington
Bezan	Blanchette-Lamothe
Block	Boivin
Borg	Boughen
Boulerice	Boutin-Sweet
Braid	Brosseau
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Butt
Byrne	Calandra
Calkins	Cannan
Carmichael	Carrie
Casey	Charlton
Chicoine	Chisu
Chong	Choquette
Christopherson	Clarke
Cleary	Clement
Comartin	Crockatt
Cullen	Cuzner
Daniel	Davidson
Davies (Vancouver Kingsway)	Davies (Vancouver East)
Dechert	Del Mastro
Devolin	Dewar
Dion	Dionne Labelle
Donnelly	Dreeshen
Duncan (Vancouver Island North)	Duncan (Edmonton—Strathcona)
Dykstra	Easter
Eyking	Findlay (Delta—Richmond East)
Fletcher	Foote
Freeman	Fry
Galipeau	Gallant
Genest-Jourdain	Giguère
Gill	Goguen
Goodale	Goodyear
Gosal	Gourde
Grewal	Groguhé
Harris (Scarborough Southwest)	Harris (Cariboo—Prince George)
Hawn	Hayes
Hiebert	Holder
Hsu	Hughes
Jacob	James
Jean	Julian
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)

Kellway
Kent
Kerr
Komarnicki
Kramp (Prince Edward—Hastings)
Lake
Lamoureux
Lapointe
Lauzon
Laverdière
LeBlanc (LaSalle—Émard)
Leef
Lemieux
Leung
Liu
Lizon
Lobb
Lukiwski
Lunney
MacAulay
MacKay (Central Nova)
MacKenzie
Mai
Marston
Martin
Masse
May
Mayes
McCallum
McColeman
McGuinty
McKay (Scarborough—Guildwood)
McLeod
Menegakis
Menzies
Merrifield
Miller
Moore (Abitibi—Témiscamingue)
Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)
Morin (Chicoutimi—Le Fjord)
Morin (Notre-Dame-de-Grâce—Lachine)
Morin (Laurentides—Labelle)
Murray
Nash
Nicholls
Nunez-Melo
O'Connor
O'Neill Gordon
Opitz
O'Toole
Pacetti
Péclet
Perreault
Poilievre
Preston
Quach
Raitt
Rajotte
Rankin
Rathgeber
Ravignat
Raynault
Regan
Reid
Rempel
Richards
Rousseau
Saganash
Sandhu
Saxton
Scarpaleggia
Schellenberger
Scott
Seeback
Sellah
Sgro
Shea
Shory
Sims (Newton—North Delta)
Smith
Sopuck
Sorenson
Stewart
Storseth
Strahl
Sullivan
Sweet
Tilson
Toet
Toews
Toone
Trost
Trottier
Truppe
Turmel
Tweed
Uppal
Valcourt
Van Kesteren
Van Loan
Warkentin
Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)
Weston (Saint John)
Wilks
Williamson
Wong
Woodworth
Yelich
Young (Oakville)
Young (Vancouver South)
Zimmer– — 223

NAYS

Nil

PAIRED

Nil

The Acting Speaker (Mr. Bruce Stanton): I declare the motion carried.

When shall the bill be read a third time? By leave, now?

Some hon. members: Agreed.

Hon. Vic Toews (Minister of Public Safety, CPC) moved that the bill be read the third time and passed.

Ms. Candice Bergen (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, I am very pleased to rise and speak in support of Bill C-51, the safer witnesses act.

At the onset, I was going to thank the opposition members because up until this point they have been supporting this very important piece of legislation. However, it is very disappointing to see the games that we have just witnessed and their delay tactics in trying to stop this important piece of legislation from being advanced.

It is important that witnesses be protected. It is important that police officers and front-line officers be protected. That is why we have brought forward this legislation, and it is very disappointing and troubling to see the opposition members delay this important legislation as they have been doing.

Strengthening our federal witness protection program should not be a partisan issue. Rather, it is an issue of public safety and effective justice.

In general, we are all in agreement on the critical role that witness protection plays in our criminal justice system. I believe that most Canadians understand that in order to give our police and courts the best chance to apprehend and convict offenders, we need individuals to feel confident in moving forward to help with investigations. In fact, protecting witnesses is vital to our justice system. These are individuals who have agreed to help law enforcement or provide testimony in criminal matters. Their input and help is vital.

The end goal is to remove criminals from our streets and indeed make our communities safer. In many cases, these individuals have inside knowledge about organized crime syndicates or the illicit drug trade because they themselves are involved in these elements. The information that they have agreed to provide to authorities may be invaluable, and it could place their lives at risk.

Witness protection is recognized around the world as an important tool that law enforcement agencies have at their disposal to combat criminal activity. In the case of organized crime in particular, these witnesses are often the key component to achieving convictions. To ensure a fair and effective response to organized crime, terrorism and other serious crimes, government and police agencies must provide protection to informants and witnesses who could face intimidation, violence or reprisals. The safer witnesses act contains a number of proposed changes to the Witness Protection Program Act that would do just this.

These changes fall within five broad areas, and I will speak on those areas.

First, the bill would promote greater integration between the provincial and federal programs by enabling the provinces to have their respective programs designated under the federal act. There would be some very positive benefits to the provinces' programs with these changes, but chief among those benefits is that the provincial protectees would be able to receive a secure identity change without having to be admitted to the federal program. As members know, under the current system, provincial witness protection programs provide a range of services on a case by case basis, including short-term protection and limited financial support. In cases where it is determined that provincial protectees require secure identity changes, they must be transferred into the federal program. That is the way the process works now. This can cause delays. It can be very difficult for these individuals to get the documentation they need and it can take a very long time.

As we consulted with stakeholders, these problems were identified and it was deemed necessary to make these changes that are proposed in Bill C-51 to address this concern. Stakeholders from the provinces indicated that the requirement to transfer their protectees to the federal program for secure identity changes was cumbersome and time consuming. With Bill C-51, we would address this concern. We would do that by allowing the Minister of Public Safety to designate a provincial program, thereby allowing the RCMP to work directly with that designated program to help obtain secure federal identity documents for a protectee. Again this would eliminate a lot of red tape and process, and instead ensure that these individuals who are under the witness protection program receive the identity documents that they need in a timely manner. We would also provide a more efficient and secure process for obtaining these documents by identifying a single point of contact for each designated provincial witness protection program, again eliminating red tape and redundancy, making the process proceed in a more timely manner.

The second change under Bill C-51 relates to secure identity changes as well. Federal organizations would be required to help the RCMP obtain secure identity changes for witnesses in both the federal program and in designated provincial programs.

● (1555)

To ensure a streamlined process, the RCMP would continue to act as a liaison between the provincial and federal programs. Again, it would be a better and more streamlined way to get the important identity documents that witnesses who are under the protection program require.

Third, Bill C-51 would broaden prohibition disclosures, ensuring protection of provincial witnesses and information at both the federal and provincial levels. Again, it is a very important change that has been needed. We heard about it at committee many times in consultation with stakeholders. We heard that broadening the prohibitions of information that could be released was an important part of the witness program that had to be changed. This change addresses calls by the provinces to ensure that witnesses in their programs are protected from disclosure of prohibited information throughout Canada. I will speak more to this important change in a moment, because it really is a very critical part of the bill.

The fourth change proposed under the safer witnesses act is to expand which entities are able to refer individuals to the commissioner of the RCMP to be considered for admission into the federal program. Currently, only law enforcement agencies and international criminal tribunals can make such referrals. Bill C-51 would allow federal organizations that have a mandate related to national security, defence, or public safety to refer witnesses to the federal program. These organizations may include CSIS and the Department of National Defence. This was a recommendation that came out of the Air India enquiry and the recommendation that who would be allowed or considered for this program be expanded. Our government responded by making these changes and by introducing Bill C-51.

We feel it is so important that bill is passed, and we really hope that the opposition will stop playing any kind of games and work with us to get this important piece through. They are laughing, but it is really not a laughing matter at all, not when we are talking about protecting witnesses, which, in the long run, protects Canadians. We are talking about gangs, drugs and organized crime. It is not a laughing matter at all. It is very serious.

The bill addresses a number of other concerns raised by federal and provincial stakeholders, such as allowing for voluntary termination from the federal program and extending emergency protection to a maximum of 180 days, up from the current 90 days. Right now, under the current legislation, someone could be under an emergency protection order for 90 days, but we want to extend that so that they could be protected in an emergency situation for up to 180 days. This received broad support from the witnesses as well as stakeholders.

Together, these proposed changes would serve to strengthen the current Witness Protection Program Act, making the federal program more effective and secure for both the witnesses and those who provide protection. This is the goal of the program, to keep those involved and their information safe and secure.

As I mentioned, I want to go back to one of the changes that is related to the disclosure prohibitions. Before I go into that, I want to say that we heard in testimony, whether it was from the police, Tom Stamatakis of the Canadian Police Association, or other law enforcement agencies, that the protections required are certainly not just for the witnesses who are involved in the witness protection program. We are extending that to cover the law enforcement people who have been organizing and working with them. These are sometimes undercover police officers or other law enforcement individuals who currently are not protected under the prohibitions for information. Bill C-51 would give front-line officers and law enforcement workers the protection that they need. Again, the Canadian Police Association is very grateful and supportive of this legislation.

Currently, the act prohibits the disclosure of information about the location or change of identity of a current or former federal protectee. That is basically the only current prohibition. In stakeholder consultations, some provinces requested that these disclosure prohibitions be extended to include information about provincial witness protection programs and those they protect. The safer witnesses act addresses this concern with changes that would broaden the prohibitions on disclosing information in a number of ways.

We are going to extend and broaden what kind of information cannot be released. I think all Canadians, including all members, would agree that when someone's identity needs to be protected, there are so many pieces of information that, unfortunately, could tip off somebody who would want to do them harm. Therefore, it is very important that we broaden the information that is prohibited from being released.

● (1600)

First, the safer witnesses act would prohibit the disclosure of information related to the individuals who are protected under designated programs, and we are going to expand it to designated provincial programs.

Second, it would prohibit the disclosure of any means or method of protection that could endanger the protected individual or the integrity of the programs themselves. Again, that broadens it. The language is within jurisprudence and other language in the Criminal Code. This includes information about the methods used to provide or support protection and record or exchange confidential information as well as data about the location of secure facilities.

Third, it would prohibit disclosure of any information about the identity or role of persons who provide, or assist in providing, protection for the witnesses. That is where law enforcement comes into play. Part of their job is to assist and protect witnesses. They need to be protected too. That is why the bill is so vital and why law enforcement and stakeholders across the country have been asking for it and why it is important that we pass the bill.

Further, the bill would clarify language in the current act to ensure that these measures apply to situations where a person directly or indirectly discloses information. I want to stress that the bill also specifies that one must knowingly reveal this information for it to be an offence. This means directly and intentionally releasing information with the knowledge that one is releasing information that is prohibited. The bill specifies that if someone does it unknowingly, it would not be an offence.

As with many laws regulating privacy and personal information, there are exceptions to these disclosure prohibitions. Bill C-51 includes changes that would further strengthen the legislation in this regard. For example, as stated in the current act, a protectee or former protectee can disclose information about him or herself as long as it does not endanger the life of another protectee or former protectee and if it does not compromise the integrity of this important program. Under Bill C-51, the wording would be changed to remove the reference to the integrity of the program and to clarify that the protected person can disclose information if it could not lead to substantial harm to any protected person.

The current act also allows for disclosure of prohibited information by the RCMP commissioner for a variety of reasons: if the protected person gives his or her consent; if the protectee or former protectee has already disclosed the information or acted in a manner that results in disclosure; if the disclosure is essential to the public interest for purposes such as investigations or the prevention of a serious crime, national security or national defence; and finally, in criminal proceedings where the disclosure is necessary to establish the innocence of a person. There are some good safeguards in place regarding the prohibition of information.

Under the safer witnesses act, we would change the wording as it relates to the RCMP commissioner disclosing prohibited information for the public interest. Instead, under Bill C-51, the commissioner may only disclose this information when he or she has reasonable grounds to believe that it is essential for the purposes of the administration of justice. Furthermore, we propose a change in the wording related to disclosure for national security purposes. Under Bill C-51, the commissioner could disclose prohibited information if he or she "has reasonable grounds to believe that the disclosure is essential for...national security or national defence".

Along the same vein, Bill C-51 contains several proposed changes that would authorize the RCMP commissioner to disclose information in specific situations. He or she could disclose information about both federal and designated program protected persons for the purpose of providing protection to federal protectees or for facilitating a secure change of identity for provincial protectees. The commissioner would also be able to disclose information about federal and designated program protectees in situations where a protected person either agrees to the disclosure or has previously disclosed information, such as if the protected person has revealed his or her change of identity to family or friends. Again, some of the same safeguards are in place.

Additionally, the commissioner would be authorized to disclose information about the federal program itself, methods of protection and the role of a person who provides protection under the program. This would only be done when the commissioner had reasonable grounds to believe that the disclosure was essential for the administration of justice, national security, national defence or public safety.

● (1605)

This is a good and concise overview of those elements of Bill C-51 that relate to safeguarding and disclosing information that would compromise the safety of a protected witness or those who provide protection for that witness.

I would like to close by taking a few minutes to talk about some concerns raised in committee. We heard some concerns from the opposition that this would mean rising costs. However, we heard directly from witnesses, including the RCMP, the Minister of Public Safety, the Assistant Commissioner of the RCMP and other stakeholders that rising costs were not anticipated.

We also heard some concern that there would be a great influx of witnesses coming into the federal program. Again, witnesses and experts told us that the prediction was that there would not be a great influx. The number of witnesses accepted into the program fluctuates from year to year, but a huge number coming in now is not anticipated. Admission to the program is based on a set of criteria found under section 7 of the act. Only one of those is cost.

Todd Shean, the RCMP Assistant Commissioner, stated, in his committee testimony, "since my time in the chair, never have I denied an entry because of costs". Therefore, we were able to clear up the concerns some opposition members had. It was clear that no witness has ever been denied access to the program because of cost. Costs are not expected to rise under this new legislation.

Regarding who would be administering the program, there were some concerns about whether it should be the RCMP. There were some recommendations that it could fall under the Department of Justice. We looked at this recommendation and conducted extensive consultations. It was determined that the RCMP was best suited to managing the program.

There would be a clear distinction between investigative and protective functions to ensure objectivity with respect to witness protection measures, so there would be two separate organizations within the RCMP. One would manage the actual witness protection program and decide who should be involved in it, and one would be the administrative part, which would be completely separate.

As I said at the outset, a strong federal witness protection program is critical to keeping our law enforcement and justice systems working effectively. We need to take these steps to ensure that individuals are protected and that our communities are safe. That is why our government is committed to strengthening our federal witness protection program. That is why we are committed to doing this to address the threat of organized crime and drugs in our communities and to make sure that informants and witnesses can collaborate with law enforcement. As such, it is vital that we pass this piece of legislation in a timely way so that it can become law and we can give law enforcement organizations the tools they need to keep Canadians safe.

● (1610)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, at the outset, I would like to state my objection to the suggestion by the member that anyone on this side was laughing about the program. I do not know where the idea came from. Nothing could be further from the truth. Since 2007, the New Democrats have been calling for the government to take action on the Air India justice's recommendations.

Yes, it should be expeditious. We have been waiting six years. The government has finally brought it forward. Our members have co-operated fully, made good suggestions and been supportive all along.

As I understand it, one of the issues with costing is that on some occasions, and maybe more occasions now that the ambit has been extended to gangs, the costs for the witness protection program can be downloaded to local enforcement agencies. It is fine for the RCMP to say that it does not need any more funding and does not expect more referrals, which seems a little odd, given the fact that the whole point of expanding the program is so that there can be more referrals. Even if the RCMP does not anticipate that, I have worked in enforcement agencies myself and know that it is something one cannot anticipate. I wonder if the member could speak to that. Could she also speak to the fact that the Air India justice also recommended an independent agency to review this because of issues that arose, including at Air India, and why the government is so adamant that it does not want an independent agency?

Ms. Candice Bergen: Mr. Speaker, to address my hon. colleague's first question, I was just beginning my speech, and in fact, there was a lot of laughter from the other side. I was disappointed, because the opposition has been very good working with us to get this through committee, and I was looking forward to it moving quickly at this time.

I will address a couple of her questions. First of all, just to clear something up for my hon. colleague, this legislation does not expand the program to include gang members. The witness protection program has always included gang members. I have heard that before, and there seems to be some misconception. The legislation would expand the program to enable referrals from national security, national defence and public safety. Certainly, gang members have always been a part of the witness protection program.

Again, with regard to cost, we heard testimony from the RCMP and others. By the way, this is a federal program, so when we were talking about cost, and there were concerns about it, we wanted answers from the organization that administers the program. They were clear time and time again. I know that my hon. colleague was not able to be at the committee hearings, and I respect that, but her other colleagues were. It was very clear that cost is not an issue.

There is a whole set of criteria set out when individuals are going to be accepted into the program, and cost is only one of them. No one has ever been refused because of cost.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I think most people recognize the value of the witness protection program.

We are talking about the federal component. Is there a concern on the government's side regarding other jurisdictions that provide witness protection programs and the general direction they are going? Is the government relatively comfortable that they are well enough resourced? Are their numbers going down? Could the member give us some insight on that aspect?

● (1615)

Ms. Candice Bergen: Mr. Speaker, we certainly are working together and consulting with the provinces regarding their provincial programs, which is why one of the most important pieces of this legislation is allowing provincial programs to be designated so that they do not have to go through the cumbersome process, which is sometimes a very long process.

Right now, when provinces are trying to get secure identities for those involved in their provincial programs, it can take a very long time, which is obviously a safety concern. We are now allowing them to be easily designated. Upon that designation, the RCMP will then work directly. That is one aspect of the work we are doing with the provinces and why we brought this legislation forward.

We are doing a study on the economics of policing. Provincial witness protection programs work directly with the RCMP. The cost of all policing is escalating, but we are looking, even provincially, at some great examples of how things are being done more effectively.

I think the witness protection program, being a separate entity, appears to be working well. These changes would help both the provinces, and of course, the federal program. The RCMP works very closely with the provinces, and we will continue to work closely with the provinces on their programs and ours.

[*Translation*]

Mr. Jean Rousseau (Compton—Stanstead, NDP): Mr. Speaker, I would just like to point out to my colleague from Portage—Lisgar that I did not mean to laugh at the bill. In fact, these are very serious bills dealing with protection, privacy and, most importantly, public safety. I would never dream of laughing at that.

However, I am laughing because we are being accused of obstructing and delaying the work of Parliament. I cannot help but laugh since this is coming from a government that has imposed over 30 gag orders to shut down debate on bills. That is not very serious and that is why I laughed.

We were talking about funding for the program. Over the past few years, about 20 or 30 witnesses have been admitted to the program, whereas about 100 witnesses were on the list. Now, the criteria are being expanded, which is perfect. We really hope to see some changes to that.

That being said, if the criteria are expanded, more witnesses will need protection through the program, which will require funding. However, the RCMP and other police forces are facing cuts.

How are we going to pay for this? Will the provinces be responsible for part of the funding?

[*English*]

Ms. Candice Bergen: Mr. Speaker, I thank the hon. member for acknowledging that he was indeed laughing. When we were talking about something this serious, laughter is not what is needed. Real work and real focus is what is required.

I am very proud of the fact that our government has increased funding to police officers. We have the police officer recruitment fund. We invested $400 million across the country. As well, we are just seeing Bill C-42 passed, getting through the Senate, no thanks to the opposition that voted against it, which will help provide, among other important things, more funding to the RCMP.

In terms of the witness protection program, it is funny how the NDP do not like the answer. When the NDP members asked witnesses directly if they needed more money, the witnesses said no, but they do not want to believe it. They would rather take taxpayer dollars and spend them frivolously instead of spending them where they are required.

If we are told by the RCMP and by the witness protection program organization that they do not need funding, I for one believe them. It is really disappointing that the member, who was at those committee meetings, is saying that those witnesses were not telling the truth.

I believed those witnesses when they told us that this is good legislation. In fact, I will read what Tom Stamatakis, president of Canadian Police Association had to say. He said:

> Mr. Chair, members of the committee, [this]...legislation...will help better coordinate...[it will] promote at least some efficiencies in a system that is badly in need of reform....the Canadian Police Association supports the adoption of the bill.

We heard from the RCMP that it will not be an additional cost.

Let us get this passed. Those members said they supported it. They introduced no amendments. They support the spirit. They support the legislation. Let us quit playing games and get this passed.

● (1620)

[*Translation*]

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

The hon. member for Saint-Lambert.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, strengthening the witness protection program will improve co-operation between local police forces and the RCMP. In terms of the fight against street gang violence, strengthening the program will make communities safer.

However, according to the RCMP website, there are instances when the costs of witness protection may impede investigations, particularly for smaller law enforcement agencies.

How do the Conservatives plan to increase the funding for enforcement, while also taking into account the insecurity caused by street gangs?

[*English*]

Ms. Candice Bergen: Mr. Speaker, I will read what Todd G. Shean, assistant commissioner, Federal and International Operations, Royal Canadian Mounted Police had to say. He said:

> Mr. Minister, Mr. Chair, as the minister has stated, with the changes this bill brings about, the RCMP is comfortable that we have the resources within our existing resources to run an effective witness protection program.

He also went on to say that those who needed protection, received the protection if the program was the appropriate one for them to receive that protection in.

Again, there is seven criteria. Finances is really the lowest part of the criteria. There is a number of other things.

We will continue to work with the RCMP to give it legislation like this one and others and we hope the opposition will support it.

The Acting Speaker (Mr. Bruce Stanton): 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 Saanich—Gulf Islands, The Environment; the hon. member for Rivière-des-Mille-Îles, Agriculture; the hon. member for Beauharnois—Salaberry, The Environment.

[*Translation*]

Mr. Mathieu Ravignat (Pontiac, NDP): Mr. Speaker, I would like to seek the unanimous consent of the House to split my time.

The Acting Speaker (Mr. Bruce Stanton): Does the hon. member for Pontiac have the unanimous consent of the House?

Some hon. members: Agreed.

The Acting Speaker: The hon. member for Pontiac will be splitting his time.

M. Mathieu Ravignat: Mr. Speaker, I will be splitting my time with the hon. member for Compton—Stanstead, who works very hard to serve his constituents.

I am pleased to rise in the House today to speak to Bill C-51 at third reading. This bill contains measures that have been long called for by the NDP. Among other things, it will: expand the eligibility criteria for informants and witnesses; extend the duration of emergency protection; and speed up the process for obtaining new pieces of identification. Those are all good things.

The Witness Protection Program Act, passed in 1996, sorely needed to be strengthened. In fact, we have been insistently calling for better coordination of federal and provincial programs and improved overall program funding since 2007.

Even though we support the bill because we believe that it will further improve the program, we still deplore the fact that the Conservative government refused to provide additional funding for the program, knowing that the announced changes may well increase the number of beneficiaries, which will certainly increase the financial burden on municipalities and police services, because of the downloading of costs.

At the committee hearings, some witnesses expressed their fears in this regard. On March 7, 2013, a commissioner with the Canadian Association of Police Boards said:

> ...we see problems with the ability of municipality police services to adequately access witness protection because they lack the resources... I want to emphasize that, while we support the intent of Bill C-51, CAPB has a duty to its members to ensure that legislation passed by the government does not result in a downloading of additional costs to the municipal police services that we represent.

It is important to provide the resources needed to implement our changes. When a new piece of legislation has an impact on criminal justice, we must always look at the costs and budgetary implications. Our police officers look after the well-being of Canadians every day by protecting them without their even realizing it. It is our duty to give them the tools they need to do their jobs. I need to say this.

To combat organized crime, it is obviously necessary to update and modernize our laws. That is what Bill C-51 does. Doing undercover work in the underworld is complicated, time-consuming and dangerous. The police need informers and informants if they are to infiltrate criminal organizations.

Bill C-51 improves protection for witnesses and informants who help the police, and it also improves the ability to make use of these sources of information. This is important. We want those who combat street gangs to know that giving gang members who want to leave the gang access to the program will be an important additional tool to help them eliminate the problem.

Organized crime is growing with alarming speed in Canada, particularly in Quebec, where my riding is located.

Through this support, the NDP is committed to building safer communities. One way of doing this is to improve the witness protection program to ensure that our constituents can live in safe neighbourhoods and cities and to provide the various police forces with additional tools to combat street gangs and organized crime. It might also provide added protection for our police officers.

● (1625)

Needless to say, the more information is available to the police, the better they will be able to do their jobs and the better they will be protected.

The federal witness protection program has long been criticized because of its strict eligibility criteria, its poor coordination with federal programs and the small number of witnesses admitted to the program. Furthermore, only 30 of the 108 applications examined were approved in 2012.

Since the Witness Protection Program Act was passed in 1996, the Liberal and Conservative governments have done very little to respond to criticism of the system, even though a number of bills have been introduced in the House of Commons to deal with some parts of the protection program, including the protection of witnesses in cases of family violence, which was supported by the NDP, but rejected by the Liberal government of the day. The basic issues of eligibility, coordination and funding have never been addressed.

That is why this bill is essentially positive. We hope that the Conservatives will offer the support that local police organizations need to ensure that witnesses will come forward in matters such as street gangs. The safety and welfare of the whole population is at stake. The more informants feel that they are protected, the more likely they will be to come forward and work with the police. We will give these people a real chance to change their lives and contribute to the well-being of their families and the community by attempting, through the information they provide, to rein in and perhaps even eliminate street gangs.

The government is responsible for giving people the tools they need to achieve their full potential. However, we need to be able to act upon our convictions. I want to reiterate that additional funds would have enabled municipal police forces to do more. I nevertheless maintain that the witness protection program is often an essential tool for encouraging people to work with the police.

We recognize that the bill is proposing significant improvements and a better process for supporting provincial witness protection programs. The bill would broaden the scope of the program to include national security agencies. That is another good thing.

Our view is that strengthening the witness protection program will improve public safety and help the various police forces to combat violence. It is therefore because of my desire for change that I endorse Bill C-51 and give my full support to all the police officers in my riding who help to make the towns and cities in Pontiac safer.

● (1630)

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, I thank my colleague from Pontiac for his very fine speech.

The Liberals have every right to criticize the Conservative government, because it has not done enough with Bill C-51. However, with respect to eligibility and lack of funding, why did the Liberals not respond to criticism of the witness protection program when they were in power and had the chance? In other words, why do they continue to say one thing and do another?

Mr. Mathieu Ravignat: Mr. Speaker, I thank my hon. colleague for his question.

It is customary for the Liberal Party to say one thing and do another. I cannot really say why. It is an oversight. I imagine that the Liberals were distracted by the string of scandals that hit their government. It is difficult to focus on real issues, important issues, when you are continually in trouble.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I always find it somewhat interesting being dated, quite possibly, by the New Democrats as they try to rewrite history.

It is important to recognize that it was the Liberal Party that brought in the witness protection program legislation that was required. I suspect he will find that even the former leader did not ask the types of questions to enhance the legislation back then. He has to be very careful when dealing with the issue of ethics. All he has to do is look at his own front bench, where there is a question mark today.

My question to the member is this. I wonder if he could provide some thoughts on whether New Democrats feel there was a need to make amendments to this legislation, or do they think about the legislation now as they would have likely done back in 1994 or 1996, when the legislation was first introduced, and they did not feel it appropriate to bring in amendments?

Mr. Mathieu Ravignat: Mr. Speaker, I thank my hon. colleague for his rather pointed question. I guess I could call it that. If it was introduced by a Liberal government, then why not give credit where credit is due? It was introduced, but we cannot just introduce legislation without perfecting it. We cannot be like the golden goose, kind of lay the egg and then leave it to rot. It seems to me that is not the right approach.

If we want to talk about ethics, the member is grasping at very few straws. All I need to do, given that I am from the province of Quebec, is put a couple of words together and talk about the sponsorship scandal.

● (1635)

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I want to commend the New Democratic Party for being part of this and working with the government. I have the privilege of chairing the committee, which is now studying the economics of policing. The committee is looking at a trip right now. The gentleman sitting behind the member, whose constituency I cannot recall, has done some good work on this.

The member's party had two concerns. The first concern was the money. Through the speech that the parliamentary secretary gave today, we know that everyone who appeared before the committee said finances are not an issue. The RCMP and a number of witnesses said that if ever there is a need, the government has always responded by providing the finances required.

The other question at the time was in regard to the number of applicants for this program. Canadians need to know that last year there was an acceptance into the witness protection plan of 38. There were 108 cases examined by the RCMP and 38 were accepted. At that time, the RCMP made it abundantly clear that if the 108 needed to go into the program, the finances would have been available. Maybe he could respond to his party's seemingly ongoing concern.

Before we get to that—

The Acting Speaker (Mr. Bruce Stanton): We have exhausted our time at this point, but perhaps the hon. member for Crowfoot will have another opportunity to weigh in on that.

The hon. member for Pontiac.

Mr. Mathieu Ravignat: Mr. Speaker, I thank the hon. member for his well-balanced question, a question that recognizes that New Democrats are, indeed, standing up on this side of the House to protect witnesses and that it is something we feel strongly about, though we have some minor disagreements. The member will not be surprised that I have a minor disagreement with the numbers. I have 30 of 108.

I find the comments of the member on financing somewhat encouraging. One would hope that financing would come forward to ensure this.

Also, perhaps 30 of 108 is low because the admission to the program is so strict. That is part of our point, that we need to look at the criteria and make sure they are flexible enough to ensure that more people can take advantage of the program and the financing that the member across the aisle says is present.

[*Translation*]

Mr. Jean Rousseau (Compton—Stanstead, NDP): Mr. Speaker, I would like to congratulate my hon. colleague from Pontiac on his excellent speech.

Bill C-51, An Act to amend the Witness Protection Program Act and to make a consequential amendment to another Act, would amend and update the witness protection program. Many people familiar with the system have been saying for a long time that it needs to be expanded and modernized.

On the other hand, the task is not an easy one, given the enormous changes that have occurred in computer espionage technology and the inexhaustible ways of obtaining information about people today. Just think of how many times a scandal has come to light where information was obtained more or less legally or a document containing information was lost. Similar things can happen when the time comes to protect witnesses in extremely important trials like the Air India trial.

We must not forget that criminal organizations are highly skilled at making arrangements to infiltrate various government and public agencies. Once again, how many times have we heard about a person who obtained information or managed to get their hands on a hard drive or CD containing encrypted information?

In the course of the fiscal year ending in March 2012, the federal witness protection program accepted only 30 applications out of 108, at a cost of just over $9 million. That is only 30% or 40% of applicants.

Once again, families and various players in the system have been saying for a long time that the program needs to be expanded because there are trials under way that cannot be completed because of a shortage of information and evidence.

For instance, in Quebec, evidence against criminal gangs is difficult to obtain because there are so many friends and family members. It is extremely difficult. As its short title indicates, the bill therefore redefines several provisions to make witnesses safer.

For example, it provides for the designation of a provincial or municipal witness protection program. It authorizes the RCMP commissioner to coordinate, at the request of an official of a provincial or municipal program, the activities of federal departments, agencies and services in order to facilitate a change of identity for persons admitted to the designated program.

This is extremely important, because when someone's identity is changed or a witness is assigned to a location, the municipality and province in question are responsible for that person and also for that person's protection.

The bill adds prohibitions on the disclosure of information relating to persons admitted to provincial and municipal programs, to the means and methods by which witnesses are protected and to persons who provide or assist in providing protection.

Even RCMP and Quebec provincial police officers have told us that they or members of their family involved in the program are at risk. The program therefore needs to be broadened to ensure that everyone is protected.

The bill will also specify the circumstances under which disclosure of certain protected information is permitted. It exempts a person from any liability or other punishment for stating that they do not provide or assist in providing protection to witnesses or that they do not know that a person is protected under the program. It also expands the category of witnesses who may be admitted to the federal witness protection program to include persons who assist federal departments, agencies or services. This is extremely important.

It allows witnesses in the witness protection program to end their protection voluntarily. The testimony suggests that people sometimes ask to end their protection. They say everything is okay, that there is no problem. However, there were still some reservations about that.

The reverse is also being proposed, namely to extend the period during which protection may, in an emergency, be provided to a person who has not been admitted to the federal program or who would like to put an end to it in a situation where the federal program comes to an end. Finally, it also proposes to make a consequential amendment to another act, namely the Access to Information Act.

● (1640)

Bill C-51 proposes a better process to support provincial witness protection programs and expands the program to other agencies with national security responsibilities. This could mean a department, a municipality or an agency. They really need the support.

The bill will expand the protection program eligibility criteria by including street gang members and by accepting a new group of people who assist federal departments. Federal departments and agencies with a mandate related to national security, national defence or public safety would also be able to refer witnesses to the program.

The bill would extend the period for emergency protection, as I was saying, and clear up some of the technical problems that were occurring in relation to coordination with provincial programs. This is extremely important, because the lack of coordination between the stakeholders at the provincial, federal and municipal levels, especially in large municipalities such as Montreal, Toronto or Vancouver, was causing serious problems.

There are also a few other changes, but there is one in particular that I find worth mentioning, specifically the change to the definition of "protection". This definition would be replaced by the following in clause 3 of the bill:

> ...protection may include relocation, accommodation and change of identity [which is quite legitimate] as well as counselling and financial support for those or any other purposes in order to ensure the security of a person or to facilitate the person's re-establishment or becoming self-sufficient.

This is extremely important. When you change someone's identity or place them in the protection program, at some point they will have to integrate into society and resume living their lives. This paragraph alone may have more financial implications than one might think.

What about loved ones? This is not clearly defined. It is one of the questions that remain to be answered. The loved ones of witnesses in the protection program are not clearly defined, if they are defined at all. Are they the immediate family, or more distant relatives? Are the gang members still considered loved ones? There is no way to be sure.

If the Conservatives truly want to improve the witness protection program, they should commit the money needed to implement the measure. They should also truly want to protect everyone involved in the program, including the officers, as I already mentioned. Officers have told me that when they participate in witness protection programs, their loved ones can sometimes be in danger. That is important to keep in mind.

Bill C-51 makes enough positive changes that we will support it at third reading. I think that everyone, regardless of their political affiliation, agrees with expanding eligibility for the witness protection program.

Authorities who work on combatting street gangs say that it would be an improvement and would help them do their job if gang members who are trying to leave that lifestyle could have access to the program.

However, there is one thing we must never forget. People are what matter to the NDP. Everything we do, we do for the people of Canada. We are committed to building safer communities and neighbourhoods for seniors and the general public, so that everyone feels comfortable being out and about in this country.

We can also improve the witness protection program by bringing peace and justice to our neighbourhoods. We can do so by giving federal, provincial and municipal police forces the additional tools they need to combat street gangs and organized crime groups, which are becoming increasingly better equipped in terms of technology and information, as I mentioned.

The government has cut nearly $190 million from the RCMP and over $140 million from the Canada Border Services Agency. The government will not create a free and peaceful Canada by making cuts to our police forces and to public safety.

● (1645)

[*English*]

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I want to thank the member for his speech today and also for his service on the public safety and national security committee. The member for Compton—Stanstead has been there and has been contributing to the committee.

One of the issues that I know that our committee looked at when we dealt with this and did a study on it is the fact that other jurisdictions have something fairly similar in witness protection programs, including the provinces of Alberta, Saskatchewan, Manitoba, Ontario and Quebec.

I know that everyone in government is very conscious of infringing upon provincial jurisdiction on certain issues. I know that this government was also very cautious in how it approached programs like this one. We heard from all involved that all these jurisdictions were very supportive of the changes that were made here.

When we draft legislation, I think we want to draft is as perfectly as we can. In the previous speech, the question was asked, "Why did the former government not draft it perfectly"? As time goes on, we see ways that things can be changed. It was not against the legislation in the past, but those involved stepped forward and said that we could improve this legislation by doing these things.

Maybe this member of the committee would talk a bit about the provincial jurisdictions and how this would work hand in hand with his province, Quebec, and make the witness protection program even stronger. It is what law enforcement is asking and I think what all those involved are asking. He may want to elaborate a bit on that.

● (1650)

[*Translation*]

Mr. Jean Rousseau: Mr. Speaker, I would like to thank the hon. member for his question.

With regard to jurisdictions, Quebec has its own witness protection program, as do some large municipalities, such as Montreal.

That is why it was so important to hear the testimony of police chiefs at all levels—national, provincial and municipal. This was extremely important because we have to coordinate this effort and work together. There are procedures in place across the country, whether in Quebec, Alberta or British Columbia. Cases are heard, and this really involves all jurisdictions.

The Criminal Code falls under federal jurisdiction. The witness protection program must absolutely expand its criteria for certain crimes. We must work together. That is why we have been saying all along that municipal, provincial and federal governments must reach out to one another in a spirit of partnership while respecting each others' jurisdictions. We need to standardize the rules in order to protect the individuals involved.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I congratulate my colleague on his speech. He dealt with a number of issues.

I would like to ask him a question. One recommendation that came from the Air India inquiry involved establishing a more transparent and more accountable eligibility process. Simply put, Bill C-51 does not include any provisions in that regard.

What can our colleague tell us about the government's refusal to really commit to making the program more transparent?

Mr. Jean Rousseau: Mr. Speaker, a lack of transparency is the kind of bad habit we have come to expect from this government. There are blatant examples in a number of bills and in the government's failure to act on a number of issues.

Unfortunately, in addition to Air India, there have been other major cases like that. What does a lack of transparency mean? It sometimes means losing trials or cases. It means that justice is not being served the way it should be in a trial.

Transparency is fundamental. When there is transparency in the proceedings and procedures of this sector and other Canadian sectors, we ensure that a degree of integrity is maintained, both by the justice system and the politicians who implement all these laws.

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, to start, I would like to read an excerpt from the Library of Parliament's legislative summary of Bill C-51. I think that this excerpt provides a good summary of the purpose of the federal witness protection program.

> Protecting witnesses against intimidation, violence or retaliation is crucial to maintaining the rule of law. The experts agree that without effective measures to protect vulnerable witnesses and their families, many would be reluctant to cooperate with the authorities.

The federal witness protection program is a key tool in the fight against organized crime. When a person testifies about the activities of a group with which he was once associated, some members of that group may hold it against him. The program is therefore an effective tool in the fight against organized crime.

I would also like to commend the police and peace officers who work in the witness protection program. They do extremely dangerous and difficult work. These police officers often have to live a shadowy existence and lead parallel lives. A witness told us that he sometimes had to rent an apartment for himself because he could not work from his own home where his family lived. He had to stay away from his family to do his work. We must therefore commend these peace officers who are doing a great service for Canadians and our society.

This bill will allow us to expand the witness protection program and make it more effective in the fight against terrorism. It does not seem as though anyone mentioned this in the speeches that I heard. To date, witnesses of terrorist acts or potential terrorist acts do not benefit from the protection offered by this program. We therefore expanded the scope of the program, which is a good thing.

● (1655)

[*English*]

It is important that the federal witness protection program be as efficient as possible in terms of streamlining and expediting the process of admission to the program.

Some provinces and municipalities also operate witness protection programs, so it is not just the federal RCMP. These provincial and municipal programs must co-operate with the federal government in order to have witnesses' identities changed, for example. Those programs would have to deal with Passport Canada and perhaps Human Resources and Skills Development Canada to get social insurance numbers changed and so on and so forth.

Up until this point, the problem has been that if a provincial program identified a witness it wanted protected, it would have to not only accept that the individual should be protected, meaning that the person would essentially be applying to the provincial or municipal program, but that if the person was admitted, the provincial or municipal program would then have to go to the RCMP and ask for admission to the federal witness protection program. Only once the admission was accepted would the paperwork get done that would allow the person to assume a new identity and a new personal history, if one may put it that way.

As a result of this bill, that would not be the case anymore. There would be designated provincial and municipal witness protection programs, and once the witness would be accepted in that designated program, that witness would not have to apply to the RCMP federal program. He or she would simply be able to get the paperwork done by having been admitted to the provincial and municipal program. This is a step forward. This is a step toward making the system more timely, because in these matters we know that time is of the essence.

Speaking of time, the bill would also extend the period during which a potential candidate for the witness protection program can receive emergency protection. It is a very difficult decision to decide to go into the witness protection program. It requires a lot of thought and consultation with family members and so on. Up until now, candidates for witness protection could get some kind of witness protection for 90 days while they made up their mind about whether they wanted to go through with this major step. Now, as a result of Bill C-51, people would have the possibility of a 90-day extension, which would take the emergency protection to a maximum of 180 days. That is a very practical change.

As I said before, the bill modernizes witness protection to assist in the fight against terrorism. The fight against terrorism is an ongoing process of updating the relevant public security tools at our disposal in order to adapt them to the needs of this not-so-new yet ever-evolving challenge.

Witness protection is one area where changes were recommended most notably by the report of the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182. The commission found that the federal witness protection program "is not fully attuned to the needs of sources and witnesses in terrorism investigations and prosecutions". The report concluded that CSIS, for example, should have access to programs to protect vulnerable witnesses and sources. The report also concluded that the federal witness protection program is too rigid and is based on the assumption that most sources and witnesses have criminal backgrounds.

In a terrorism case, it would be very likely that a witness would not have a criminal background and as a result would not be admissible to the program and would therefore essentially be discouraged from handing over information that could stop a terrorist incident. It is very important that the concept of witness protection be broadened to include not necessarily people who were involved in a crime but people who were witnesses to, say, a terrorist plot. That was the recommendation by the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182. That was the second recommendation.

It is interesting to point out that the bill passed a report stage vote 200 and some votes to none. It obviously is clear that all parties in the House support strengthening the witness protection program.

I should also mention that there were no amendments adopted at committee. That says something as well. It says that this is a non-controversial bill, that it is more of an administrative or procedural enhancement kind of bill. It was quite obvious what needed to be done, and it has been done.

● (1700)

Again, this points to the fact that this is really a technical matter, and I am not sure that it really warrants the kind of partisan debate that we have witnessed so far this afternoon, but so be it.

There are other changes that have been recommended to the witness protection program that are not in the bill, but that we were told the government would implement outside of the bill. There are three particular improvements that have been recommended to the witness protection program: one, separating investigations and decisions about admission to the federal witness protection program; two, offering legal counsel to those negotiating entry into the program; and three, offering psychological assessments to program candidates.

In 2008, the Standing Committee on Public Safety and National Security recommended that a clear operational distinction be made between the investigations and prosecutions function of law enforcement on the one hand, and the decision-making function for admitting a candidate to the federal witness protection program on the other, making "it plain [to the candidate for witness protection] that protection is not a reward for cooperating with the authorities".

Until now, basically it was the same group within the RCMP that was providing protection, but also making the decision about whether the witness should be admitted to the program. One can understand that would put certain individuals in the RCMP in a bit of a contradictory situation or a potential conflict of interest situation. Therefore, it was recommended by the House of Commons committee in 2008 that a separate department be created to make the decision about whether somebody should be admitted to the witness protection program, separate from the RCMP whose main function and concern would be to provide protection. That was not done. A separate agency was not created, but we got assurances from the minister and the government that these two functions would from now on be separate within the RCMP, and that is a very good thing.

The second item was not in the bill but it is germane obviously to the witness protection program going forward. Negotiating entry into the program is a complex matter, as is negotiating a contract with the RCMP for witness protection. Therefore, the Standing Committee on Public Safety and National Security, in 2008, recommended offering candidates the aid of legal counsel during the signing of protection contracts to increase the likelihood of fair and equitable negotiations. Again that is not in the law, but something the government has committed to do.

On the third item, as I mentioned, entering a witness protection program is not an easy decision. It is not easy to live the rest of one's days under a new name, identity and personal history. In recognition of these pressures, which can lead some people who enter the federal witness protection program to voluntarily terminate their participation in the program down the road, the government would now apparently be offering candidates for the program psychological assessments to determine if they are likely to remain in a program over the long term. This would be a very constructive change and new way of doing things that would reduce the likelihood that someone would enter the program and then leave it. It is worth noting that the provision of psychological assessments was a recommendation of the Standing Committee on Public Safety and National Security when it did its review of the witness protection program in 2008.

● (1705)

There has been talk about how the program may need additional funding. It is true, the RCMP did say that lack of funding would never lead them to refuse a candidate for witness protection and I believe that. However, the funding issue is not really about that. It is a little more complex and it bears mentioning.

We did have one witness who came to the committee and spoke to the funding issue. Micki Ruth, of the Canadian Association of Police Boards, appearing before the committee, highlighted the fact that the RCMP can charge back to municipal police forces the costs of witness protection. To quote Ms. Ruth:

> Currently, when a municipality does make use of a provincial witness protection program and the crime is federal in nature or involves drugs, then the RCMP takes over and charges the local police services the full cost, which is an expense that many services cannot afford.

We know this, and it was mentioned previously by the hon. member from Portage la Prairie, that the committee on public safety is conducting a study on the rising costs of policing in order to determine how we can contain those costs. We can see that police forces around the country are cash strapped. It would be a concern to them that they would bring someone into the federal witness protection program because the crime involves a federal crime and then find that they are going to have to pay for putting that person into the witness protection program. That might discourage a local police force from pursuing the option of seeking the co-operation of a witness under the understanding that that person would enter the witness protection program. Cost becomes a factor.

It is not right to say that cost is not at all a factor in the matter of witness protection. In fact, the House of Commons Standing Committee on Justice and Human Rights, in 2012, also noted that one of the difficulties associated with the federal witness protection program is a lack of resources. It recommended that the federal government allocate dedicated resources to managing the federal witness protection program. We have three reports that have been recommending changes to the witness protection program.

Regarding the comments from the member for Pontiac that it is so obvious that there were improvements to be made in the legislation and wondering why these improvements were not made right away, that is not how it works in the House. We have to study the situation and that can take time. Out of those studies that call witnesses to appear and provide expert opinion we develop recommendations for change. That is what has happened with witness protection.

There have been three committees that provided input into what kinds of changes are needed to the program: the House of Commons public safety committee in 2008, the committee on justice and human rights in 2012, and the Major inquiry in the Air India bombing. These changes are rooted in careful study and that is what makes it a good bill. That is probably why there is no dissent on the bill. Everyone here today voted for it at report stage.

There are some issues that I would have liked to touch on if I had had more time. There is probably a need for the government to look at another aspect of witness protection, which is not the witness protection program narrowly defined. In other words, there are some people who do not want to go into the program, who do not need to go into the program, but they need to testify and they are going to be intimidated. We need to find better ways to allow people to testify in court proceedings where their anonymity can be ensured. This is something the government needs to look at.

● (1710)

There are ways that anonymity can be partially protected. People can testify on closed-circuit television, behind a screen and with their voice changed through synthesizing processes, but we are told that more needs to be done to really make sure that criminal elements do not discover who these people are who are testifying.

[*Translation*]

Ms. Paulina Ayala (Honoré-Mercier, NDP): Mr. Speaker, I listened with interest to my colleague's speech.

One point struck me as very sensitive. It is all very well to draft all kinds of magnificent bills for society, but without the means to apply them, they never amount to anything. That worries me and my colleagues, because in the end, the municipal police end up footing the bill. This restricts the amount of field work they can do.

I would like the member to go into expand on this and talk more about the fact that a bill can be drafted and passed, but in the end remain ineffective unless the means are available to apply it.

There is also the fact that the federal government enacts laws that the provinces or municipalities must pay for. They already have to pay for too many things, and cuts are being made to social programs. It seems to me that this is a contradiction. We want to protect people, and that is fine because we want justice, but the resources needed to take action must be provided too.

I would like the member to talk more about this.

● (1715)

Mr. Francis Scarpaleggia: Mr. Speaker, in fact, those are two separate questions, because when a bill is introduced, there is no budget attached to it. The question of financial resources is a separate one. That does not mean that it is not an important question, but it is a separate question to be addressed when dealing with budgetary matters.

The bill is a good one. It makes administrative improvements. However, particularly in the case of small police forces, it is possible that a shortage of resources would discourage them from making full use of this witness protection tool. I do not believe that it would really be a problem for a police force the size of Montreal's. The police service in Montreal is rather large. If the bill helps it to successfully conduct an investigation, then it will find the money and arrange to protect the witness.

Discussion of financial resources is necessary, but it should not prevent the passage of this bill, which is nevertheless a rather good one.

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, I would like to thank my colleague for his speech.

I understand that the witness protection program deserves appropriate funding. My colleague agrees with that. However, if I understood correctly, the bill is not sufficiently generous.

What specific amendments would my colleague suggest?

Mr. Francis Scarpaleggia: Mr. Speaker, I believe that the bill is highly effective and very good with respect to the provisions designed to streamline the steps so that an applicant can be admitted more quickly and can make an identity change more rapidly.

Perhaps what is needed is an independent federal fund that could be used if a police force in a smaller community did not have the money to pay all the costs involved in admitting a witness into a provincial or federal witness protection program, for example. At times like these, the small municipality or small police force could draw upon the fund. It would be a good idea to have a reserve fund for that purpose.

There is nothing to prevent the government from moving in that direction, perhaps in the next budget. However, where public safety is concerned, the government should think twice or perhaps even three times before slashing spending or voting against the idea of channeling new resources to these areas.

● (1720)

[*English*]

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, the question I have for the member is around funding. I know there were some witnesses who said additional funding was not necessary.

However, if I look at some of the testimony that was given, there was definitely an emphasis from some of the witnesses that additional funding was necessary.

How effective does the member feel this legislation is going to be without the provision of additional funding to ensure that the tools we purport to give are there in reality?

Mr. Francis Scarpaleggia: Mr. Speaker, it is interesting. Some witnesses did say additional funding was not required and a minority of witnesses, actually one who I recall, said that the lack of resources could be a problem. However, they were talking apples and oranges.

The RCMP came and said that if it needed to protect a witness, it would find the money. I believe the RCMP. I believe that will be the case.

However, the point that Ms. Ruth brought up was not related to whether the RCMP had the budget to accept all the witnesses who needed to be protected. It was more to the fact that a separate fund was not available, created by law for example, that smaller police forces could access if they brought someone into a provincial witness protection program. They may find that the matter is taken up by the RCMP and the RCMP then sends them a bill for protecting that witness.

That is a very different issue than the RCMP saying that it will protect all witnesses who apply directly to the federal witness protection program.

The witnesses were not necessarily on the same wavelength and were not necessarily talking about the same thing when it came to funding.

It will be effective because it will be more timely. I really do believe that will help. However, if we are going to include witnesses to potential terrorist incidents or plots, we may need more funding because we are bringing in CSIS, National Defence and so on and so forth.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, could my colleague comment on the value of the program itself, whether it is related to gang activity or other larger organizations and whether we will potentially be able to prevent crimes from taking place going into the future?

Not only are we delivering justice, quite often, but we are also preventing crime. The bill has the support in principle from all parties inside the chamber. All parties recognize the value of a witness protection program.

Could the member comment on that? I know he did in his opening remarks, but and he might want to reinforce that.

Mr. Francis Scarpaleggia: Mr. Speaker, I found the hearings quite interesting because we all know that witness protection exists. We know it through popular culture.

However, I had never really stopped to think about how the program works. It is a very small program within government. It is part of the crime agenda that is never really discussed. We have talked about more sensational issues than the witness protection program.

It is very much a lynchpin program. As I said at the beginning of my remarks, the point of the program is to combat group crime, whether that be organized crime selling drugs or whether it be a group of people who might want to commit a terrorist act.

It is a very effective tool against group crime. The fact that everyone supports the legislation speaks loudly that everyone in the House wants to combat crime. It is not a partisan issue.

● (1725)

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, it is my pleasure today to rise to speak in support of the bill. Indeed, this is an area that is really critical and one on which the NDP has been pushing really hard. It is good to see the government has listened to our requests to expand the federal witness protection program.

The criteria has been criticized, not just by us but by community members and organizations across our country for its narrow eligibility criteria, for poor coordination with provincial programs and low numbers of witnesses actually admitted to the program.

Before I get into the resourcing, which I might have to leave until we meet again or until I get to continue this dialogue, I really want to talk about the importance of the expansion of the criteria. There are some issues and our history informs us that these steps have to be taken.

I cannot help but stand here and remember the tragedy called Air India, an act of terrorism in Canada that killed hundreds of Canadians on a plane and that led to hundreds of families being impacted for a very long time. We saw whole families being annihilated. I recently met a gentleman who lost his wife and his children on that flight. A man who lived in my riding lost a sister and her family as well.

I also live in a riding in the city of Surrey, the riding of Newton—North Delta, where, if witness protection had been available, maybe the trial on the Air India disaster would have gone differently. I am not the first person to say that. That was said by the judge at the time. As we know, there was a great deal of fear about giving evidence. In fact, people who agreed to give evidence, then pulled back.

Then I have to mention the tragic murder of one of the witnesses. It was our inability to protect witnesses that really ended up being a real barrier and an obstacle to prosecution in the Air India bombing case. A witness, Tara Singh Hayer, whose son and daughter live in Surrey, was a publisher of the B.C. based *Times of India*. He was assassinated in 1998, making the affidavit he had given to the RCMP in 1995 inadmissible as evidence. Here is the stark reality of why the criteria for the federal witness program absolutely needs to be expanded, and we are pleased it has been.

Two other witnesses refused to appear before the Air India inquiry in 2007, citing fears for their safety. As a result of our failure collectively, what it has meant is that those families live in anguish even today. Yes, because they lost their loved ones, but more because they feel justice has not been done. For that reason alone, this legislation is really critical. At the time, Justice Major acknowledged he was unable to provide the necessary protection.

My heart goes out to the families that were impacted by that disaster and we mourn today because we failed to mete out justice to those who did great harm to the nation.

● (1730)

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Newton—North Delta will have 15 minutes remaining for her comments when the House next returns to debate on the question.

[*Translation*]

It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT

Ms. Charmaine Borg (Terrebonne—Blainville, NDP) moved that bill C-475, An Act to amend the Personal Information Protection and Electronic Documents Act (order-making power), be read the second time and referred to a committee.

She said: Mr. Speaker, it is with deep conviction that I initiate the first hour of debate on my Bill C-475, the purpose of which is to bring the Personal Information Protection and Electronic Documents Act into the digital age.

I would like to begin by reading from a statement by the Privacy Commissioner, Jennifer Stoddart, released this morning:

[*English*]

"PIPEDA is not up to the task of meeting the challenges of today—and certainly not those of tomorrow".

[*Translation*]

It is therefore no surprise that she should have said this, because this legislation has not been updated since the arrival of the first-generation iPod. Matters evolve very quickly in the digital age, and the law is no longer relevant.

Millions of Canadians have never known a world without smart devices. It is an eternity in a modern society undergoing constant change, as ours is.

The Internet is central to our lives, because we use it daily. It is not surprising, therefore, to learn that Quebeckers and Canadians will spend about 45 hours a week online in 2013, that over 70% of Canadians use the Internet daily, and that our fellow citizens have more than 18 million Facebook accounts.

Canada as a country is firmly plugged in. For a few years now, laptops and devices like tablets have been used both recreationally and as working tools. They occupy an increasingly crucial place in our lives. We are moving more and more towards digital management of our lives. This major change means that new rules must be put in place and that they must reflect the new risks associated with these developments in the digital world.

Since the beginning of this year alone, we have witnessed serious losses of data, including data on 52,000 Canadian investors in February and more than 50 million clients of LivingSocial in April.

The Privacy Commissioner of Canada recently stated that breaches of personal data have been steadily increasing in recent years. In that connection, a study by Telus and the Rotman School of Management at the University of Toronto, published in 2011, showed that each public company experienced an average of 18 data breaches a year.

Unfortunately, the current legislation designed to protect Canadians' privacy has not been updated to address these risks and put appropriate measures in place to protect society. The current legislation does not provide for Canadians to be notified of a breach of their personal information. Organizations are not in fact required to notify them, regardless of the seriousness of the breach. This means that our fellow citizens cannot take appropriate action to protect their identity or their credit in order to reduce any harm they might suffer.

I am referring in particular to our passwords, social insurance numbers, personal emails or even the bank account numbers needed to make online purchases. The sharing of personal information with third parties, without consent, is a major problem in Canada.

In September 2011, the Privacy Commissioner noted that a quarter of the most-visited websites in Canada do not comply with Canadian law; they disclose our data without our consent. This bothers me a great deal, particularly when I think of children, the elderly and people who have not had the good fortune to learn how the Internet works and what the risks are. What is much worse is that companies that decide to do this do not currently suffer any consequences.

For more than 10 years, Canadians have been waiting for a better regulatory framework. They are rightly expecting results along those lines, and it is in that spirit that I decided to introduce Bill C-475. The bill proposes two simple and effective mechanisms to improve protection of Canadians' personal information.

First, it requires that the commissioner be notified by any organization having personal information under its control when there is a possible risk of harm to users.

● (1735)

Experts in the commissioner's office will assess the seriousness of the situation against a criterion for harm that sets a high standard. They will also recommend whether or not the organization should notify the users affected.

This mechanism allows for an objective analysis of the risk and better management of the risk through an expectation of a high level of security, rather than a subjective analysis based on the interests of the organization, which may differ from the interests of users.

The process will restore to Canadians the power to take steps to protect themselves much more quickly, in addition to reducing the harm done to them.

The second mechanism provided for in Bill C-475 is based on the Alberta model. It is designed to give the Privacy Commissioner order-making power when an organization fails to obey the law. The Federal Court would have legislated authority to penalize organizations that fail to carry out an order issued by the commissioner.

These mechanisms are straightforward and clarify the commissioner's powers. In short, the Office of the Commissioner will now have the power to enforce the law, which unfortunately is not now the case.

By providing better oversight of organizations and the use of personal information to which they have access, Bill C-475 gives Canadians an assurance of acceptable risk management and the right to protection of their information. This bill was drafted to address the concerns of Canadians, people in the digital industry, civil liberties organizations, Internet experts and specialists in the protection of privacy.

I had the opportunity to hear a great deal of evidence from experts during a study the Standing Committee on Access to Information, Privacy and Ethics conducted on social media and privacy from May to December 2012.

Bill C-475 is a direct response to requests from the community to adapt the law to suit our digital age by providing some flexibility for people in the industry and clarifying the ombudsman's role of the Office of the Commissioner.

Moreover, during many consultations specifically discussing the bill, the same conclusions emerged. The bill therefore takes a very balanced approach. It is balanced with regard to Canadians, since objective risk analysis will ensure that they are not bombarded with notifications of data breaches that do not affect them at all or present a minimal risk. The bill is also balanced with regard to companies, since clear roles and processes enable them to plan their policies and response.

It will be clear for organizations that they are required to report a breach to the Office of the Commissioner, but they will not be responsible for deciding what the ultimate risk is. Companies that are law-abiding will no longer have to compete with companies that are not.

Lastly, the bill makes it possible to bring our privacy protection legislation up to the same level as countries like Germany, Great Britain, Australia and France, or indeed to the level of provinces such as Quebec and Alberta.

As a world leader in technology, Canada should be adopting international standards.

Bill C-475 offers a different vision from that proposed by my colleagues opposite, who in 2007 introduced Bill C-12, which is no longer supported by the Privacy Commissioner. They will probably tell me they have already introduced a bill to modernize the Privacy Act, but I would like to remind them that it dates from 2007 and is absolutely not representative of our day and age, particularly when you consider that technology changes extremely quickly.

Bill C-12 was introduced in the House, but there has been no debate for six years, and its content has therefore become outdated. It certainly no longer represents a serious attempt by the government to modernize the legislation in order to better protect the public. Moreover, a problem with the mechanisms proposed in Bill C-12 to deal with a breach shows that it is completely inadequate.

The risk threshold for notifying the Office of the Commissioner is very low and subjective. This poses two major problems. The first is that because the threshold is low, users and the Office of the Commissioner will be notified less often in the event of a breach.

● (1740)

Organizations could avoid notifying those concerned, which poses a major problem with regard to their security. Nor will they have the power to protect themselves and reduce the potential harm to which they are exposed.

The second problem is that experts testifying before the Standing Committee on Access to Information, Privacy and Ethics explained the need to obtain better data in order to gain a better understanding of the cybersecurity risks Canadians face every day. A low, subjective threshold reduces the data to which they will have access, which makes them less able to advise the government and companies on the risks associated with their practices.

My bill establishes an objective threshold, and the Office of the Privacy Commissioner will be mandated to assess the risk associated with a breach. The interests of Canadians, which we in this House have the responsibility to protect, will be paramount.

Quebeckers and Canadians support the measures and principles in my bill. In April the Office of the Privacy Commissioner published a cross-Canada survey showing that 97% of Canadians would want to be notified by an organization if their personal information was compromised. Note that this is the overwhelming majority. In addition, 80% of respondents would also grant more powers to the Office of the Privacy Commissioner. Again, a large majority of Canadians supported these measures.

My bill has garnered support from all classes of stakeholders affected by these changes, including industry representatives, civil liberties organizations, consumer protection agencies and academics specializing in law, communications, cybercrime and political science. I could go on, but there are too many to name them all.

The Union des consommateurs has stated that:

> [it] believes that the implementation of the principles proposed by the NDP, through their private member's bill amending the Personal Information Protection and Electronic Documents Act, constitutes a real advancement to better protect the privacy of consumers.

[*English*]

Michael Geist, chair of Internet and e-commerce law at the University of Ottawa and renowned public affairs pundit, has said about my bill that:

> Bill C-475 is a far better proposal.... Those provisions would do far to ensure a greater respect for Canadian privacy law and give Canadians the assurance of notifications in the event of security breaches.

Steve Anderson, executive director at OpenMedia.ca, stated that:

> We welcome...[this] online privacy bill because we think it's a tool that can later be applied to protect our privacy against reckless warrantless access to our private information by government authorities. This bill is a useful stepping stone to safeguard our privacy.

[*Translation*]

Canadians trust us to act in their best interests. They clearly want us to give them better protection. By voting for Bill C-475, my hon. colleagues will be giving them the reassurance of stronger support for their rights and the power to protect their privacy.

[*English*]

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, I am pleased to speak to the bill. I have two questions for the member.

The member's bill would empower the Federal Court to impose fines of non-compliance with an enforcement order by the Privacy Commissioner. Why would we not have an opportunity for the Privacy Commissioner herself to impose fines rather than having to go through the Federal Court?

Recently the Privacy Commissioner released a white paper on a similar topic. How does the member's bill compare to the white paper that the commissioner released today?

● (1745)

[*Translation*]

Ms. Charmaine Borg: Mr. Speaker, I thank my colleague who also worked very hard. He studied social networks and privacy with us in committee.

With respect to his first question, I would say that it is a private member's bill and therefore cannot incur costs or expenditures. That is a short answer to an interesting question.

In response to his second question, the Privacy Commissioner released a report today indicating the changes she would like to see in the law protecting privacy. She has some excellent suggestions, which correspond exactly to what I am proposing in my bill.

There is real consensus among experts on the protection of privacy and the Office of the Privacy Commissioner. These measures have the support of a substantial portion of the population. We must move forward with these measures.

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, what is concerning about Bill C-12, which the government has brought forward, is that it actually lowers the standards for the protection of privacy rights in this country. It allows a subjective test for companies that are dealing with a data breach. The threshold now is that a company assesses significant risk before it informs citizens. It is as if the government is trying to create a hackers' paradise in Canada. It has no standards for defending private information when it is lost in its offices. It does not inform the Privacy Commissioner.

The Privacy Commissioner has said that the government's bill is insufficient for protecting the privacy rights of Canadians. Given the serious issues of identity theft and hackers, I would ask my honourable colleague this: In light of what the Privacy Commissioner has come out with today about the need for order-making powers and the authority to protect privacy data from hacking, how does she compare what she is trying to do with her bill, which is address the protection of privacy data in the age of big data, with the government, which is creating such a loophole that almost any company playing loosey-goosey with the privacy rights of Canadians would be able to slip through? It seems that the government would prefer to protect the bad apples than protect Canadian citizens.

[*Translation*]

Ms. Charmaine Borg: Mr. Speaker, I would like to thank my colleague who also works very hard on the protection of personal information.

As I pointed out in my speech, the bill introduced by the government dates back to 2007. It is no longer pertinent or practical and does not address the risks that are present today, in the digital age, in 2013. The threshold proposed by the Conservatives is very subjective. It would allow organizations to carry out their own assessment of the situation and the risk present even though these organizations are often not in the best position to carry out such assessments.

I am proposing that, when there is a risk, all organizations report it to the commissioner. It will then be up to the commissioner to examine the risk and the loss of data and to decide whether the risk of harm is serious or not. That is what we must implement.

I invite all members of the House to bring our privacy protection laws into the digital age to ensure that they address clear and present risks.

[*English*]

Mr. Parm Gill (Brampton—Springdale, CPC): Mr. Speaker, I am pleased to rise today to speak to private member's Bill C-475.

I thank the hon. member for the opportunity to discuss our government's approach to protecting Canadians from data breaches. This issue is one of many the government has committed to addressing in its own bill to update the Personal Information Protection and Electronics Documents Act, namely Bill C-12, which is currently awaiting second reading.

I wish to point out that the data breach notification regime proposed in Bill C-475 takes a starkly different approach than that in Bill C-12. Bill C-475 requires organizations to first notify the Privacy Commissioner of every potential data breach, regardless of context or remoteness. The Privacy Commissioner must then determine whether affected individuals should be notified. Given the potential number of breaches that could be reported, such a regime would increase costs and burdensome compliance procedures for Canadian businesses and would impose an unwieldy financial and administrative burden on the Office of the Privacy Commissioner, generating more costs than benefits for taxpayers.

In contrast to the approach in Bill C-475, Bill C-12 requires that organizations determine whether a breach of personal information poses a real risk of significant harm to individuals. The organization experiencing the breach is in the best position to understand and assess the risks and decide quickly what should be done to protect individuals without delay. With appropriate oversight by the Privacy Commissioner, the responsibility should rest with the organization experiencing the breach. Bill C-12 also requires an organization to report a potential breach to the Privacy Commissioner when there is real risk of significant harm.

The Privacy Commissioner retains oversight of the notification process and would have the option of initiating an investigation if it were believed that notification was not done properly or did not occur when it was required. This also provides her office with information on the nature and number of breaches that have occurred.

There are other differences between the approaches to notification taken in the two bills. Bill C-475 states two factors that are to be used by an organization when determining whether to report a breach to the Office of the Privacy Commissioner. These factors are the sensitivity of the information and the number of individuals impacted by the breach. The use of only these two factors to determine risk related to a breach does not allow for consideration of circumstances to determine if a potential breach could be harmful.

This approach in Bill C-475 to determine whether to report a breach to the commissioner would also not capture breaches impacting only one or a few individuals, even where there is a high risk of significant harm to those individuals. This leaves a large portion of potentially harmful incidents outside of the legislation.

By contrast, Bill C-12 lays out different factors for determining whether a breach poses a real risk of harm, namely the sensitivity of the information and the potential for the misuse of that information. This requires the organization to assess all the circumstances around the breach, including, for example, whether the information was encrypted, whether it was fully recovered, or whether the circumstances suggest criminal involvement. All of these issues must be considered when determining the risk related to a particular data breach. If not, we run the risk of not capturing all harmful breaches or of focusing on capturing too many remote potential breaches, thereby increasing the burden on organizations and quite possibly reducing the commissioner's capacity for dealing with those that would cause harm.

Under Bill C-475, the proposed threshold to be used by the Privacy Commissioner for determining whether to order an organization to notify individuals is "appreciable risk of harm". This term is ambiguous and is not defined in the bill. It is therefore not clear what type of breaches this threshold is meant to capture.

● (1750)

The manner of notification to individuals required by Bill C-475 is stated as "...clear and delivered directly...in the prescribed form and manner". However, there are no details provided on what that form and manner would entail. Furthermore, the bill would not provide for regulation-making power to address this. PIPEDA applies to a very broad range of organizations of all sizes to ensure the timely notification of individuals. The means of notification imposed by any legislative requirement should be flexible enough to accommodate the varying circumstances in which these organizations find themselves.

For example, Bill C-12 would allow organizations to use means of notification such as website notices or paid advertisements, where necessary. This can be an important tool in situations where there is a large group of individuals who have not provided their current contact details, for instance. Organizations need access to every method available to reach those concerned in a timely manner. The new requirement proposed by Bill C-475 would create considerable uncertainty and would be burdensome and costly for organizations. In the U.S., where this issue is tracked annually, the average cost to an organization of a single notification is estimated to be $194. The average total cost to an organization for a data breach is approximately $5.5 million. As entrepreneurs in our communities strive to grow our economy and create jobs for Canadian families, we should take care to examine more efficient alternatives to ineffective procedures. These new requirements might even diminish the value of notification because of notification fatigue, causing individuals to ignore the numerous notices they receive. Bill C-475 would thus undermine its own purpose.

In summary, the opposition's approach in Bill C-475 would impose an administrative burden on the Privacy Commissioner and a financial burden on organizations and would impede timely disclosure of data breaches to individuals. Bill C-475 also does not define key terms adequately and does not capture many potentially harmful breaches, such as those involving a small number of individuals.

The notification regime proposed under Bill C-12, on the other hand, is a careful, risk-based approach that would balance the need for notification to individuals with the cost of notification. The comprehensive approach of Bill C-12 could be applied to the vast range of circumstances and considerations faced by the various types of businesses, both large and small, that are subject to our federal private-sector privacy legislation.

I would therefore urge hon. members to oppose Bill C-475, and I invite the opposition to join us in support of Bill C-12 and move it to committee for detailed consideration as soon as possible.

● (1755)

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, I listened to the member talking about supporting Bill C-12. The problem is that the bill has been sitting on the order paper now for almost a year and the government has done absolutely nothing in advancing it, so that we could get it to committee and have a debate on it. One thing that Bill C-475 does is move forward the debate on privacy and the access to and protection of people's private information.

We are encouraged by Bill C-475 and want to get it to committee so we can update the legislation that has been in place. Only today, the Privacy Commissioner of Canada, Commissioner Stoddart, said we are falling behind and we are at risk of not being up to date with others around the world.

PIPEDA has been in place since 2001 with no changes since that particular date. On that, Commissioner Stoddart said:

> Back in 2001, when PIPEDA began coming into force, —and even when I became Privacy Commissioner in 2003—there was no Facebook, no Twitter and no Google Street View. Phones weren't smart. "The cloud" was something that threatened picnic plans. And predictive analytics was largely the domain of tarot card readers.

Things have changed in the last 15 years and we need to get up to date. Bill C-475 is a good first start. We need to also look at the commissioner's white paper released today, because she did say we are at risk of falling behind.

The reforms that need to be made to PIPEDA include stronger enforcement powers, requiring organizations to report breaches of personal information, requiring organizations to publicly report the number of disclosures they make and modifying the accountability principle.

One of the things the commissioner even said today is that she has no power. The only power the commissioner has is to name companies who breach these laws, so we need strong legislation and enforcement powers, and we need to make sure she has power to fine. Some of that may be in Bill C-12, but we have not seen that and we have not seen it being moved forward in the legislature.

These things do need to be updated. We look forward to having some more debate and getting this bill to committee so that we can really dig into it to see how these changes are going to have an impact and what improvements may need to be made to the bill from the information commissioner. We look forward to doing that in committee.

● (1800)

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, I am very pleased to rise today in support of Bill C-475, put forward by my colleague from Terrebonne—Blainville. This is an extremely important initiative for all Canadians.

Frankly, the question that arises is: Whatever happened to Bill C-12? This was to be the government's showpiece legislation to reform private sector privacy in Canada. That was back on September 29, 2011, and it is missing in action. As my colleagues have said repeatedly, privacy is the victim. Canadians are expecting, in this 21st century world in which we live, this digital economy, that their privacy will be protected.

I want to say in my remarks that this is good for business. This is actually essential for business. We can talk about privacy protection in the private sector as a human right, but we can also talk about it as being good for business, and I want to give a couple of examples where, in fact, we have kind of missed the boat on that.

The government had the opportunity. There was a requirement for it to bring in Bill C-12. It did not do this because of privacy protection concerns or even for good business reasons; it had to do it because the Personal Information Protection and Electronic Documents Act required that there be a statutory review. It has taken a long time, and I guess we will have another statutory review before it ever deals with Bill C-12. The point is that it is not just bad for privacy for all the reasons I have said, including the digital economy changing so utterly since 2001, but it is bad for business. That is a language the government, presumably, will understand, so let me talk about business.

We live in a world of big data. The current *Foreign Affairs* magazine talks about the rise of big data. *Canadian Business* magazine talks about a couple of examples where Canada, sadly, dropped the ball. Let me explain.

A few years ago Google made overtures in Quebec, but the provincial government and Hydro-Québec were unwilling to provide the kind of electricity required so a large data centre could be situated in that jurisdiction. What happened? Google went to Finland and, as a result, the company built a 350-million-euro data centre. Facebook is currently building a 900,000-square-foot facility 100 kilometres south of the Arctic Circle in Sweden. There is a gigantic industry available for gigantic data, and Canada is missing the train. Why is that?

We have cheap electricity by world standards. That should be easy. We have a very secure Canadian Shield in which we could situate these large data centres. Places like Kamloops in British Columbia have been considered. Here is what else we have. We have laws in the private sector that are substantially similar to those of the European Union. It has a very strong data protection law there. It cares deeply about privacy in that jurisdiction. Companies like Facebook have come to Canada and, essentially, test driven their new privacy regimes to see if they pass muster under the Canadian privacy laws, because if they do, they probably will pass muster in the European Union, the U.K. and places of that sort, since our laws are substantially similar.

Canada is perfectly situated between the United States and Europe with a relatively robust privacy protection regime to attract lots of business, but we dropped the ball. The government has utterly dropped the ball with Bill C-12. Who knows if it will ever see the light of day? I say that is tragic for business.

My colleague from Terrebonne—Blainville has spoken strongly in favour of privacy as a constitutional right, and that is true, of course, but the business side of this is good as well. What does her bill do? It does two fundamental things. It deals with breach notification, which according to the Privacy Commissioner of Canada today, 97% of Canadians think is a good idea, according to a poll. Talk about a no-brainer. Second, it talks about better enforcement provisions and order-making powers. Let me speak about each of those things that her bill would do.

First, in Bill C-475 there is a requirement to notify the commissioner of a breach if there is a possible risk of harm. We have seen lots of breaches where credit card information has found its way to various places it ought not to be, and the like, medical information, information that Canadians hold dear. If there is a risk of harm, the notification must be made in a form prescribed in regulations or otherwise specified by the commissioner.

● (1805)

We do not put everything in statutes; we wait for regulations to put flesh on the bones. That is how we do business. It is not surprising that is the way this has been proposed in Bill C-475 as well.

Then there was some concern because the bill talks about the commissioner requiring the organization to notify affected individuals to whom there is an "appreciable risk of harm" as a result of the data breach. Somehow I gather we should be criticized for the appreciable risk not being spelled out. Well, do we have "reasonable person" standards spelled out in our laws? Do we have every situation in the Criminal Code spelled out? Of course not. We use general words. We allow courts and commissioners and regulatory bodies to figure out what those mean. That is the way we do business. It is not surprising that has not been spelled out in detail here either. That is entirely consistent with normal Canadian drafting processes.

The commissioner would have the ability to order the private sector organization to notify individuals and the bill provides a certain number of criteria that should be considered in doing so. Then there is the possibility of an administrative monetary penalty, depending on certain factors that are listed, of up to $500,000. There is, of course, the issue of the right of action that the commissioner might have against an organization that has not complied with orders.

To me, these are entirely common sense, entirely 21st century provisions. I am so pleased that Canada's highly respected privacy commissioner, Jennifer Stoddart, has agreed entirely with these initiatives at a press conference in Toronto today. I thought this quote was perfectly in line with my colleague's bill. She said:

> Personal information has been called the oil of the digital economy. As organizations find new ways to profit from personal information, the risks to privacy are growing exponentially.

That goes to the point that the law we have in Canada, although good at the time in 2001, is entirely out of date and everyone knows it has to be improved. The Conservatives seem to not want to do that. Therefore, this bill would at least get us half the way there with two key things.

Finally, we would have order making power for the commissioner. I live in British Columbia. In my province and in the provinces of Quebec, Alberta and Newfoundland and Labrador, people have had the ability for this umpire in the game, this ombudsperson, to make orders where appropriate, and the sky has not fallen. It seems to me it has worked extremely well.

Why is it that we have taken so long to come up with what has been proven to be a huge success story at the provincial level? Imagine that: an administrative body making an order. How many thousands of examples can we find in Canadian legislation of just that kind of power? This is hardly surprising or radical. It is consistent with administrative justice regimes we find at the federal and provincial levels across the country.

The other thing Canadians want is breach notification. That is the other key element in this initiative. Why? It is because it is the most visceral example of privacy violation. When thousands of records frequently find themselves in the hands of others, not only is there a risk of identity theft and enormous personal loss, not only is it a drain on our economy if that occurs, but there is also a sense of enormous personal violation when individuals' privacy is put at risk.

There is an example in the United Kingdom, where someone left a data stick in the back of one of those black London taxis. It contained the records of several million British taxpayers. Just think what one could do with that information, not just economically. Think of the kind of very sensitive information that would entail. One could find out who was paying money to people, for example, who might have children of whom their current partner was unaware. That would be shown by way of alimony payments and maintenance payments that could be deducted from income tax.

There are a zillion examples of those kinds of breaches. Canadians are worried about that. According to our privacy commissioner, 97% in a survey expressed that concern.

I want to congratulate my colleague for her excellent work in bringing forward Bill C-475. I am shocked that our Government of Canada has not seen fit to move forward with Bill C-12. We get more platitudes about it but no action. I am thankful for the action this legislation entails.

● (1810)

Hon. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, I am pleased to rise today to comment on private member's Bill C-475 tabled by my colleague, the member of Parliament for Terrebonne—Blainville.

First, I will correct the record for the hon. member. I think it was February 15, and I do not know if the hon. member was here, when our House leader certainly made very clear that we were willing to move Bill C-12 to committee, but it was obstructed by the opposition party that denied consent for that.

The Internet has become a platform for commerce. More and more online transactions rely on flows of information, including personal information. In fact, personal information is often cited as the lifeblood of the modern economy. It is a key asset and a driver for innovation. However, for information to continue to be an engine of growth and innovation, it is necessary to maintain a solid foundation of trust in the fair and responsible handling of personal information.

As the opposition is well aware, the government already has amendments to PIPEDA before the House in the form of Bill C-12, the safeguarding Canadians' personal information act. The amendments in this bill are the result of extensive public consultations and reflect the work of our parliamentary committee and legislative review process. They reflect the values of Canadian consumers as well as the realities of the marketplace.

Bill C-12 establishes broad-based, balanced, comprehensive improvements to PIPEDA which set out enhanced protections for Canadians' privacy, while ensuring that legitimate business needs for information are met.

By contrast, the opposition's approach to privacy in Bill C-475 introduces only two new measures in PIPEDA. The first of these is a potentially costly and administratively burdensome data breach notification regime.

Bill C-475 would require that organizations report every data breach involving a “possible risk of harm”, no matter how remote to the Privacy Commissioner of Canada. The commissioner must then spend time determining whether each one of those breaches poses an “appreciable risk of harm”, and thereby warrants notification to affected individuals.

In contrast, the government's Bill C-12 proposes an approach to data breach notification that balances the cost to organizations of unnecessary notifications with the needs of consumers.

Bill C-12 would require notification to individuals only in situations where the organization determined that a breach carried a “real risk of significant harm”, which includes both financial harm, such as fraud, and non-financial harm, such as humiliation. This would eliminate the need for costly notification where it was not needed. This would minimize the compliance burden on organizations and reduce the risk of notification fatigue among consumers, while ensuring individuals would get the information they needed to protect themselves.

The opposition's Bill C-475 contains a lengthy list of consequences for non-compliance. This includes a monetary penalty of up to $500,000, which I am sure members will agree is a significant amount. However, should penalties for small businesses in our communities be as large as those of multinationals? The opposition seems to think this should be the case because Bill C-475 is silent on this question.

In contrast, the proposed measures in Bill C-12 reflect the importance of personal information to the smooth functioning of the marketplace. They address barriers to information flows, which were unforeseen when the act first came into force. They clarify and streamline privacy rules for business, while at the same time providing companies with the information they require to continue to grow and prosper.

Consumer information plays a role in many legitimate businesses. Financing transactions and acquisitions that occur in the normal course of development of many businesses require an assessment of business assets. These assets can include databases containing the personal information of customers the businesses intend to keep serving or information about the training and skills of employees who will continue to work with the business. Without the ability to access this personal information, it can be difficult for companies to assess the economic viability of a particular transaction.

Bill C-12 proposes to amend PIPEDA to enable companies to review personal information when necessary to conduct the proper due diligence prior to engaging in business dealings. Before any information can be shared between parties to a business transaction, each party must enter into a formal agreement that constrains the use of the information to purposes related to the transaction itself. In keeping with PIPEDA's existing principles, the agreement must also require the parties to protect that information with strong security safeguards.

Bill C-12 involves amendments that will remove barriers to the availability of information that is necessary to establish, manage or end an employment relationship.

● (1815)

Private sector representatives and the Privacy Commissioner of Canada have recognized that adjustments to PIPEDA were needed to reflect the unique context of the employment relationship.

As a result, Bill C-12 would amend the act to address situations where, for example, employers might need to collect and use the personal information of their employees to issue identification cards and control access to restricted areas.

These measures have been carefully balanced to maintain the protection of employee privacy by limiting the collection, use or disclosure of employees' personal information to that which is absolutely necessary and by ensuring that individuals are notified when their information is being collected, used or disclosed in the employment context.

Bill C-12 also follows up on other key recommendations. For instance, it would provide greater certainty and would clarify rules for business by streamlining private sector investigations. PIPEDA currently allows companies to share personal information with organizations that have a legitimate mandate to conduct investigations into breaches of agreements and contraventions of the law.

However, under PIPEDA, a burdensome and lengthy regulatory process is required in order to render this effective. To date, four separate regulatory processes have had to be launched to allow for the designation of 84 organizations or classes of investigative organizations with more expected.

Under Bill C-12, if passed, Parliament will act to replace this onerous regulatory process with an exception that will enable the information to be shared only in limited circumstances. Indeed, the government will only allow this information to be shared when it is necessary for the conduct of investigations and for fraud prevention.

I believe Bill C-12 provides a better model for the enhancement of privacy protection in Canada. I do not believe Bill C-475 provides the same balanced and comprehensive model.

I call upon members to support Bill C-12 rather than Bill C-475. I would mention for my colleagues from across the way that if they actually want to pass Bill C-12, as they seem to, both parties have mentioned it in the last few minutes, we would be glad to have that discussion and move it to committee tomorrow.

[*Translation*]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Before I begin, Mr. Speaker, I would like to remind the members opposite that Bill C-475 does not represent a comprehensive review of the Personal Information Protection and Electronic Documents Act, and for that reason, it cannot be compared with the government's Bill C-12, which does in fact constitute a thorough review and is much broader in scope. Therefore I would invite the members to learn more about this bill before criticizing it.

I am especially pleased today to speak to this bill which was introduced by my colleague from Terrebonne—Blainville. Since being elected she has worked tirelessly on various issues related to the digital world. In particular, she fought against Bill C-30 and forced the Conservative government to kill its online spying bill. She also held public consultations on the North Shore on personal information protection as it relates to her bill.

Today, with Bill C-475, my colleague is calling for the Personal Information Protection and Electronic Documents Act to be modernized to take into account the new digital reality. It is hard to believe that this legislation has not been modernized since it was first passed 13 years ago in 2000. Back then, there were no iPods, smart phones, Facebook or Twitter, and I did not even have an email address. It is time for the government to blow the cobwebs away and modernize this legislation to better protect Canadians' personal information.

The Personal Information Protection and Electronic Documents Act is based on the ombudsman model. The primary duty of the privacy commissioner is to investigate complaints concerning privacy breaches. The privacy commissioner has the power to investigate, to file complaints, to conduct audits and to publicly report on an organization's personal information management practices. However, the act does not give the commissioner the power to make compliance orders, or in other words, to order organizations to amend their practices or face a fine if they fail to do so.

To clearly grasp the issue here, I would like to give a few examples that illustrate the need to give the Privacy Commissioner more powers. The commissioner recalled that in 2010, the retailer Staples had failed to delete all of the client data stored on devices such as laptops or USB hard drives that had been returned to their stores and were slated for resale. What is most disturbing is that this retailer had been investigated twice before and was still not complying with the commissioner's orders.

Let us be honest here. The government created a watchdog who in essence has been muzzled. This watchdog does not have the power to enforce the act. This initiative by my colleague from Terrebonne—Blainville would give the Privacy Commissioner the means to do her job.

Another example is Google Street View, which collected personal information such as email addresses, emails, usernames, passwords, telephone numbers and street addresses. The commissioner found that this practice constituted a serious breach of Canadians' right to privacy. In this instance, the outcome was a little more positive. Google appears to have accepted the recommendations of the commissioner, who observed that the company was on the right track to resolving these major problems.

I should also like to mention the Edmonton-based site Nexopia, which describes itself as the largest social networking site for young Canadians. The site has over 1.6 million registered users, 80% of whom live in Canada. Nexopia.com users create profiles, engage in blogging, create photo galleries and post articles, artwork, music, poems and videos. The problem is that Nexopia does not have any kind of system in place to block public searches of the profiles of young users, and the website does not allow users to shield their profile from the public. You can see the problem.

● (1820)

These facts are troubling, considering that young people are often careless when it comes to their personal information and that they are targeted by many companies and some offenders. The commissioner conducted a thorough investigation, found that this organization was not in compliance with the legislation in a number of areas and issued 24 recommendations.

Following the release of her report, the federal Privacy Commissioner was forced to ask the Federal Court to make an order compelling Nexopia to stop retaining personal information. Since this action was launched, Nexopia has changed hands, and we are still waiting for the new owner to follow up on all of the commissioner's recommendations.

Bill C-475 introduced by my colleague attempts to resolve much of the problem by amending the Personal Information Protection and Electronic Documents Act in two ways. First, it would give the Privacy Commissioner enforcement powers, the power to order an organization that has failed to comply with the act to take the necessary steps to comply. Any organization that refused to take action within the timeframe set by the commissioner would risk a fine of up to $500,000.

As well, the bill makes it mandatory to signal any data breaches that could harm an individual. If an individual's personal information has been compromised in a way that could harm that individual, the organization responsible must inform the privacy commissioner of the violation. The commissioner can then determine if the violation could harm the individual and may force the organization responsible to inform the individual that their personal information has been compromised. Non-compliance could result in a fine of up to $500,000.

We believe that this will help increase compliance with the law, reduce the cost of the current process, and reduce delays. It will also establish solid case law that will allow individuals and organizations to better understand their rights and responsibilities.

I would like to point out that three provinces already have laws that are basically similar to the federal law concerning privacy in the private sector. Unlike Ottawa, the provinces of Quebec, Alberta and British Columbia empower their commissioner to make binding decisions in certain circumstances.

As my colleague mentioned when she introduced the bill, it seems that there is a consensus among the public to increase fines for offenders. As the Commissioner said, it is important to note that Canadians are the heaviest Internet users worldwide, spending an average of 45 hours a month online.

We are also among the most avid users of networking websites in the world. I was not surprised to hear that half of Canadians are on Facebook. In light of those statistics, it is not surprising that privacy is an ongoing concern for Canadians.

The 2011 Canadians and Privacy Survey found that the vast majority of respondents are in favour of stiff penalties for organizations that fail to protect peoples' privacy. More than 8 out of 10 respondents want to see measures passed to name offending organizations, impose fines or take the organizations to court.

The Commissioner herself is calling for more power to fulfill her mandate. In her 2011 report, she said:

> In recent years, we have seen very serious, large-scale data breaches. Data breach notification, in itself, may not be sufficient to create the kind of incentives necessary to ensure that organizations take security issues more seriously in the current environment.
>
> Many other countries are taking a harder line on breaches. For example, the United States has been a leader in this area and virtually all states have data breach laws. Meanwhile, a European Commission Regulation proposed in early 2012 included data breach provisions and very significant fining powers for European data protection authorities.
>
> Commissioner Stoddart has encouraged the federal government to explore strengthened enforcement options that would create stronger incentives for organizations to ensure personal information is adequately protected.

● (1825)

The report could not have been any clearer.

Why are the Conservatives so soft on those whose business practices are compromising Canadians' personal data?

As a final point, it is important to understand that the Personal Information Protection and Electronic Documents Act and this bill apply to the use of personal information only in the private sector. Ideally, the proposed measures would also apply to government organizations.

I know in the past my hon. colleague has asked the Standing Committee on Access to Information, Privacy and Ethics to examine the possibility of opening up the Personal Information Protection and Electronic Documents Act to resolve this issue.

In closing, it is unfortunate that the Conservatives oppose this, and I hope we can come up with a solution to this serious problem.

● (1830)

[*English*]

The Speaker: The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

[*For continuation of proceedings see Part B*]

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OFFICIAL REPORT
(HANSARD)

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(Part B)

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

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GOVERNMENT ORDERS

● (1830)

[*English*]

INCORPORATION BY REFERENCE IN REGULATIONS ACT

The House resumed from February 13 consideration of the motion that Bill S-12, an act to amend the Statutory Instruments Act and to make consequential amendments to the Statutory Instruments Regulations, be read the second time and referred to a committee.

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Mr. Speaker, it is a pleasure to rise in the House today to speak to the incorporation by reference in regulations act.

I feel I must pause for a moment and start from the very beginning. When I first arrived in Ottawa as a newly elected member of Parliament, scrutiny of regulations, or regs, as many call it, was the first committee that I served on. I was excited about it as I had expressed an interest prior on this particular committee and the very important work that it does. I soon discovered that some of my more experienced colleagues, upon hearing the news that I had joined the regs committee, were far more frequent to express condolences to me as opposed to congratulations.

Regs is not a committee that often makes headlines, and here I will digress for a brief moment. Shakespeare once famously wrote, "Thou crusty batch of nature". As the member of Parliament for Papineau well knows, today we often express this sentiment much differently. The point I raise, as conveyed by Shakespeare, is it is not only what one says but rather how one says it that matters.

I submit that this same principle holds true for us as parliamentarians and more so when it comes to drafting technical legislation, although what we draft would probably not be seen as to rival Shakespeare. Though our intent may be clear, it is the language that we use that is of paramount importance. Unlike Shakespeare, government regulations should be able to evolve and adapt over time, along with technology and society, ensuring that the original intent be translated into language and standards that are clear and current. That is why I am here today supporting Bill S-12, the incorporation by reference in regulations act.

Members may ask what incorporation by reference is, aside from a potential new question in a future House of Commons' edition of Trivial Pursuit. Incorporation by reference, as outlined in Bill S-12, deals with a regulatory drafting technique. If the bill had a slogan attached to it, I would submit it would be called the "let us not reinvent the wheel act" when it comes to technical legislation and regulation. I would like to expand on that thought.

In Canada, we currently have many technical and highly regulated areas. Some examples of this include the regulation of medical devices, the control and collection of organs for donation and those regulations that govern shipbuilding standards. In many cases, these regulations may well be set by international or nationally recognized associations. The question is this. How do we encapsulate these regulations into legislation and, more rightfully, is there a more effective and efficient way to do that? Bill S-12 does exactly that. That is why I am here to support Bill S-12.

How does Bill S-12 work? In plain English the bill codifies the ability of government to use a commonly used drafting technique of incorporation by reference while clearly prescribing when and how the technique is to be used. Put another way, it enables regulations to incorporate external material without having to duplicate that material. by simply referencing it in the text of the regulation. This cuts down the onerous amount of material that would have to be included and duplicated in a number of regulations.

Further, by adding "as amended from time to time" to the reference of the external material, the regulation can stay current with any changes made to those standards without the regulation or legislation itself having to be amended or altered. This allows for regulations to be fluid, current and responsive. This in turn cuts down on unnecessary duplication of legislation and prevents regulations from becoming stale-dated.

● (1835)

Incorporation by reference is a widely used, common sense drafting technique, but this bill would legitimize it and place clear direction on its proper use.

I will provide another example of how this could work.

If a regulation provides that all hockey helmets must be manufactured in accordance with a particular Canadian Standards Association standard, the effect of that reference is to make that standard part of the regulation without actually needing to reproduce the text of the CSA standard in the regulation itself. The rules found in the Canadian Standards Association standard form part of the law, even though they are not repeated and reproduced in the regulation.

Frequently, technical standards like the Canadian Standards Association's standard used in this example are incorporated "as amended from time to time". This means that when the Canadian Standards Association makes amendments to the standard to keep up to date with changes in technology or production methods or improvements in manufacturing and science, those changes are automatically included in the regulation; in other words, the changes made to the standard are incorporated into the regulation and become law without amending the text of the regulation. This is referred to as "ambulatory incorporation by reference". Some people might refer to it as "dynamic incorporation by reference".

In some cases and in certain circumstances, a legislator may desire a fluid parallel between legislation and regulation. In these circumstances, the regulations can still be frozen, based upon the regulations as they exist on a certain date. This is referred to as "static incorporation by reference".

This means that only one particular version of the document is incorporated. In that case, regardless of what happens to the document after the regulations are made, it is only that version that is described in the regulation that is incorporated.

Incorporation by reference has become an essential tool and is increasingly relied upon by governments to more efficiently develop their regulations.

This approach also helps to standardize regulation in a universally understood language. That is of benefit to all.

Last year I was visited by representatives of the National Marine Manufacturers Association. One of the challenges expressed by the Canadian marine manufacturing industry is the difficulty they have in meeting different regulations in different markets that they need to access.

As members have heard before, I have said anything we can do to help Canadian industry access these markets, whether that means increased intergovernmental co-operation or collaboration, is a good thing and something I believe we should look at and support.

By incorporating the legislation of other jurisdictions with whom harmonization is desirable or by incorporating standards developed and respected internationally, regulations can minimize duplication and avoid repetition of the same material. It can avoid the need to reinvent the regulatory wheel, so to speak.

Incorporation by reference can minimize and even avoid undesirable barriers to trade, an issue that, as I pointed out earlier, has been identified by the Canadian National Marine Manufacturers Association.

Enactment of this legislation is a necessary, pertinent change for many of the reasons I have already outlined. These changes would also address the concerns raised by the Standing Joint Committee for the Scrutiny of Regulations that I referenced earlier.

I should also add that the joint committee will continue to have the mandate to scrutinize how incorporation by reference is being used in accordance with this bill.

I submit that the enactment of this legislation is a logical, necessary next step to incorporation by reference in regulations.

● (1840)

Before I close, I would like to share one further point.

I am reasonably confident that most members of the House support the principles of innovation. Marketplaces are changing at record speed. Technology and new economies are emerging rapidly. I am certain that many of us could all share examples of exciting new developments that occur in their ridings, yet increasingly when I meet with a new employer who has an exciting new product or service being offered, market access is often one of the biggest barriers to trade that is mentioned. That is in large part because regulation does not keep pace with innovation.

There are a lot of good things in Bill S-12. The Standing Joint Committee on the Scrutiny of Regulations has expressed concerns, and the government has listened to those concerns. There are more tools allowing for legislators to be able to choose, whether it be a dynamic form of incorporation by reference or a static one. Bill S-12 would allow us as legislators to have those tools for our regulatory process, not only to help open new markets but also to be able to respond to some of the international agreements that we have.

At one of the last meetings I attended with the scrutiny of regulations committee, an international accord was brought up. It is certainly a challenge for the committee and also for the government to keep up with the changes that are involved in that accord.

When the government presents something that is just common sense and is within our Canadian interest, something that would allow greater clarity and a greater understanding of the rules to allow us to be able to harmonize with other markets and encourage our industry to reach out and expand, while the term "incorporation by reference" may not make most people smile, it is an important thing.

I ask that every member in the House support Bill S-12 and move it on to the next stage. It is a common sense bill. It is a practical bill. I ask the House to support it.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, the bill is riveting and is receiving enthusiastic support from around the House. We are often called upon to debate issues of the day, issues of great passion, issues that stir controversy in the hearts and minds of Canadians, and then we have other days.

Perhaps I am wrong in my sense of the debate, but I have two questions.

One is that as the official opposition, we have a question as to which documents should be precluded from incorporation by reference. There are regulations that we seek to enhance and regulations that we seek to unify with either international or national standards, but in some industries this does not work as well. I am wondering if my colleague across the way, sitting on the committee as he does, has any thoughts on that at all.

There is a second central question I have in approaching what is predominantly a technical bill.

The devil always lies in the details, both of the bill and in how we arrived at the piece of legislation. What kind of consultation went on with the provinces and industry stakeholders to arrive at this bill?

I know there have been several iterations of this piece of legislation and that the legislation has been called for and worked on for some time, but some regulations cross provincial-federal jurisdiction and how things are regulated. My colleague mentioned sporting equipment and safety gear. There are things that do not perfectly fall within one jurisdiction or another, so one would assume that there has been at least some consultation with the provinces that will be affected, particularly those provinces with a strong manufacturing base. I am thinking of Quebec, Ontario, parts of Alberta and B.C. where industries there will be affected.

Does the member know what steps the government took in those consultations? As well, are there any documents that we would want to preclude from incorporation by reference because those particular regulations are just not appropriate for a particular industry?

● (1845)

Mr. Dan Albas: Mr. Speaker, I really welcome a question from a fellow member from B.C. today.

Specifically I will start with the first question: to which industry should this apply? Again, as the hon. member mentioned in his preamble, the devil is in the details. That is one of the reasons Bill S-12 proposes to allow us to use the tool in either static or dynamic form. The great part about it, and what has me excited as a legislator, is that we get to decide the appropriate path to progress forward.

The second question asked about consultation with the provinces. From my understanding, it is actually the Joint Standing Committee on the Scrutiny of Regulations that has expressed concern with the use of incorporation by reference. It wanted the government to clarify how it codified its own regulations.

I do know, through the divisions of powers and also through court and case law that if, for example, a particular activity is being done in a particular province, it is typically addressed through provincial law, meaning that the province may decide to incorporate its own incorporation by reference, but if it passes from one province to another, then it is usually governed at the federal level.

One of the great things about our federation is that there is a constant discussion about this. Again, the court and case law on these kinds of things is quite clear.

I look forward to other questions like those of the member for Skeena—Bulkley Valley.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, there is an issue of concern in regard to incorporation by reference that exists not so much within Canada's borders but with respect to international standards.

Canada is a bilingual nation, and many of the standards that might be adopted are of one language. My question is in relation to that. How does the current legislation take into consideration the need for Canada to have regulations in both languages?

When we take a reference, as an example, and we say we do not have to change the details of the *Canadian Gazette*, because in there we now have a reference to X, which happens to be an international standard, and that document might only be in English, how does that work in terms of translation?

Mr. Dan Albas: Mr. Speaker, there is an obligation by government to make sure that regulations, especially federal regulations, are available in both French and English. That is well established by the courts, and this government has honoured that in all that it does.

The second part I would like to focus on is that this is a changing world. We live in a globally competitive economy. I would like to know from this member whether or not he supports the idea of Canadian industry reaching out and trying to open up new areas, new markets, so that Canadian industry and Canadian jobs can be advanced.

I really hope the member for Winnipeg North can bear that in mind, and I am hoping this House will support Bill S-12 as it is presented.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I thank the hon. member for Okanagan—Coquihalla, whom I was very pleased to support when he brought forward legislation to free the transport of wine from one province to another.

Unfortunately, I have no enthusiasm whatsoever, but great trepidation and concern that what appears to be innocent—incorporation by reference—will do serious damage to the scrutiny of regulations in this place.

There is a reason we do not say a law is passed and then incorporate by reference large swathes of changes that do not allow the average citizen to stay on top of what is happening to laws that affect them. On the contrary, this kind of change will undermine the ability of Canadian business to know what regulations apply to them and when they have been changed.

Yes, it is true that there are systems of government that are far more efficient than democracy, but the rule of law matters in democracies, and as benign as this bill sounds, it is a dangerous move.

I cannot support Bill S-12.

● (1850)

Mr. Dan Albas: Mr. Speaker, I appreciate the member's previous support of my changes to the Importation of Intoxicating Liquors Act.

One of the challenges we have is there is a not very well understood point that the House, Parliament, has sovereignty over what treaties it becomes part of to what standards are chosen.

As I said to the member for Skeena—Bulkley Valley, we have the choice, as legislators, to choose static or dynamic, depending upon what is in our best interest.

I would ask the member to keep an open mind and to visit the scrutiny of regulations committee to listen in. That committee does a very noble service by ensuring that when those statutes are translated into regulations, parliamentarians continue to scrutinize to ensure that not only are the regulations bona fide as per the statute, but that they are not unreasonably burdensome.

I would encourage the member to look at Bill S-12 as being more tools in the toolbox that would allow legislators like ourselves to decide what is in our national interest.

Bill S-12 is in our national interest based on those points.

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, there is one piece of the member's speech that is a bit unclear for me.

I am the deputy critic for persons with disabilities and the word "accessible" has a different meaning when seen through the lens of someone with a disability.

I would ask the member for Okanagan—Coquihalla to explain to the House whether the word "accessible" means that persons with visual disabilities, or hearing disabilities or ambulatory disabilities would have access to the regulations or whether the word "accessible" just means that it is out there somewhere for somebody to get.

Mr. Dan Albas: Mr. Speaker, I certainly appreciate the concerns that the member might have.

Let me be clear. Parliament would still continue to put forward statutes, statutes which would then say whether it was static or dynamic form of regulation, incorporation by reference would take place if any and then those regulations still would have to go through *The Gazette* process, where there would be an open process that anyone could submit to.

I know accessibility is an important part for this government. I recently raised this very point about accessibility to websites to Shared Services Canada and it was quite happy to hear that information.

I would encourage, if the member has further concerns on accessibility issues, to work with our government to again seek a better Canada, whether that means opening new markets, or ensuring that regulations are both clear and forthright and up to date or by making them as accessible through those websites as possible.

[*Translation*]

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I am honoured to be here this evening with everyone to discuss Bill S-12 on existing rules for many products and on very specific and even very technical issues.

I will make most of my comments in English and I will try to understand not only the substance of this Senate bill, but also the future process for Canadians who will be affected by this statute.

[*English*]

In general, an important distinction to make is that the official opposition, through the good work of our member for Gatineau, will support the bill through to second reading and study at committee.

Some have called the bill a technical housekeeping bill. It attempts to bring together a number of different ideas and allows for certain powers that are meant to help the Canadian economy, regulatory authorities and government to have some sort of consistent standards.

We heard from my friend from Saanich earlier that there may be some concerns as to the supremacy of Parliament to continue to make standards that fit with our traditions and our cultural institutions.

We have also raised some significant questions that bear consideration at committee as to what "accessibility" will actually mean once this bill becomes law, as it seems it might. We never would want to say a piece of legislation is not of great urgency, but this is one of the pieces of legislation that the government saw fit to begin the midnight sittings.

I know all my hon. colleagues across the way love midnight sittings and are keen for them. They are chest-thumping right now as I speak and it is the more the merrier. Maybe we could see the clock at 11:50 p.m., if there were some sort of consideration to this.

The important thing in looking at the way the bill has come together is that the source has to be mentioned. There may be some openness to my earlier suggestion. We may or may not test the room a little later.

However, the source of this bill is important, as it is comes from the Senate. There is a lot going on in the Senate right now. It is not focused like a laser. The NDP and Canadians might argue that it is having some institutional challenges. Therefore, while the bill itself might seem somewhat innocuous and neutral in tone, its source is given new suspicion because Canada's so-called chamber of sober second thought might not be so sober these days and might not be giving much second thought to things because of the preoccupation of accounting practices and the recent involvement of the Prime Minister's Office in trying to manage certain problems for the government.

The government uses private members' legislation quite frequently to move what are obviously parts of the government agenda. Rather than using the many tools available to it, it goes through a back door, through the private members' bill route.

The government is also increasingly uses the Senate to introduce bills that fit into the government's particular mandate, and the scrutiny, if one can call it that, that goes on in the Senate is obviously much less. The amount of oversight from the public and the amount of openness from the red chamber is greatly diminished.

While this is a technical bill, its implications actually have a great effect on the everyday lives of people and the businesses and people who we seek to represent. It sets out the rules and how rules will then be incorporated from regulations and standards.

With respect to my friend from Okanagan—Coquihalla, over a number of elections there has been much turnover in this place. We sometimes lament that because we lose that institutional knowledge from time to time, the wisdom and experience. However, it also brings in new energy and excitement for particular committees, of which there is little to be found. I am glad we found a new member from British Columbia who brings the rigour and excitement to the regulations and standards committee, a committee wherein sometimes it is a straw-drawing exercise as to who ends up there, yet it is fundamentally important.

● (1855)

The committee is not often fought over, not the way one would usually fight over appointments to committee, but the scrutiny of regulations committee is a vital committee to a lot of businesses that rely on this. There might not be a wide audience for this debate tonight because it is a niche market one might say. However, those who are interested are extremely interested in what Parliament will do with this legislation and that we get it right.

What is important and at the heart of the matter is a bill originating from the unaccountable, unelected and now under investigation Senate causes us to pay a bit more attention. We want to ensure that the way this legislation was put together was done right and that somebody with some seriousness was involved in its creation. This legislation has some iterations, so we will give it the serious consideration it deserves because of the impacts about which I talked.

We mentioned in the earlier discussion this evening what regulations one might extrapolate from this, such as safety equipment, sports equipment, medical equipment. If regulations drawn up in some dusty civil servant's office are done poorly and then complied with, then those regulations come to life and have some effects and in some cases very serious effects.

I had the opportunity to move a piece of private members' business in my first term here. I was early up in the lottery and moved a bill to remove a type of chemical toxin out of a product that was a softener for plastics. Lo and behold, the bill had wide appeal because it was a known carcinogen, it was an endocrine disrupter and it affected children particularly. The bill received unanimous support of the House, passed through the House, but died in the Senate now that I recall the full story.

Going through the process of seeing the legislation through, it was the regulations that industry suddenly became very excited about and it started making patently outrageous claims, as was proven in the end, because it was worried about harmonization.

The chemical we were talking about was meant to soften plastic, as I said, and it was used in the production of blood collection bags and the tubes that connected them to the patient. There was a hue and cry from the Canadian industry that said if my bill were to pass and this chemical were removed, there were no alternatives. The comment from Industry was that people would die on the operating tables in Canada because of the bill. It was a pretty strong claim and it left a number of members of Parliament wondering if they would be committing murder by voting for my bill.

Then we found out, through regulations and standards, that the Americans had already moved toward eliminating this known carcinogen and that the Europeans had been for a number of years well in advance of Canada in taking known carcinogens out of the industrial system. In the end, one could only describe it as some sort of apathy and laziness on the part of Canadian industry, which had simply not been forced or required to move to the international standard in the production of these blood bags and the tubes that connected them to patients.

It was a strange moment because it became so technical. We started with a good principle that was supported by the House, but the whole debate boiled down to and hung in the balance over some regulation and standard that we as parliamentarians had little to no knowledge of it. Most of us do not come to this place with the experience and enthusiasm of my friend from Okanagan—Coquihalla, certainly not so specific a knowledge as to know whether this chemical was required.

Needless to say, we brought in some witnesses from Europe and the United States and they corrected our Canadian industry. Our industy quickly replaced the known carcinogen and replaced it with something much more innocuous and nobody died. A few less people might have had their endocrines disrupted and maybe a bit less cancer was caused.

If this is a housekeeping bill, which it appears to be in some ways, then what happens at committee becomes quite important. As members of Parliament, we do not have the wherewithal or the particular expertise to know whether this form of regulation should be moved and whether it is static or dynamic or whether it is good for this circumstance or that. We are going to rely on expert witnesses.

We just recently had the Library of Parliament conduct a study for the official opposition. We asked the library a very simple and specific question. Of all the legislation that had been moved through the House since the Conservatives came to power and until now, not in a majority but the previous minority Parliament, of all the amendments that had been moved by any member of the opposition, what per cent had been rejected?

● (1900)

I thought it would be high, but I did not realize that it would be this high: 99.3% of all amendments were rejected. Some members on the other side, on the blue team, might claim that 99.3% of the amendments were terrible. I see a few votes. I hesitated to ask the question.

We need to understand where amendments come from and the process for a bill. Oftentimes, committee members rely on the testimony of the witnesses in front of us, because 99% of the time, they know more than we do. What we do as MPs is try to weigh the testimony in front of us and understand what is the most credible and what is backed up by the most evidence. We then move that into an amendment and work with the Library of Parliament to construct an amendment that would improve the bill.

If that is how the legislative process is meant to work, then clearly, if virtually 100% of all the amendments proposed and worked on by the New Democrats and the Liberals are being rejected out of hand, the process, for political reasons, is not working very well. It is no great disservice to us in the opposition alone. However, it is a disservice to the members of the Canadian public who sent us here, because we are choosing some sort of political expediency rather than accepting the idea that maybe the legislation as crafted the first time is not perfect. For a bill as technical as this one, I would hope that because it does not stir as many of those ideological and partisan motivations, the government members on the committee, who form a majority, will be open to amendments, regardless of who moves them.

If we have said that the thing is important for industry and important for the consumers who rely on the products, then certainly getting the legislation right is also important. It is important that we hand over powers to move these static and dynamic regulations up through standards, that we not duplicate the process and that we do that well. However, we should not do some sort of roughshod approach to regulations in general because sometimes, and I would suggest that this comes more from my colleagues across the way than it does from our side, in the political dynamic, all rules and regulations are treated as always bad, always inefficient and always cumbersome. Of course, that is not true. Of course, a society without rules and regulations to guide the manufacturing of products and the cleanliness of the water we seek to drink and the safety of our roads would be chaotic.

It may often be politically appealing to suggest that the problem with our economy right now is red tape. I ran a small business before getting into politics, and there were some things I encountered that made no sense. There was heavy duplication or having to answer questions that had nothing to do with the business I was running. However, I understood the general purpose and intent, which was to ensure that it was not *caveat emptor* only that guided and protected the consumer. It was not simply a case of picking up that package of hamburger or that new car off the lot. If the regulations are not going to protect people, and government is not going to play that role, then it is simply one's own wherewithal and the interest of the producer to always hold to higher standards. Most producers and manufacturers do, and some do not.

I represent a riding that has a large agricultural base. I can sit with the farmers and ranchers in my area, particularly on the ranching side, and they will say the same thing: they need good, solid, clear regulations. Business people often talk about clarity. They want to talk about certainty. They want to know what the rules are so that they can anticipate and make the investments they need to make over the long term so that their businesses are healthy and they can hire more people. What they do not like is uncertainty or rules that change for political reasons or some blowing-in-the-wind, weather-vane approach to the rules that guide us. Business hates that, particularly the larger they get and when they are more capital-intensive businesses.

I am now thinking of what has gone on with the Environmental Assessment Act and the Fisheries Act, which are regulations to guide industry and people to make sure that we try to balance that natural tension between the environment and the economy to ensure that while we are creating prosperity and wealth, we are not downgrading and degrading our natural ecosystem and environment, because over time, we know where that leads. We have enough examples in the world to understand that. However, I do not think, when it comes to climate change, we are taking it at all seriously in this place and perhaps in other Parliaments as well.

The government took a memo from industry, particularly from the oil and gas lobby recently, prior to last summer. The memo included 12 recommendations, requests for changes to the Environmental Assessment Act and the Fisheries Act, principally. The government moved all 12 through, but not through open debate here in the House. It moved them through omnibus legislation.

● (1905)

I talked to some of the industry reps about this. They had no idea they were going to get all 12 accepted. They were more in a negotiating position. They were offering up their first volley and would get something less back and would negotiate down. They were a bit shocked. The downside for industry, and I would suggest the downside for the government, is that it has eroded the faith of the public as to whether those laws are in place to protect our fisheries and our environment and whether they are strong enough. There are new doubts and aspersions cast upon the oil and gas industry writ large, the good actors and the bad. The companies that keep a good safety record and the ones that do not are all painted with the same brush. That is unfortunate for industry. That creates more uncertainty.

In the attempt to smooth over those rough edges of regulations and standards, the government ended up poisoning the conversation for many Canadians who have natural and normal considerations and concerns when talking about a large-scale development, be it the oil sands or a pipeline out of a particular place or a large mine. That does not seem right to me, and it is not balanced. It has actually drawn back the conversation a number of years, when we have spent decades building up strong and healthy protections for the environment, and almost a century for our fisheries, and they are now gone. Canadians then have to turn to other means and other understandings and conversations, because their voices are going to be heard. Whether Conservatives try to shut us down or not, it is going to happen.

In terms of this legislation and what we do when we get it to committee, it is going to be absolutely critical that the government play nice in allowing witnesses from sometimes both sides of an issue. There may be consumer protection groups, civil liberties groups and accessibility groups, as my friend from Toronto raised earlier, that may have some questions. When we talk about accessible, let us define it.

Official languages groups, I think, will absolutely be interested in this, because generally speaking, and my friend from British Columbia will verify this, international standards are written in the so-called language of business: English. While we are guided by laws in this land that should protect both official languages, there is a bit of a rub. If a consumer or an industry in a francophone community seeks to get a regulation with some clarity, are they going to pay for the translation to understand that? Is the Quebec government going to have concerns? I imagine that it will. It may be well and good to say that we have rules and laws on the books already to protect official languages, but those laws are not being applied.

● (1910)

[*Translation*]

There is no end to the examples from this government. Just look at the Quebec City marine rescue sub-centre. Today, the government was asked what it intends to do since the Commissioner of Official Languages said that there could be a serious problem for people who end up in trouble on the water. He said that what is in place is inadequate. The government is saying there is no problem.

However, there is a problem when a francophone on a boat has to communicate with an anglophone at a marine rescue sub-centre who knows only two or three words of French. This is unacceptable and against the law, but so it is and so it shall remain unless the government changes its policies. It is imperative that it do so.

It is not good enough to say that we have many laws to protect our two official languages. That may or may not be true. We will see what happens in committee.

I could provide a number of examples of committees where the NDP supported a bill for which the testimony and all the proposed amendments were rejected by the government. The NDP then had to vote against the bill because it was not very good. The government says that the NDP votes against everything, but that is not true. We simply want better.

[*English*]

The consumer confidence impact of the bill is also quite important. Canadian products are known the world over for quality and innovation. We have been on the leading edge of some of the greatest inventions and innovations in history, yet we have seen a steady moving away from that basic science, which is concerning, both to those in industry and those in science. It is not in every case that scientists sit down in the laboratory and know the product they are going to achieve in the marketplace. That is not the way science often works. There is a litany of examples of things that we now rely upon, such as the computer, the BlackBerry or the automobile that did not start off as inventions. They started off as basic science and understanding. That needs to still be there.

As international trade is so important to Canada as a trading nation, we need to get these international standards aligned properly and make sure that the regulations and standards we design are able to fit yet do not diminish us as a nation. This is important. Everyone should agree that in the pursuit of that trade, we do not diminish ourselves and say that we will accept lower standards for health and safety or for the quality of the products we have. That would be contrary to the aspects of good and fair trade.

In this bill, we have a number of things that are important, yet it will probably be at the committee stage when we will see the willingness of the government to do what good governments do, which is work with the opposition to make things better. There is no chance, it is just impossible to imagine, that the first incarnation of this bill was written perfectly without a comma or period out of place and without a word that needs to be taken away or added.

The New Democrats will be there to study the bill vigorously at committee and ensure that it is the best piece of legislation possible.

[*Translation*]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I thank my colleague for his speech.

This bill is obviously very technical. It seems rather difficult to understand and to apply. My colleague alluded to the extent to which the regulations can be applied. Naturally, he talked about the two official languages, in particular their use in rescue operations.

Could my colleague point to other situations that could possibly pose a problem with respect to the regulations and regulatory provisions to be implemented?

● (1915)

Mr. Nathan Cullen: Mr. Speaker, there are a number of examples that prove that the official languages are not a priority for this government. The Conservatives talk about it, but they take no action.

One question must be raised. Is it possible that the regulations and the standards could be in English and that a Quebec company would have to have them translated? Who would pay for that? These regulations are very technical. The language is not very clear for the uninitiated person who does not know English very well and who wants to decipher the objective. It is also legislation. It is a regulation with some power. Who will pay for that, if required? I do not know.

Does the government intend to work in both official languages when it comes to all the regulations? I do not think so. We have questions. I believe that there is a way to ensure that all francophones in Canada will be winners with this bill. However, we still need answers.

[*English*]

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, this is not really a question. It is a comment. The member is absolutely correct that basic research and investigator-driven investigations are very important. Just a couple of days ago, I announced more than $400 million for basic research. What the member might also want to know, and here is some trivia for him, is that the laptop computer was actually invented as a result of a government asking scientists to come up with a computer that would actually fit in a briefcase.

Mr. Nathan Cullen: Mr. Speaker, that in debating is called a smackdown.

That is an interesting piece of trivia. We have had two now. We had one earlier in my friend's speech, and now we know where the laptop came from. I did not know that.

I have often said that if we left it solely to government to try to invent something like the BlackBerry, just in and of itself, it would be 40 pounds and would work at a distance of 200 feet. It would not be all that great, because the government is not well designed to do that kind of innovation in and of itself. However, it is meant to stir and stimulate that innovation and bring together the best minds. That is a good role for government.

The BlackBerry, perhaps, is no better example. The government invested heavily. The oil sands would be another example. The government invested heavily across the country in developing the technology and in stimulating the type of investment that allowed it to start being profitable and commercially viable.

While innovation in and of itself can come from government, there have been some concerns, and the minister is well aware of them, about too much of a move toward only commercialized science. That is science that, from the moment it starts, is purely designed for that commercial moment. While it sounds pretty good in a press conference, the minister will also know the way science works. Innovators do not know what they are going to get when they start. The best minds are open to those possibilities. We need to attract those best minds. We need to allow them the space to make those mistakes, because that is what science is. It is a series of repeated mistakes until they find the way through and find the inventions and innovations that lead to a better quality of life for everybody.

I thank the member for the tidbit. I did not know that about the laptop.

Mr. Mathieu Ravignat (Pontiac, NDP): Mr. Speaker, as a former federal researcher, having worked for the Social Sciences and Humanities Research Council, an academic once told me that the best researcher is somebody who is humble enough to know that he or she does not know everything. I paid attention quite closely to the speech given by my hon. colleague and was surprised at how far the government has gone in refusing to recognize a number of amendments, which has proven that it does not have an open mind, thinks it has the only truth and is arrogant enough to believe that. I find it strange that it is bragging about its openness to science when the a priori of science is to recognize that we do not know anything and that we learn from others and the experimental process.

With regard to this legislation, if we had that perspective, how much could we improve this legislation?

● (1920)

Mr. Nathan Cullen: Mr. Speaker, something I have admitted publicly before, that I got quite wrong in terms of my thinking when the current government moved from a minority to a majority position, was how the tone and tenor of the debate would be and how legislation would be dealt with. I assumed that with a majority and the confidence of being able to pass legislation, that confidence would then lead to a certain amount of willingness to discuss amendments and work on legislation because at no point in a majority government, unless there is a serious crisis, can the government fall.

Minority governments are naturally quite skittish, and that is understood, and there is a lot of parlaying that has to happen between the parties. I have been wrong and disappointed so many times at committee. It is not that we put forward an amendment and the majority members of the government on the committee say it is wrong because of *x*, they just vote against it. Then they vote against the next one and the next one and the next one, until we have gone through all of the amendments and they are all gone. That is not necessarily the best way to do things and I sometimes search for the reason for that. Why bother? Who cares, if an amendment gets through, who the source was?

In fact, one might argue, strategically, it would better bond and tie the opposition to the legislation being moved through if we made amendments to it. I have seen legislation, as have you, Mr. Speaker, that has moved through the House and when the opposition starts to feel a certain need to vote against it, the government says the opposition got 10 amendments and they changed this, that and the other. Bill C-15, the military justice act, is a good example. There was a long battle and a certain amount of arrogance that was going on until a fundamental amendment was accepted and, lo and behold, look at what happened. We got a better bill, not according to us but the people it is going to affect: the military. That is good, that is better, that is what Parliament is meant to do. There has been too much of this bellicose attitude.

Hope springs eternal, as my friend, the government House leader, said earlier, and the hope is that we find that common ground a little more often, rather than the constant dismissal and arrogance of saying that the answers to the questions we face can only come from one side.

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Mr. Speaker, I am interested in the area of regulations, that is for sure. I would suggest he read Cass Sunstein's new book because I firmly believe there can be smart regulations that decrease costs to both the industry and the consumer if they are written well.

Getting back to my question, this bill does not change the gazetting process, where there is open consultation with Canadians and people can write in. It really is a legislative tool. I would ask the member to keep an open mind. By having more tools in front of us, by codifying the practice of incorporation by reference, Parliament has more tools at its disposal in order to, at the end of the day, bring forward a better result for Canadians.

I would like him to speak specifically to those things. Is he aware that this does not change that and is he supportive of parliamentarians having more tools at their disposal in a codified way to build what he said earlier, that certainty for business and growth?

Mr. Nathan Cullen: Mr. Speaker, I understand that the gazetting process has not changed, although some would argue that as the gazetting process is right now, it is not open enough to the public. There are a number of instances where new regulations have been gazetted and the people affected had no idea it had happened at five o'clock on a Friday afternoon, dumped in before Easter. There are other concerns I have around the gazetting.

In terms of offering more powers to parliamentarians, I might argue back that there are a number of changes we have seen not just in this legislation but others allowing more and discretionary powers not to the elected officials but to the unelected.

Mr. Dan Albas: Legislative tools.

● (1925)

Mr. Nathan Cullen: There may be legislative tools, as my friend says, but there is not as much in this bill, though certainly others, where the deputy ministers and assistant deputy ministers end up with an increased amount of power: the Fisheries Act, the Environmental Assessment Act, and on and on it goes. That is actually straying more toward the anti-democratic nature of things. That is a concern for many of us because the power should rest here. This is the place that is supreme and that is why we are all here to try to get things done.

Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC): Mr. Speaker, I want to thank the official opposition House leader, who I think has proved that a member of Parliament should be able to rise and give a 20-minute speech on anything at any time. He certainly did that well. I know his constituents and mine are seized with this issue and are glad that we are debating it here today. I am thankful that there is some time before the nightly playoff hockey will start so people can watch both this debate and that, later on.

I am pleased to speak about the incorporation by reference in regulations act, Bill S-12. The bill deals with the regulatory drafting technique. Essentially, it is about when federal regulators can or cannot use the technique of incorporation by reference. Bill S-12 has been studied by the Senate Standing Committee on Legal and Constitutional Affairs and has been reported without amendment to the House for consideration.

The technique of incorporation by reference is currently used in a wide range of federal regulations. Indeed, it is difficult to think of a regulated area in which incorporation by reference is not used to some degree. Bill S-12 is about securing the government's access to a drafting technique that has already become essential to the way government regulates. It is also about leading the way internationally in the modernization of regulations. More particularly, Bill S-12 responds to concerns expressed by the Joint Standing Committee for the Scrutiny of Regulations about when incorporation by reference can be used. Incorporation by reference has already become an essential tool that is widely relied upon to achieve the objectives of the government.

The Senate committee considering the bill has heard that it is also an effective way to achieve many of the current goals of the cabinet directive on regulatory management. For example, regulations that use this technique are effective in facilitating intergovernmental co-operation and harmonization, a key objective of the regulatory co-operation council established by the Prime Minister and President Obama. By incorporating the legislation of other jurisdictions with which harmonization is desired or by incorporating standards developed internationally, regulations can minimize duplication, an important objective of the red tape reduction commission, which issued its report earlier this year. The result of Bill S-12 would be that regulators have the option of using this drafting technique in regulations aimed at achieving these objectives.

Incorporation by reference is also an important tool for the government to help Canada comply with its international obligations. Referencing material that is internationally accepted rather than attempting to reproduce the same rules in the regulations also reduces technical differences that create barriers to trade, something that Canada is required to do under the World Trade Organization's technical barriers to trade agreement.

Incorporation by reference is also an effective way to take advantage of the use of the expertise of standards-writing bodies in Canada. Canada has a national standards system that is recognized all over the world. Incorporation of standards, whether developed in Canada or internationally, allows for the best science and the most accepted approach in areas that affect people on a day-to-day basis to be used in regulations. Indeed, reliance on this expertise is essential to ensuring access to technical knowledge across the country and around the world.

Testimony by witnesses from the Standards Council of Canada before the Senate Standing Committee on Legal and Constitutional Affairs made it clear how extensively Canada already relies on international and national standards. Ensuring that regulators continue to have the ability to use ambulatory incorporation by reference in their regulations means that Canadians can be assured that they are protected by the most up-to-date technology. Incorporation by reference allows for the expertise of the Canadian national standards system and the international standards system to form a meaningful part of the regulatory tool box.

Another important aspect of Bill S-12 is that it allows for the incorporation by reference of rates and indices such as the consumer price index or the Bank of Canada rates, important elements in many regulations. For these reasons and more, ambulatory incorporation by reference is an important instrument available to regulators when they are designing their regulatory initiatives.

● (1930)

However, Bill S-12 also strikes an important balance in respect of what may be incorporated by reference by limiting the types of documents that can be incorporated by the regulation-maker. Also, only the versions of such a document as it exists on a particular day can be incorporated when the document is produced by the regulation-maker only. This is an important safeguard against circumvention of the regulatory process.

Parliament's ability to control the delegation of regulation-making powers continues, as does the oversight of the Standing Joint Committee for the Scrutiny of Regulations. We expect the standing joint committee will continue its work in respect of the scrutiny of regulations at the time they were first made, as well as in the future. We expect that the standing joint committee will indeed play an important role in ensuring the use of this technique continues to be exercised in the way that Parliament has authorized.

One of the most important aspects of this bill relates to accessibility. The Minister of Justice recognized this in his opening remarks to the Senate standing committee during its consideration of this bill. Bill S-12 would not only recognize the need to provide a solid legal basis for the use of this regulatory drafting technique, but it would also expressly impose in legislation an obligation on all regulators to ensure that the documents they incorporate are accessible.

While this has always been something that the common law required, this bill clearly enshrines this obligation in legislation. There is no doubt that accessibility should be part of this bill. It is essential that documents that are incorporated by reference be accessible to those who are required to comply with them. This is an important and significant step forward in this legislation. The general approach to accessibility found in Bill S-12 will provide flexibility to regulatory bodies to take whatever steps might be necessary to make sure that the diverse types of material from various sources are in fact accessible.

In general, material that is incorporated by reference is already accessible. As a result, in some cases no further action on the part of the regulation-making authority will be necessary. For example, provincial legislation is already generally accessible. Federal regulations that incorporate provincial legislation will undoubtedly allow the regulator to meet the requirement to ensure that the material is accessible.

Sometimes accessing the document through the standard organization itself will be appropriate. It will be clear that the proposed legislation will ensure the regulated community will have access to the incorporated material with a reasonable effort on their part. It is also important to note that standards organizations, such as the Canadian Standards Association, understand the need to provide access to incorporated standards.

By recognizing the changing landscape of the Internet, this bill creates a meaningful obligation on regulators to ensure accessibility while still allowing for innovation, flexibility and creativity. Bill S-12 is intended to solidify the government's access to a regulatory drafting technique that is essential to modern and responsive regulation. It also recognizes the corresponding obligation that regulators must meet when using this tool.

This bill strikes an important balance that reflects the reality of modern regulation while ensuring the appropriate protections are enshrined in law. No person can suffer a penalty or sanction if the relevant material was not accessible to them.

This proposal will provide express legislative authority for the use of this technique in the future and confirm the validity of existing regulations incorporating documents in a manner that is consistent with that authority.

We have many years of successful experience with the use of ambulatory and static incorporation by reference in legislation at the federal level. This knowledge will be useful in providing guidance in the future. There is also every indication that the use of this technique will be essential to implementing regulatory modernization initiatives here in Canada, in conjunction with our regulatory partners in the United States and around the world.

To conclude, enactment of this legislation is the logical and necessary next step to securing access in a responsible manner to incorporation by reference in regulation. I encourage members to support this legislative proposal and recognize the important step forward that it contains.

● (1935)

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, I thank my colleague for his speech, and I have for him the same question I asked the member for Okanagan—Coquihalla, to which I did not really get an answer.

As the deputy critic for persons with disabilities, I like to look at proposed legislation through a disability lens, and I think the word "accessible" has a different meaning from the one the bill is proposing. On behalf of persons with disabilities, I would like to know whether the government intends the word "accessible" to include accessibility for persons with visual impairments who need Braille copy, persons with hearing impairments, et cetera.

On the face of it, this has a different meaning from just being able to access the legislation or the regulation as an ordinary Canadian. Therefore I would like to know, from the government's perspective, if the word "accessible" is inclusive of persons who have disabilities.

Mr. Mark Strahl: Mr. Speaker, I think I can answer that by saying yes and no.

I do not believe that the term "accessible" in this particular bill refers to accessibility in the traditional common-sense definition of being accessible to someone with a disability. That being said, the government, by using incorporation by reference, is still required to meet all of the obligations it is required to meet normally. Therefore, if there is a requirement, if it is commonplace for the government to produce references on a website that is readable by someone with a visual impairment, then that requirement will carry over to this. However, as far as I know, the accessibility in this legislation refers more to the ability of someone to access it generally and not specifically as it relates to a person with a disability.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, we have incorporation by reference, and many of those references will be of a third-party nature; for example, international standards. Many of those standards will often be written in just one language, predominantly in English. I wonder if the member could provide comment as to whether or not he foresees that as being somewhat problematic given that Canada is a bilingual nation.

Mr. Mark Strahl: Mr. Speaker, incorporation by reference does not allow the government to avoid its language obligations. Canada's Constitution requires that acts of Parliament and regulations made under them must be enacted and published in both official languages. It also recognizes that it is constitutionally acceptable to incorporate by reference a document that is not available in an official language if there is a bona fide, legitimate reason to do so.

Documents generated by the government would always be incorporated in both official languages. Therefore, this legislation would not change anything in that regard, and obviously there would be every effort made by the government to have the documents or the reference material available in both official languages. However, in the case where that is not possible, and there is a legitimate reason for it not being possible, this would allow those documents to be referenced as well.

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Mr. Speaker, I want to thank my colleague for his speech. He currently serves on the scrutiny of regulations committee, and he is doing a great job there. His presentation tonight was very precise as well.

There has been a lot of discussion on the subject of Bill S-12, particularly on the importance of certainty to business. Obviously, this is a legislative tool that the government and parliamentarians currently use, and this would be codified. However, there are other benefits—for example, helping to harmonize international agreements—and there could be standards that allow Canadian enterprise to grow. Could the member share his thoughts about some of the positive aspects of this bill?

Many members tonight have said that the bill is quite technical. Therefore, if the member could point out some of the benefits that come along with this piece of legislation, I would appreciate it.

● (1940)

Mr. Mark Strahl: Mr. Speaker, I certainly appreciate that, and I could not hope to fill the shoes of the hon. member for Okanagan—Coquihalla when he left the scrutiny of regulations committee. I am just trying to pick up the slack where he left it.

I did want to comment on the hon. opposition House leader's comment that there was no fight to get on the scrutiny of regulations committee. I think the member for Hamilton Mountain, the co-chair of that committee from the New Democratic Party, would take great offence at that. She does a great job as well.

Returning to the member's question, using incorporation by reference in regulation would facilitate harmonization and inter-governmental co-operation. It would reduce barriers to trade. It would allow the government to access leading edge technical expertise from national and international standards writing organizations.

The hon. opposition House leader mentioned a case of an updated health regulation in a bill that he brought forward when he was first elected. If that regulation had been incorporated by reference and been updated, it would have automatically updated the legislation and the regulations so there would not have been a need to go through a legislative change at that point. If there had been a medical advance or there was a new warning system for a certain chemical, that would have automatically become law through this sort of process. That is my understanding. There are definite benefits to the health and safety of Canadians and also to the productivity and commercialization prospects for companies across this country.

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, I would like to thank the member for Chilliwack—Fraser Canyon and likewise his colleague from Okanagan—Coquihalla for their leadership on this. I appreciate very much the presentation they have just made.

In terms of business certainty, the official opposition House leader talked earlier about certainty as an important value in this legislation. For Canadians who might be listening in—there must be a couple—if we incorporate by reference and it is a standard that would be amended from time to time, how are we going to know at this time whether that law is in force? In other words, if it is an ambulatory reference to a law that may be changing, that we are going to incorporate by reference into this law, it may have changed a couple of times since our law was drafted—because that is what an ambulatory reference is, dynamic, and ignorance of the law is no excuse in our system—I have to know what law I am complying with. How do I know?

Mr. Mark Strahl: Mr. Speaker, it is going to be the Standing Joint Committee on Scrutiny of Regulations that will continue to monitor when these changes come forward. It is important to know as well, as he mentioned, the ambulatory versus the static or the static versus dynamic. There are certain statutes or laws where certainly having an ambulatory reference would not be appropriate. That is clearly laid out here.

The Standing Joint Committee on Scrutiny of Regulations will continue to monitor these sorts of situations with able staff and members of Parliament. It is a unique committee that operates on consensus with the opposition. The member can take great comfort in the fact that his colleagues, along with the government side, will continue to ensure Canadians are protected through regulations, and we would use the incorporation by reference found in Bill S-12 for the benefit of all Canadians.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is a pleasure to rise this evening to address this bill. I have never had the honour of sitting on the statutory instruments regulations committee. It sounds as if it might be a very interesting committee. I do find it most fascinating that the government has chosen to use this particular bill, given that we are allocated four or five hours, which is probably more hours of debate than for many other pieces of legislation. However, at the end of the day, it is going to be interesting. I suspect that we might see differing opinions. We in the Liberal Party have a great deal of concern with regard to this bill. We cannot see ourselves supporting it at this time, and we will have to wait and see what happens at committee stage and see if the government is going to be able to address the issues.

We were talking about a different bill, Bill C-475, during private members' business, and it dealt with personal information. A government member stood up and made a comment on how wonderful it would be to have Bill C-12 debated, given that all sides of the House seemed to be supportive of Bill C-12. The member made the suggestion that he would even be prepared to see that bill debated right away. Maybe if the Conservatives recognize the importance of that bill, they might also want to call that; the last time it was brought before the House being back in September 2011. We will have to wait and see.

Another concern that was raised was in the form of questions that I asked both Conservative speakers in regard to the whole issue of the French language. I come from the province of Manitoba, and the French language issue in terms of laws and regulations was a critically important ruling that came from the Supreme Court of Canada. The ruling reflected on many of Manitoba's laws and, because of not having appropriate translation, the court had virtually given Manitoba a time schedule to pass all sorts of other regulations and laws in order to keep them in effect. It gave us a bit of a sunset clause in terms of needing to pass this in order to comply. Otherwise, we would have had a series of laws, whether provincial legislation or regulation, that would have become void. Therefore, we take the issue very seriously in terms of some of the things, and that is the reason I posed the questions.

In looking at Bill S-12, there are a couple of things that are really important to note. Quite often, the intent might be clear. Individuals, whether members of Parliament or those assisting in trying to create legislation or regulation, will be fairly clear on what it is they are trying to accomplish, the actual intent. The real challenge is to try to take that intent that is being expressed and put it into words, and in our case also to ensure that the translation is in essence saying the same thing whether in English or in French. That is a very important point.

As an example, one of the first issues that came up was related to Air Canada. It was an important issue, through which I suspect many individuals who might be listening in on the debate might get a better sense of the importance of converting intent into appropriate words. I recall the Air Canada Public Participation Act that was brought in a number of years ago. There is absolutely no doubt that, if we look at the debates and some of the discussions that took place in the committee, we would find that the intent that was being spoken was that communities like Winnipeg, Mississauga and Montreal would be guaranteed their overhaul maintenance positions.

● (1945)

This literally translated into thousands of jobs in Winnipeg, hundreds of jobs that were in essence guaranteed in that law. That was the intent.

If we read the legislation that is there today, I think most Canadians, in reading it, would come to the same conclusion to which I came. I raised that issue shortly after being elected back in December 2011. When I raised it, it was to challenge the government. It was to tell the Prime Minister that we had a law that said these overhaul maintenance bases were supposed to be guaranteed. Air Canada was legally obligated to maintain those bases.

The Prime Minister and the government responded by saying that this was not necessarily their interpretation. Apparently, the government found a lawyer somewhere who said that this was not the case, that there was no legal obligation.

It did not matter what we attempted, whether it was through postcards or petitions. Many different stakeholders and individuals read the law and said that the law was pretty clear.

I raise that because at the end of the day is it very important. When we think of a regulation or a law, we often talk about what we are hoping to achieve by passing it, but what is written down on that piece of paper and translated is what counts.

As legislators, we have to take that responsibility very seriously. In recognizing what this legislation is doing, it is offloading a great deal of responsibility. I know the record will clearly demonstrate that this has not necessarily been a government that wants to take responsibility. By allowing this legislation to pass as it is, we need to recognize that there will be more laws being put into place with less scrutiny from the House of Commons.

That is one of the effects that the passage of this bill will have. We need to be very clear on that point.

Another profound impact the legislation will have is in regard to the whole idea of incorporation by reference and what will happen in regard to that secondary language, whether it happens to be English or French. We are in a bilingual nation and there is an expectation. I will provide a little more comment on that in a few minutes.

The legislative summary that was provided by the Library of Parliament had some interesting information that is worth expressing. One point deals with the amount of regulation versus laws in terms of numbers of pages. It is interesting to note, and this is a quote from the parliamentary library, "There are, at the federal level alone, approximately 3,000 regulations comprising over 30,000 pages". Compare that to somewhere in the neighbourhood of 450 statutes, which comprise roughly 13,000 pages.

● (1950)

> Furthermore, departments and agencies submit to the regulations section, on average, about 1,000 draft regulations each year, whereas Parliament enacts about 80 bills during the same period. The executive therefore plays a major role in setting the rules of law that apply to Canadian citizens.

What we will find is that the number of laws in comparison to regulations is decreasing as we rely more on regulations. When we go into or finish second reading and then it goes to committee stage, how often do we hear from government representatives or policy analysts who say "this is what the clause says and further explanation will be provided via regulation?" We hear a lot of that.

Why then should we be concerned? We have to be careful that we recognize the importance of laws versus regulations and the incorporation of references into regulations.

We start off with our Constitution and our Charter of Rights. These are things that no one would question. We then go on to laws that would be passed in the House of Commons, then to regulations. Finally, we would go to the incorporation of reference.

Look at each stage and how difficult it is to change the Constitution. We do not see too much public will or interest in changing the Constitution. In terms of legislation, the same principle applies. There is a process of changing legislation. There is first reading, second reading, committee, third reading, the Senate and finally royal assent. There is a great deal of scrutiny that takes place.

What about regulations? There is a legal examination and registration that have to take place. Ultimately, publication takes place in the *Canada Gazette*.

We can see the difference between them. Each level has a different sense of accountability or process that we have to follow. If we take just the one component, the legal examination, the examination for the passage of legislation will come through here. There are all sorts of responsibilities that all members, particularly critics, caucuses, vested interest groups and stakeholders of a wide variety, have in ensuring there is some form of due diligence and a sense of accountability.

What about the regulation? When it comes to legal examination, we know there is an obligation for the Clerk of the Privy Council. There have been four things that were cited again, dealing specifically with this bill, that came from the Library of Parliament. Those four things in passing or ensuring that there is some form of legal examination of that regulation.

The first is, "(a) it is authorized by the statute pursuant to which it is to be made". Another way of saying it is that if we want to change or pass a regulation, we want to ensure it is in compliance with the legislation or a current law that has been passed by the House of Commons.

● (1955)

The second is, "(b) it does not constitute an unusual or unexpected use of the authority pursuant to which it is to be made". That would be something that would obviously make a whole lot of sense. After all, it cannot override a law, like a law cannot override our Constitution.

The third is, "(c) it does not trespass unduly on existing rights and freedoms and is not, in any case, inconsistent with the purposes and provisions of the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights". We are asking that the Clerk of the Privy Council, in consultation with others, ensure that it does not contradict some of those basic rights. Before, if it was a law, it would be something where members, and in particular the Minister of Justice, would play a much stronger role in ensuring the compliance in that regard.

The fourth is, "(d) the form and draftsmanship of the proposed regulations are in accordance with established standards". This is something where one would expect our legislative counsel and others that assist us to ensure the wording was correct. That is why at the beginning I commented on the importance of wording, that in fact one can be very clear orally what the intent is, but we have to ensure that this intent is put into proper words because it is the wording that is of critical importance.

I would like to quote from the Library of Parliament because I believe it is stated quite well in terms of what specifically, when we think of regulations, is actually at stake in dealing with Bill S-12. I quote directly from the report that has been provided to us from the Library of Parliament. It states:

> When Parliament confers a power to make regulations, the regulation-maker usually exercises this power by drafting the text of the regulation to be enacted. The regulation-maker may also decide that the contents of an existing document are what should be used in the regulation it intends to enact. One way to make the contents of such a document part of the text of the regulation would be to reproduce it word for word in the regulation. Alternatively, the regulation-maker can simply refer to the title of the document in the regulation. The contents of the document will then be said to be "incorporated by reference". The legal effect of incorporation by reference is to write the words of the incorporated document into the regulation just as if it had actually been reproduced word for word. The incorporation by reference of an existing document is no more than a drafting technique, and a regulation-maker need not be granted any specific power in order to resort to this technique. This is referred to as "closed" or "static" incorporation by reference.

We need to be very careful with that. When we talk about international standards, what we are really saying is that incorporation by referencing says that we are going to take a third party standard, whether international, provincial or it does not even have to be a government agency. It could be any sort of a third party and it could be a one paragraph document or it could be a 500-page document.

● (2000)

I see my time has run out. Hopefully there will be a question and I will be able to conclude my comment on that aspect of it.

● (2005)

[*Translation*]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, I know that my hon. colleague has a lot to say. It is unfortunate that he gets only 10 or 20 minutes to speak in the House. I have a question for him about Bill S-12.

This bill originated in the Senate, a chamber that has recently been the subject of a lot of controversy. My constituents are outraged that senators are not elected or accountable and that some often misuse public funds. This happened with a number of Conservative senators, but also senators from another party.

Could my colleague tell us where his party stands on the Senate? Does he think it should be reformed, or should we abolish this outdated institution?

[*English*]

Mr. Kevin Lamoureux: Mr. Speaker, it is an interesting question. Let me make it relevant to the bill if I could. I talked about the difference in terms of Constitution versus laws, versus regulations. When we think of a Constitution, it is a whole lot more difficult to change the Constitution. For example, let us say we wanted to change the Senate, whether it is to make it a triple-E Senate that the Reform Party used to talk about, or to abolish the Senate. We would have to get virtually all of the provinces, I think 9 out of 10, to agree. We would have to have a constitutional debate and I do not know if Canadians are open to a constitutional debate.

We could be a little deceptive. We could say that we want to abolish the Senate, but in reality it is not that simple because we would have to change the Constitution. We would have to make sure that Canadians as a whole want to change the Constitution and get a sense of what provinces want in terms of a Senate. We do not want to prejudge what Canadians want and we have to respect what our provincial jurisdictions would want to see.

From the Liberal Party's perspective, we are quite open-minded, but it is going to be Canadians and the provinces that will ultimately have to agree to a constitutional reform in order to deal with that issue.

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, I was very fascinated at the end of the member's speech, which he did not get a chance to finish, on international regulations and standards. I was wondering if he could finish his thoughts.

Mr. Kevin Lamoureux: Mr. Speaker, I appreciate the comment from my colleague because it is a very important part of this issue. We need to recognize that when we talk about the incorporation of references, we are really saying that we have third-party agencies, international standards, provincial standards, they do not even have to be government agencies. What the government is proposing could take anything from one sentence potentially to a 500-page document. The document ultimately would be changed by a third party and in essence become a law here in Canada that would be applied to all people who call Canada home from coast to coast to coast.

That means we could have an international standard in some foreign country changing a document. We might not even be aware of that change. It could be done in one language. It might not even be in English or French, yet, potentially, it would have an impact on everyone here in Canada. I do not know if that is what Canadians would want to see happen and that is one of the reasons why we are having a difficult time and will not support the bill going to the committee stage.

● (2010)

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, I listened with great intent to my colleague from Winnipeg North, especially in response to my colleague about the Senate. Perhaps there is an argument to be made for incorporation by reference if we incorporated rules by reference to absolutely abolish the Senate. We could simply incorporate the reference and off it goes. That would probably be the best example if we wanted to incorporate by reference. It would absolutely work.

The majority of polls across this country in the last few months said that close to 70% of Canadians say it is time to roll up the red carpet, wish them all a happy new year or the best of the summer season and send them home to never return. Since my colleague talked about this being a constitutional piece, it is Canadians who are saying enough is enough. I suggest that Canadians across this country from coast to coast to coast who are saying it is time to roll up the red carpet tell their politicians, provinces and territories that it is time for them to get on board and simply say sayonara to the senators. Does he not agree?

Mr. Kevin Lamoureux: Mr. Speaker, the NDP can wish it away all they want. It is not going to disappear until the premiers and the Prime Minister are sitting at the table.

I can tell the member that the leader of the Liberal Party is very much open to listening to what Canadians and the premiers across this land have to say about it, if in fact we want to enter into constitutional discussions. However, what we will not do is mislead Canadians by making it sound as if all we have to do is say we should abolish it and it is gone. In government, there is a responsibility to make sure that the process is gone through.

We have to respect the fact that there are differing provinces possibly with differing opinions, but everything is on the table, from the Liberal Party's perspective. Liberals are not going to be closed-minded on it. Remember that there is only one party, the NDP, that has closed its mind on it. It does not matter what Canadians or other provinces have to say, it just wants to abolish it. If that is what it is going to be, that is what it is going to be at the end of the day, but we have to approach it with an open mind. That is what I would encourage the New Democratic Party to do: join us in supporting the idea of having an open mind in terms of the future of the Senate of Canada.

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, in reference to my colleague and his opposition, apparently, to this bill, I would like to ask the following question.

The member for Okanagan—Coquihalla and the House leader for the New Democratic Party both talked about business certainty and the importance in our trading nation to have rules that we can adopt from other jurisdictions because it is more efficient, businesses advise, to go to Europe, the United States or other parts of the world —shipping was used as an example—to incorporate their rules rather than having to reinvent the wheel every time in Canada. Does that argument about business efficiency not attract support from the member as a consequence?

Mr. Kevin Lamoureux: Quite frankly, Mr. Speaker, I do not think the Liberal Party has to take any lessons in international trade from the Conservative government or the NDP opposition. All we need to do is look at the Liberal years in government. There were huge trade surpluses. In fact, in the last year of the Liberal government, there were billions of dollars in trade surplus. There consistently were trade surpluses. It is only today through the current Conservative government that we have seen trade deficits, which have been very damaging in terms of the economic performance of Canada. We could and should be doing a lot more.

Yes, changes to regulations can be a good thing in many different ways if they are done properly, but I would not necessarily make the member's point, given that the government has turned a huge trade surplus into a huge trade deficit, as the one that is going to resolve it, especially if he believes the only way to resolve it is to change regulations. It is going to take a lot more of an effort to make back the gains that have been lost by the government.

● (2015)

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, I appreciate the opportunity to join in the debate on Bill S-12, from that other place.

It is interesting, and it needs to be said, that the bill is here because the Senate, of course, has the power to generate bills itself. A lot of people are looking at the scandal that is going on right now and are thinking that we have to get rid of all of that so we can go back to the way we were when the Senate did not really get involved in things. However, the reality is that for any bill, this one or any other, to become law, it has to pass this place and it also has to pass through that place.

Given there are fewer seats in that place than there are in this place, the relative weight of a vote is worth more in the unelected, unaccountable Senate than it is in the elected, accountable House of Commons. Therefore, this is serious. The crisis is not just the scandal, it is the state of our democracy where we give equal if not greater authority under our Constitution to a body that has no moral, ethical or democratic legitimacy. That needs to be said every time we are dealing with the Senate of Canada.

It is not just the horrific headlines and scandals that we are seeing. It is the scandal that unelected people can vote on our laws, have to vote on our laws, and their weight is worth more than those of us on both sides of the House who are going to have to go back to our constituents and knock on doors to say, "I'm here to be accountable". We will never hear a senator say, "I'm here to be accountable". However, we have to live where we are now,

I recognize that my colleague for Winnipeg North took a different approach. It would have been nice to hear him say that he wished the Senate was abolished too so at least we would all be on the same starting page rather than just finding a nice way to avoid taking a position. Yes, the NDP is the only party that has taken a clear position to abolish the Senate. Of course, it is easier for us because we do not have the baggage of appointed senators leaning on our shoulders and whispering in our ears "don't hurt me".

Our position remains clear. I think a growing number of Canadians are beginning to believe and understand that, as not a single province has a Senate left, we do not have to have a Senate. It is a choice of whether we want one or not. For 35 million people, give or take, there is a good argument that we do not need to duplicate the House of Commons.

When I was at Queen's Park in the legislative assembly, if there was a mistake made, just like when I was on city council, we brought in another bill to correct the mistake. It happens. The Senate is no guarantee that there are no mistakes or we would have a perfect country.

However, we are dealing with this bill now, which is actually very detailed and complex in terms of some of the references, especially for those of us who are not lawyers. We are all lawmakers, but we are not all lawyers, and we do not need to be.

One of the most important things that happens at the Standing Committee for the Scrutiny of Regulations is that there are elected people as well as very professional well-trained staff there to give advice, and so one does not have to be a lawyer. Sometimes, every now and then we get lawyers, and because they are lawyers, they then believe that their opinion, of course, is as good as any other lawyer and they engage in that debate. Whereas us mere mortals who are not lawyers will want to hear all the legal arguments as we do not have a vested interest in the outcome other than the best law that we can have. Having said that, there is certainly nothing strange about having lawyers become lawmakers, but a good mix is best.

My other experience with regulations is in two areas.

● (2020)

First, as a former provincial minister, I dealt with regulations. In the briefings with the legal department and policy people, I dealt with the essence of what was there. One does not debate as a minister, unless one is a lawyer. I certainly did not engage in a debate about what language should be in the bill when it came to a technical term, especially for a legal process. However, I would always pay attention if there were other learned people who felt differently, because it is my judgment my constituents elected me to bring here, not my skills as someone who necessarily can sit down with a blank piece of paper and write a law.

The other experience I had is that I am one of those lucky MPs in this place who was not only able to sit on the Standing Joint Committee for the Scrutiny of Regulations but was a vice-chair. Yes, people do not hear me reference it a lot. There is not much I can pull from that experience in speeches. I think that is the first time in 10 years I have been able to use it.

It was a fascinating committee. Again, if someone is a lawyer who is excited by lawyer things, the more that person will be excited at these meetings. It is great to see the professionalism when people care that much about where a comma goes or whether something should be a subclause of this or that. It is great, because it shows a part of law-making that Canadians do not see when they turn on the TV, yet it is crucial, particularly when there is an opportunity to travel to other countries that are not as strong as we are economically or democratically. Believe me, many of them would give their right arms to have a committee anything like this so that the kind of detail they want in their law-making and regulations is there. They envy us. I did not always feel that I was in an enviable position when I was sitting on the committee, but when we look at it in a bigger context, we are indeed very fortunate.

As my other colleagues have mentioned, much of its work is to ensure, from a legal point of view, that the English and French texts say the same thing. All of us here, unilingual or bilingual, know that there can be huge differences in meaning with just one or two words or a phrase. It does not take a rocket scientist to figure out how amplified that is when we are talking about legal documents such as regulations.

Of course, in recent times, we have had other languages brought into play because of the issue of incorporation by reference. There are languages other than French and English that will find a way into our laws. There needs to be translation. It is hard to believe that there would not be some confusion and problems going from another language to French and English such as we have going from French to English and back and forth. Therefore, there are some serious issues here to be dealt with.

There were matters that came before that committee that were decades old in their lack of resolution. Mr. Speaker, I see you nodding your head. I assume that you have been on the committee. You know that sometimes there will be an issue that in 10 years has not been resolved. However, by the end of the meeting, the committee will have dealt with something that is 22 years old. It is amazing. From a practical point of view, we wonder how on earth it could be so important that we are still dealing with it but not so important that it had to be resolved 22 years ago. That is part of the excitement for those who are in the law. I see the Speaker, who is a lawyer, smiling but shaking his head no, so I am not sure what trouble I am in. I will plough ahead nonetheless.

The work is not exactly headline-making, but it really is important. I will go so far as to say that since we have to live with that other place, it allows us the ability, through a joint committee, to bring out any synergies that are there. That deserves to be said.

There is one more thing I want to mention before I get to the specifics of the bill. There is another area where regulations, in my opinion, should be on the radar of most Canadians in terms of understanding how this place works and how laws are really made.

I watched for many years how former Ontario premier Mike Harris would take many things that were already in legislation.

● (2025)

As members know, legislation can only be amended by Parliament. Regulations, on the other hand, do not require Parliament. That is at the core of what we are dealing with here. It is these automatic changes that come from referencing other agreements outside of Canada, such as international agreements or national agreements from other countries, where there is a reference in our regulations. As they make changes, those changes come in and are automatically updated. At least that is my understanding of one of the key issues in Bill S-12.

What we went through in Ontario is worth mentioning, because it was very scary. Many times, but not every time, when that Conservative government was amending legislation, it would often take things out of the legislation and put them in the regulations.

For instance, if there is a law that says that the Government of Ontario, or any province, has the right to set speed limits on highways, those speed limits will be set by regulation so that the law itself does not list every single highway in the province. The government would not have to go back and make a legislative change, with first reading, second reading, third reading, and in this case, all the way over to the Senate. In Queen's Park we did not have that problem. We dealt with it, as elected people, ourselves.

The regulations would then go to cabinet. They could modify or set a speed limit on a highway. That is how legislation and regulations are used in a healthy, democratic way. The principles are set out, and then on some of the details that are going to be different all over, regulations deal with them. There is still a procedure. It still involves the cabinet and the government, but it is a lot quicker and the whole House is not tied up changing one area of Highway 401 to lower the speed limit by 10 kilometres per hour. That makes sense.

However, and I am using this hypothetically, the government would then state that all laws pertaining to the highway that are under the constitutional jurisdiction of the province shall be dealt with by regulation. That sounds like a small change, but it is huge. It goes from having the right to change speeds without debate and to inform cabinet afterwards to doing anything on those highways, as long as there is constitutional jurisdiction. It never has to come to the House. That is not healthy. That is not a strong democracy.

Again, we are into areas here that sound very dry, but they matter. It is our job, of course, as the elected people, to roll up our sleeves and do this work.

We in the official opposition are comfortable enough with some of the goals set out to allow this to go to committee. However, at committee, there needs to be a great deal more scrutiny of this bill. We are hoping that this is exactly what will happen.

If I might, I would just mention this quote. It can never be said enough. It comes from the Standing Joint Committee for the Scrutiny of Regulations. They dealt with this issue in 2007.

> Of course, incorporation by reference also gives rise to concerns relating to accessibility to the law, in that although incorporated material becomes part of the regulations, the actual text of that material must be found elsewhere. Such concerns are heightened where material is incorporated "as amended from time to time", in that members of the public may have difficulty ascertaining precisely what the current version is at a particular point in time. Where open incorporation by reference is to be permitted, provisions should also be put in place to require the regulation-maker to ensure that the current version of an incorporated document is readily available to the public, as are all previous versions that were previously incorporated.

● (2030)

I believe it was a colleague from my caucus who made this point. Given the fact there are going to be these changes to other pieces of legislation, how would one who looks at the regulations know that they are not in the midst of being changed? How much guarantee would they have that the language they are looking at is the law that would be applied to them? In Canada, ignorance of the law is no defence.

Again, this is not something I likely would have thought of, because I would not necessarily, as a rule, be the one to research the original documentation. If we were at committee, there would be staff doing it. Even if we were in our offices, we would ask our staff if we needed that level of detail. It is also not something I would raise as an issue, because I do not use it every day in this way.

Once it is spelled out and brought to the attention of any reasonable Canadian, we would understand that this committee not only had members of the government and opposition but had members from both places. I am assuming that it was unanimous and was supported by the entire committee. That is an assumption on my part. It had to matter, otherwise the politics of the day would have kicked in and there would not have been agreement.

I will tell members that there are a lot of very professional staff there. It is amazing to see the calibre of people who are in the room at these meetings. It is truly impressive. We are all very fortunate to have public servants with this capacity. It is obviously the staff who are usually the ones to recommend this kind of language. This matters. This matters from a practical point of view, which is what I can apply from my experience as a law-maker. What I am hearing loud and clear from people who understand this from a legal point of view and from a detailed policy point of view is that this matters.

I heard some reference to international business investment. Contrary to what the government likes to pretend, we care about those things. I believe that everyone in this House does, because it means jobs for our citizens, our constituents. These things need to be looked at.

We cannot really go into that level of detail here in the House. That is why we have a committee system.

Our position today as the official opposition is that we are prepared to give enough support to send it to committee. However, we will reserve judgment on that point, because we never know how it is going to go.

I would wrap up by saying that this is one of those times when things that seem not to be important, because they do not make headlines, really are. I am hopeful that we will see it sent to committee so that the kind of work that needs to be done on this important bill can be done and it can be brought back here for our final debate and determination as to whether we want to make it a law.

● (2035)

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Mr. Speaker, one of the things the hon. member brought up was the fact that this particular bill does not seem to draw a lot of attention nor, most likely, will it reach a lot of headlines.

On that note, the scrutiny of regulations committee, with both senators and members on it, operates on a consensus basis, meaning that when an issue comes forward, the chair will ask what path we should take, and it goes around the room until we find something on which everyone can agree. Votes rarely happen in that committee.

The reason I raise this is that the concerns expressed around incorporation by reference, which is being used and has been used by the government and by Parliament in a number of different bills, have made some very useful suggestions in how to use incorporation by reference in a more codified way that ensures Parliament is properly consulted in legislation. This has come from a concern from a group of Parliamentarians. It is based on a consensus that this needs to be looked at. The government has codified it through a bill.

The reason I raise all this is that I would like the member to, first, acknowledge that this is good legislation, non-partisan legislation. Second to that, I would like him to explain what exact concerns he has, beyond just saying "We are not sure if this should go; we will send it to committee". This is obviously not a partisan bill, but a good bill to help Parliament do its work.

Mr. David Christopherson: Mr. Speaker, I thank the hon. member for Okanagan—Coquihalla for the question and I particularly thank him for the tone. Often we get into evening debates and things can get a little bit sharp-edged around here and elbows could come up. I appreciate the tone and I appreciate the question.

I would first say to the hon. member that, when members are on the government side, they always suggest everything is non-partisan, and they often see it that way, but when members are on the opposition benches, they are not as quick to say it is non-partisan so it could only be good. I just offer up that different perspective.

I would also mention to him that the co-chair of the current committee, my colleague from Hamilton Mountain, of whom I am very proud, said in relation to the bill:

> The Conservatives have used ambulatory incorporation by reference—
>
> which goes along with the static and the reference to legal terms
>
> —170 times since 2006. Bill S-12 is essentially designed to give the government legal cover after the fact for its prior and ongoing illegal activities. Put differently and more specifically, proposed section 18.7 would retroactively validate a large number of provisions that were made without lawful authority.

It seems to me, if nothing else, a question like this coming from one of the co-chairs deserves to be answered.

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I am pleased to have a chance to speak to this issue, and I was very glad that my colleague gave us a full exposition on the oversight committee on regulations.

Forgive me; I need someone to field me with some details on this committee. The committee has the ability to modify regulations or simply just return them to the government.

In the case of the bill, with the type of opportunity the government has to take regulations from other sources it does not control, would it not be that this committee would be sideswiped by this process in many cases, where the regulations that may be in place would be changed without that oversight occurring by the committee? Therefore that committee, which is an institution of this Parliament of which the members talk so highly, would lose some of its ability to ensure the regulations.

As he has told us, these regulations go back and forth very many times, and very bright and capable individuals are giving them a very deep and sincere scrutiny. Is it the case that we will have regulations now that will not be accorded the same respect by this Parliament, by the government, and in that case, are we losing something in the process we have?

● (2040)

Mr. David Christopherson: Mr. Speaker, it is not an easy question, I must say.

I think the question itself provides the answer. The fact is that I cannot answer the questions the hon. member is posing. What is the impact on the ability of our joint committee to continue to function in its current format and procedures? I do not know.

I do know that my colleague, who is the co-chair of the committee and who the hon. members across the way were complimenting in terms of the work that she does, has raised serious questions about what will happen to the issue of giving forgiveness to all these changes that have happened before.

I do not know the answer to that question, but I think that is exactly why we want to send it to committee and why we are saying we need to hear what happens at committee. We need to get the experts in to answer that very kind of question. I guarantee that the answers they give are going to pose a whole lot of other questions that need to be followed up and answered. We will need to do it so that the committee of the whole is satisfactorily comfortable that the scenario my hon. colleague is painting, where our current process is corrupting—and I use the word advisedly, although it is a bad word to use in the current climate—or not working, is failing us in terms of how well it worked before.

These are all very valid questions. I wish I could answer the hon. member, but I cannot. I do not believe that all of the members on the committee can, but they do know enough about what is going on to pose questions like the ones the member for Western Arctic is raising, along with many other questions. That is why we feel it needs to go to committee.

Roll up the sleeves, look at it in detail and hopefully bring a bill back here, in which the questions are answered and we can feel comfortable to move ahead.

[*Translation*]

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Mr. Speaker, without regulations, a law is worth about as much as yesterday's newspaper.

It takes a lot of brain power and many of our best public servants to draft coherent regulations that will pass legal and other tests.

When the government starts taking resources away from its departments, would it not be tempted to look for shortcuts? For example, it may be tempted to borrow existing regulations from neighbouring or foreign jurisdictions, private interest groups or associations.

One day we could have ocean carriers providing regulations for naval safety. What does my colleague think about that?

[*English*]

Mr. David Christopherson: Mr. Speaker, it is an interesting question, similar to the one from the member for Western Arctic.

I do not know the answer to the questions. That is why it needs to go to committee. They are very good questions.

I do not think we need to be lawyers to understand what is in front of us here. These are laws, Canadian regulations, which have the effect of law, that automatically get changed by virtue of another document generating another law, generated in another country or from a multilateral agreement. Changes within that agreement automatically make changes in our regulations.

I guarantee that if we put that kind of scenario in front of Canadians, they will tell us to make sure we know what we are doing and to make sure there are not laws being changed that are harmful to us or create huge mistakes. They will tell us to make sure we do our homework, answer those questions and give them good, regulatory law.

● (2045)

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, it is my pleasure to rise to speak tonight in support of Bill S-12, an act to amend the Statutory Instruments Act and to make consequential amendments to the statutory instruments regulations. New Democrats are supporting this bill at this stage, so it can go to committee to be clarified and big questions that are being asked can be answered.

I sometimes think that, in this Ottawa bubble, we use language and terms and put stuff out there, thinking the public is going to be able to understand what is being debated in the House of Common tonight and what MPs from across this country are here discussing at 8:45 p.m. until midnight. Being an English teacher, I always want to see something in the title that will give me a clue or some kind of a lead. If I were not here but sitting in my living room, I would be wondering what on earth members of Parliament are discussing tonight. That, to me, is a huge issue.

We talk about participatory democracy. We televise the glorious debates that go on in this most august House, and we know there are people across this country, who might only be my mother, the member's grandmother and somebody else's daughter, who are sitting at home glued to the TV set watching this. There are Canadians who care and watch CPAC. They watch because they really are engaged in the subjects we are discussing. I think we do them a disservice at times with the language we use and present. I worry about that at times, but I am sure we will talk about that at length.

As members have said previously, we are really talking about changes to either static or ambulatory—are those not wonderful words; one could write poetry with them—regulations that are buried in legislation that can be changed as a result of other laws or regulations being changed without ever coming to the House. That should give us a little concern, and I hope it does.

There are some facts and figures that were quite shocking even to me after being here for two years. This is a quote from the Justice Canada *Federal Regulations Manual*, 1998, page 3, in case any of you need bedtime reading. I am sure it will be great. This is what it states:

> There are, at the federal level alone, approximately 3,000 regulations comprising over 30,000 pages, compared with some 450 statutes comprising about 13,000 pages. Furthermore, departments and agencies submit to the Regulations Section on average about 1,000 draft regulations each year, whereas Parliament enacts about 80 bills during the same period. The executive thus plays a major role in setting rules of law that apply to Canadian citizens.

Therein lies the rub.

As much as we are sending this bill on to the committee stage, when do the stark numbers really strike home? Whereas Parliament deals with 80 bills in a year—though we might be able to do more if going until midnight might be the new norm going into the fall as well, especially with all the time allocation and closure motions—when 1,000 regulatory changes are made or draft regulations presented, one really begins to worry about the state of our democracy.

● (2050)

What happens when changes are made by regulation, it invests so much power in the hands of the executive, in the hands of ministers and those regulatory changes sidestep parliamentary oversight and parliamentary debate, debate here, going to committee, being fine-tuned, coming back here and debated again. As parliamentarians that really should give us pause to stop and think about what our role is as parliamentarians.

There are some things that do make sense to be in regulation. For example, we would not want to spend weeks, months and years in here discussing what the interest rates should be at the Bank of Canada. That is sort of like an ambulatory regulatory change. Quite honestly I would not want to spend months and years discussing that.

However, on the other hand, there are regulatory changes that are made that I would want to discuss in the House because they could affect how Canadians live and work, how they retire and how they spend their leisure time. Therefore, we cannot think that this is just a technical document, that it is a housekeeping bill, purely technical. When we think of how it will be applied in the future and how many regulations are introduced each year and then get changed, sometimes at ministerial whim, we really have to worry. As the previous speaker said, there were lots of questions he was asked and he said "I just don't know the answer". Reading the legislation, those things are not very clear at all.

As I was going through the legislation, it made me stop and think that sometimes what we consider as just a technical change, a little housekeeping, actually ends up impacting people's daily lives. I can remember from another life, when I was a teacher, when a provincial government decided it was going to do some housekeeping, get rid of a lot of the red tape around the identification and designation of students with special needs. What happened with that? Overnight after the regulatory changes were made and the red tape was gone, children who had very specific and legitimate diagnosed learning needs on a Friday, by the following Monday, they no longer had those needs. It gave the government reason not to fund them.

Even though at the time in British Columbia, many people welcomed getting rid of the red tape and a lot of stuff that surrounded this, but people did not realize that removing a word here, or a phrase there, was going to have such an impact on families of students with special needs.

Therefore, we have to be very careful. I know we are talking about international and national agreements and all of these regulations that change in other places, but one of these days what if there is a government that makes some changes and that automatically forces embedded changes right here that impact us and our everyday lives. I think we would be very concerned.

The other thing we are very concerned about is that we are a bilingual nation. It is embedded in our Constitution and yet we know a lot of these regulations are not available to the public in a bilingual manner, so we want to ensure they are there.

● (2055)

Let me step back a moment for I have misspoke.

What I am looking for in this document is an explicit guarantee that when these regulations are embedded, static, ambulatory, I do not care what the name is, they are there in both official languages. We want to ensure we have that. We also want to strengthen this document in ways that ensure there would not be that kind of view.

It is always good to look at accountability and specificity. We live in this electronic age or age of technology, as it is also called. I am not as familiar with the full range of technology, but I do know that today my children, grandchildren and the young people I know, as well as many young-at-heart retirees, spend much of their time on the computer and want that kind of access. They want to access the regulations, to read them, understand them and know their history. However, at the age of 19, I was quite happy to know none of what was in the backroom.

When my children or grandchildren do research now, and it is amazing to watch the twins, who are in grade eight, they go much deeper with it because everything is available to them on their computer. They ask the kind of questions I would not have asked at their age. Therefore, we have to ensure we make available to the public not just the change that has been made, but what it was like before and what the impact of that change would be. I do have some reservations that none of that will be discussed, and that should be concerning for all of us.

I hear a lot about accountability and transparency. We need all of that. This document came from a place that is not so popular for many these days. I know it has gone through some scrutiny and some changes have been made. However, we are supporting it so it can go to a parliamentary committee where it can receive microscopic scrutiny and where we also hope our colleagues across the aisle will not behave as they have at other committees I have attended. We have taken amendments that ministers have suggested and we thought we have had agreement on and suddenly they are not there. We hope that when they go to committee and our official opposition amendments are brought to that committee, that they will be considered on their merit and not rejected because they come from the official opposition.

A couple of my colleagues look aghast, as if that never happens. I can assure them that I have sat at committee and have seen that happen over and over again, even where we have had committee members say that it is a good amendment or have had ministers say that they know we have some concerns and that they will be quite happy to put this line in. Then when we put the criteria they have suggested in word for word it is suddenly opposed. It leaves us second-guessing what the real agenda is. We do worry about that as well.

There are quite a few issues I could bring up with respect to accountability and the ability to work together.

● (2100)

I have a great deal of concern around regulations. I was absolutely shocked as a member of Parliament at how much substantive change could be made to the laws of this land through changes to regulations. We have seen a huge transformation in the area of immigration that has impacted people. A lot of that work and a lot of those changes were never debated at a parliamentary committee. Nor did they come to this august body, the House of Commons, to be debated. These changes appeared on a website through a press conference. A minister can make all of these changes

At the same time as I support this legislation, I also have a deeply held concern over the subversion of democracy as more and more power is vested into the hands of ministers and the executive branch. I am not trying to take any shots at my colleagues in government, because I believe a lot of this was started by the party that sits in that corner right now, especially when I look at immigration.

Just take a look at what happened the Friday before we went back to our ridings for home week. On Friday afternoon, we received massive changes to family reunification. I sit as a vice-chair of the immigration committee, but we did not receive the changes there. I come to Parliament on a regular basis, but the changes were not discussed here. The changes were made in an announcement that was absolutely floundering. I have talked with people in communities who are just reeling from the changes, and they are so fundamental that they have put into question our commitment toward community-building and our commitments toward families, yet all of those changes happened without any debate in the House.

The income requirement has been increased by 30% before somebody can sponsor his or her parent to move to Canada, yet many people in the House and across the country have enjoyed the benefits of family reunification over the years. We all talk about the value of family.

Then we look at this. One in five Canadians is born outside of Canada.

We have introduced a lottery system for family reunification. We have told Canadians right across this great country that no matter where they come from, only 5,000 applications will be taken each year. I never looked at it until I was talking with a group in my riding and somebody said that it was like the lottery, that individuals would have to wait many years even to get in line to come into the country. By the way, when people apply, it is not a guarantee, that is when they can join the line. What have we done there?

I could go on at length about other things that have happened in this parliamentary democracy that shut down debate. We have seen them happen. There have been closures and time allocations. I hear rhetoric that this is all about accountability, that this is just about cleaning up things. Forgive me for thinking that we have suddenly moved to a new phase of parliamentary debate in the House.

As I said, we support this legislation going to committee. We hope the regulations will have the kind of transparency and the kind of language that the average person will comprehend.

● (2105)

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Mr. Speaker, I appreciate a fellow British Columbian talking about something that is very important to her nad supporting the bill. I am very happy to hear that the NDP is supportive of it in broad strokes and I am sure the committee will go through it.

I just want to reassure the member that the Government of Canada has very strict provisions for introducing all federal regulations in both English and French. That is backed up by case law. I can reassure her on that front.

The other part she talked about was delegated authority, and I think she misunderstands what that is. A delegated authority is created when Parliament says that the Governor in Council shall be able to make changes from time to time. That authority is delegated to that body in order to make timely changes. That again is why regulations are presented from time to time, and they go through a full gazetting process, which is again open to public consultation. There is also the scrutiny of regulations committee, which allows parliamentary oversight. There are many different mechanisms for the hon. member to make her views known if a particular regulation does not match up with a statute in law.

The hon. member spoke about how important it is for amendments to be open and for those to be presented. Can she name one specific amendment to the bill that she thinks would make it better?

Ms. Jinny Jogindera Sims: Mr. Speaker, I understand all about delegated authority. It is the delegation of authority over a huge number of issues in this Parliament that I am having a considerable amount of difficulty with.

I am not saying that the delegation of authority started now; it got started earlier into areas that I would say are pretty substantive and that should be debated in the House.

I cited just one case, but I can think of many others as well. However, I do not think the hon. member wants to stay here all night listening to the litany of examples I could give. He is only staying till midnight, and not beyond that, from what I have heard.

The other thing I want to say is that there has to be a role for Parliament. I can see the need for limited regulatory delegation, but I find the way the government uses delegated authority interferes with parliamentary democracy.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the NDP has been very clear that it supports the bill. I am wondering if there are any areas in which the member feels that if there are no changes made it would be safe to assume that New Democrats will continue to support the bill, or do they have tangible amendments that they will be proposing to the bill? If they do, can she share with us what those amendments are?

Ms. Jinny Jogindera Sims: Mr. Speaker, first, we are not at committee stage yet. If the bill should pass second reading, then we will come up with amendments, take those amendments to committee and debate them vigorously.

We have been very clear that we are only supporting the bill to committee stage. Once it gets to committee stage, depending on what happens there, we will have to decide whether we support it beyond that. It would be very foolish of us to say we are going to support it no matter what happens through the rest of the legislative process. I would never recommend that to anyone, by the way.

We are going to go there, do our homework and advocate to try to make things better for Canadians and to provide them with as much protection as we can from the government, and then we will make a decision about the future.

● (2110)

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I want to commend the member on her speech. It was an excellent speech. I want to commend her in particular for the way she has been answering the questions put by both the Conservatives and her Liberal colleagues.

My question for the member is about the fact that we are sitting in a House facing a government whose members constantly say their government is all about law and order. If the Conservatives are serious about their law and order agenda, and if ignorance of the law is no excuse, then the law has to be accessible to Canadians.

One of the things I am profoundly worried about when I look at incorporation by open reference is that Canadians will not have access to the law. In some instances, if the regulation is done by a private corporation, Canadians may even have to pay to get access to those regulations. How can we ask Canadians to be responsible under our laws and regulations if we do not give them access to those laws?

Can the member comment as to whether she is equally concerned? Does she not think there is a bit of hypocrisy here when this kind of bill comes forward from a law and order government?

Ms. Jinny Jogindera Sims: Mr. Speaker, when I first looked at this legislation, in light of what I have seen happen in the area of immigration with the use of regulation and pronouncements from the minister, my first gut reaction was "no way". No way, José. I was not going to go there.

Then when I began to think a bit, I thought that for some very specific and very tightly controlled areas it might make sense, but it would have to be very tightly controlled.

However, we have a government whose members on the one hand talk about law and order and on the other hand want Canadians just to trust them. This legislation is not very clear about the kind of transparency and about the kind of information that would be available to Canadians when they look at the regulations. Would they have access to the original documents? Would they be able to work their way through the history of it all, and would the information be there in bilingual form?

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, can the hon. member for Newton—North Delta explain for me, because I cannot figure it out, what has changed since 2009, when this Parliament and the Standing Joint Committee for the Scrutiny of Regulations recommended against these broad and flexible ways of short-circuiting public scrutiny and access to review of the regulatory process?

At that time the members of the joint committee said, "What this really means is that it allows rules to be imposed without having to go through the regulatory process".

This is part and parcel of a number of changes we have seen happening, including in Bill C-60, where there would be intervention at the political level over collective bargaining by crown corporations or through more discretionary powers at the hands of ministers. Slowly but surely, the executive in this country—the Prime Minister's Office, which is subservient to the will of Parliament—will have all the levers of power it needs to rule, with Parliament merely an anachronism.

Ms. Jinny Jogindera Sims: Mr. Speaker, that is the reason we are prepared to go to committee: to ask those tough questions and get the kind of clarification and put checks and balances in place so that government does not ram through a bill just because it has a majority, which the Conservatives will probably do anyway.

However, I believe it is our responsibility to go there, get the clarification for ourselves and try to limit the power of the executive so the Conservatives do not keep expanding that power.

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, I want to thank my other colleagues for having raised the level of debate on the bill before us.

When I was asked to speak on the bill earlier today, it looked like one of those dry and incomprehensible things that would be very difficult to get one's teeth into. However, upon reading it, I discovered there is actually a huge change being proposed in the powers of Parliament and the ability of Parliament to do its job, which is to make laws that affect the lives of Canadians. It is such a huge change because the bill proposes to make legal what the government has apparently already done 170 times since it has been in office without some check and balance on that ability.

The bill proposes to make legal the ability of the Governor in Council, which is the 60 men and women who make up the Privy Council, I suppose, to make regulations that are open-ended, to make regulations that are determined by third parties and to make regulations that are actually put in place by some other agency, maybe even a foreign government.

That is huge. It is very difficult for me, as a parliamentarian, to accept.

That said, there may in fact be rare occasions when it is appropriate to incorporate by reference a regulation that is created by an agency that everybody understands, trusts and accepts as the agency that is the world's leading expert on X, Y or Z. With that in mind, the NDP is determined that the bill go off to committee to see if we can whittle down this power to something that is acceptable.

I will read the summary of the bill, which is:

> This enactment amends the *Statutory Instruments Act* to provide for the express power
>
> —a power the government has actually already taken—
>
> to incorporate by reference in regulations. It imposes an obligation on regulation-making authorities to ensure that a document, index, rate or number that is incorporated by reference is accessible. It also provides that a person is not liable to be found guilty of an offence or subjected to an administrative sanction for a contravention relating to a document, index, rate or number that is incorporated by reference unless certain requirements in relation to accessibility are met. Finally, it makes consequential amendments to the *Statutory Instruments Regulations*.

On the issue of accessibility, it says "unless certain requirements in relation to accessibility are met", and those are not defined. Is that going to be a regulation to the Statutory Instruments Regulations? I ask because the definition of "accessibility" is not here.

I could not get a straight answer from any of the Conservatives I was able to ask questions of as to what exactly "accessibility" means in the context of the bill. It is not provided by the bill itself, yet the summary suggests that there are certain requirements in relation to accessibility. However, they are just not here. Does that mean we are regulating the regulations? It is very confusing.

The bill would put extreme amounts of power into the hands of the executive. As we have already experienced in this House, there have been complaints by certain members of the government party about too much power being in the hands of the executive. Those complaints led to a series of interventions before the Speaker of the House to ask that the Speaker actually rule to limit the power of the executive in controlling its ability to speak in this chamber. I would think that those same members of Parliament would be concerned that the bill before us would put even more power into the hands of the executive without any checks or balances or any way for the Parliament of Canada to determine in advance whether or not it is appropriate to incorporate by reference, which is what the bill suggests we should give the executive the power to do.

There is a Latin phrase, *delegatus non potest delegare*, which means that a delegate cannot give his power to another delegate. One cannot transfer one's ability to somebody else and say, "Here, you do it for me."

● (2115)

That is essentially what this bill is suggesting should happen to the laws of this land, that we will make the law, as Parliament, but we will let somebody else determine how that law is actually written. That kind of rubs the wrong way. That is not something that I signed on for, to give somebody else the power to make the laws that we have been sent here to make.

I understand there is a majority position in the House, and so I do not get a whole lot of say. The government rejects any say we try to have in legislation 99.3% of the time, but at least we have that opportunity. This would actually give that power to a third party, to someone outside of this chamber, to change the laws of Canada. The government has already done it on 170 occasions, but until now it has been on a case-by-case basis. This act would actually make it legitimate every time. I have some difficulty with that.

Other legislatures have looked at this problem and come up with rules around how this delegation of authority should be used. Perhaps that is something we should be talking about in committee, because we are not going to have any amendments here. Maybe there are places and times when delegating a regulation is an appropriate thing, but we need to know when those times are and what those regulations would be.

I would suggest, as was suggested by some other legislatures on this planet, that one of the things would be only if it is impractical to do otherwise than to transfer that authority. It should be expressly authorized. It should be clearly quantified. The rules regarding subsequent amendment to that regulation should be clearly stated, so that we cannot just have some third party deciding how to change those regulations.

There should be consultation before those regulations are incorporated. There should be access, and we have talked about access. There ought to be accountability in the hands of the minister. If a minister is going to actually delegate his or her authority to a third party, that minister then has to be accountable for whatever that third party does.

None of that is spelled out in this bill. I worry, too, that we open the door to creating regulations that are in another jurisdiction, in another country, in another part of the planet. As an example, we have privacy regulations in this country that determine that our personal information should be kept private, should be kept in a way that is not disclosed to third parties. However, as we have discovered over the past few years, many of our banking institutions, our utility companies and our telephone companies routinely put that information in other countries.

Does that mean that the government could then legitimize that practice by making those other countries' privacy laws apply to those transactions? That would bother me. I would not want to have that happen. I do not want some other country determining the privacy of my personal information. It then encourages the harmonization of our laws with other perhaps less democratic jurisdictions or perhaps less forward-thinking jurisdictions or perhaps less effective jurisdictions. I do not want to encourage the government to get lazy.

On the issue of accessibility, I have asked the question several times, “Is this accessible in terms that a person with a disability would understand?” I have not gotten a clear answer from the government.

It appears that the word “accessible” is just the word “accessible”. There is no definition of what accessible means anywhere in this act. There is no definition of what is not accessible. It just says it must be accessible. Does that mean that if I have $250 to get a copy of the regulation, I have to pay $250 to get a copy of the regulation from some third party, if that is what that third party wants to charge? Does that mean it is then therefore accessible, because somebody with money can get it?

That is not what our normal level of accessibility is. Accessibility means that all of our laws are published in such a way that libraries across the country have them, and all of the regulations are available to anybody in this country who can walk into a library and get them for free.

● (2120)

Does the word “accessible” mean that we can have costs now for the regulations that are part of the laws that govern this country and, therefore, if a person does not have the money it is no excuse?

The other concern I have, and some my colleagues have already mentioned it, is the origin of this legislation. It is ironic that we are discussing a Senate originating bill when we are in the midst of quite an all-consuming controversy about the Senate.

Many Canadians have phoned me and have emailed me to say they no longer have any confidence or trust in the Senate and that they no longer have any use for the Senate. We are dealing with a government bill originating in the Senate that gives the government huge, sweeping powers and originates from an organization, the chamber down the hall, in which many Canadians have lost complete confidence. Many Canadians have lost complete confidence in the Conservative government's ability to use the Senate. They are calling upon the Government of Canada and us as parliamentarians to do away with the anachronistic and unrepresentative organization down the hall.

That then lends me to have some difficulty dealing with a bill that came from there when Canadians are saying they do not trust it. I am not certain that will not colour how we deal with future bills from the Senate, or even this bill. If this bill from the Senate, where I am told to not trust what they are doing, because the place is rife with difficulties, should this bill not have originated there? Should this bill, and any bill that were are dealing with, originate here in the House for it to be trusted and accountable to the people?

In terms of the actual specifics of what the government has done over the past few years, the example that jumps immediately to mind is Bill C-38 from last year, which was the first bill of the big 450-page omnibus bill that eliminated the old Environmental Assessment Act and replaced it with a new, more tepid, Environmental Assessment Act. "More tepid" is probably the best thing I could say about it. Buried in that act is exactly what this bill intends to make law:

> (1) A regulation made under this Act may incorporate by reference documents that are produced by a person or body other than the Agency, including a federal authority referred to in any other paragraphs (a) to (d) of the definition “federal authority” in subsection 2(1).
>
> (2) A document may be incorporated by reference either as it exists on a particular date or as amended from time to time.
>
> (3) The Minister must ensure that any document incorporated by reference in a regulation is accessible.
>
> (4) For greater certainty, a document that is incorporated by reference into a regulation is not required to be transmitted for registration or published in the *Canada Gazette* by reason only that it is incorporated by reference.

Therein is the most telling example of what is intended by the government. This is not something that is benign or innocuous because some other agency does a better job of determining health and safety regulations. We now have given over to an agency and we have no idea who it is because the regulation has not yet been made.

Schedule 2 of that act said that the components of the environment that can be studied in an environmental assessment will be determined by regulation. Until that regulation is published, we cannot really study the environment. Now, we learn that the government can also incorporate by reference some other agency's determination of what the environment is. It can determine whether or not human health, the socio-economic well-being of Canadians and the physical, cultural, architectural and historical heritage are part of the environment. All of these things are no longer defined. They are incorporated by reference. That regulation now can be determined by some other body or agency.

Maybe that "some other body or agency" is a provincial government. Maybe it is a territorial government. Maybe it is the Government of Venezuela. It does not say.

● (2125)

There is nothing specific in this regulation whatsoever. It says we can do whatever we want. The minister can also enter into an agreement with a foreign state or a subdivision of a foreign state or any institution of any such government or an international organization of states or any institution of such an organization with respect to Canada's environment. This is part of what bothers me with this huge law. We are walking down a road that lends itself to letting other people decide what is good for Canadians and I want to know exactly what is in here. We have absolutely no knowledge whatsoever of what the government intends to do by suggesting that regulations defining the environment can be determined by some other body and can be amended from time to time by some other body. That body is not defined. There is no justification for doing that.

We have had an Environmental Assessment Act for many years that had a good definition of the environment. Why the government chose to change it, we can probably guess. This is a classic example of what we are afraid of. By making this legal, the government will take really key things that are important to Canadians and make the regulations governing them amendable by some third party and we have no idea who they are.

I am trying to be helpful here. I will give an example of something that might actually be a good way to incorporate a regulation by reference. If, for example, the Minister of Health were to determine that there needed to be a regulation governing diesel exhaust and its effect on humans adjacent to a rail corridor, something that is near and dear to the people in my riding, she might decide to make that regulation accord with the World Health Organization's standards, which most people agree are by far the most up-to-date and scientifically accurate standards. The World Health Organization would then be, by reference, the standard by which Canada would measure carcinogens and particulate matters as a way of regulating them. That may be an example of something where incorporation by reference is actually not a bad thing. We would not have to duplicate the effort of the World Health Organization. We could feed into the World Health Organization rather than creating our own system of measurements and standards. That is not all this bill says.

Another possibility is the Labour Code has health and safety regulations that include references to elements of the environment to which a worker in a federally regulated workplace might be exposed. There might be an organization out there that actually publishes good standards that all in the House could agree that, as amended from time to time, are not a bad way to go. However, we do not have any limit that says we should agree on them first.

In conclusion, we do not necessarily disagree with the premise, in some limited circumstances, of ambulatory references, references that can be changed from time to time without reference back to the House, but we need some strict controls on when and how they are used. That is not in this bill. We need the agreement of all in Parliament on the specific reference. That is not in this bill. We also need at least some guidelines and controls for the government to actually utilize when it is drafting legislation so that it knows that this is not something that will run afoul of the general agreement that we might be able to give if we can put some guidelines, controls and strictures around this regulation-setting power by the government.

● (2130)

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Mr. Speaker, I appreciate the member across the aisle for his speech. I would like just to go through a few points in it.

He did mention some of the changes that happened to Bill C-38 to amalgamate 41 different agencies into 3. Obviously, there were some changes there, and so I think some answers need to be forthcoming.

For example, he said the minister would be able to delegate authority to certain processes that had not been yet named. That is simply because we work with our provincial partners that have equivalency or may want to substitute certain environmental processes to ensure it gets done on a timely basis. Whoever has the most expertise, I think, should be in charge of that process, whether it be the federal government or the province. That is to be worked out.

However, if we look at labour and environmental health and safety, we work with the provinces all the time, and so when we harmonize these things, it would be better for business, better for Canadians—one set of rules.

Again, I have heard multiple references to amendments. People have said that we say we welcome amendments. I say we do.

However, here is the problem. The member for Kings—Hants, in Bill C-45, put 300 amendments forward, each one like 101 bottles of beer on the wall, such as asking for one day to be changed as to when the bill would then take effect.

I would like to hear from the member one amendment that is—

● (2135)

The Acting Speaker (Mr. Barry Devolin): Order, please.

The hon. member for York South—Weston.

Mr. Mike Sullivan: Mr. Speaker, I would agree with the member opposite if that is what Bill C-38 said. However, it does not say that we are to harmonize our regulations with the provinces. It does not say that at all. It says that the minister may make regulations that can be amended at any time and those regulations can reference other jurisdictions, not just the provinces. It could be anywhere. Bob's towing company could be the one setting the regulations for our environment. That is not acceptable.

If it specifically mentioned the provinces, I would not have a problem with it.

In my speech, I actually referred to some specific things that could be done to make this a better bill, but maybe he was not listening.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, in listening to the member's comments on the bill, I thought he seemed to be very much focused with respect to the whole issue of delegation. He even made reference to a Latin phrase, I believe it was, in which it talks about how, if a person is delegated something, he or she should not be empowered to delegate. I respect what it is that the member is saying. I think it is a well-principled position.

If the bill passes and goes into committee stage, there should not be any doubt that there would be additional delegation from a group, so to speak, that was already delegated the responsibility.

Given the member's comments that he did not get elected to support that sort of thing, why would he then personally vote in favour of the bill going to second reading?

Mr. Mike Sullivan: Mr. Speaker, in the same vein of what happens in a union meeting when somebody moves a motion, somebody seconds it so it can get discussed. That is what we are saying here. The government is doing it anyway. The government is actually passing these portions of its bills 170 times so far without any strictures around them. If we are going to stop the government doing certain things, the bill has to go to committee and amendments need to be brought forward to limit what the government is already doing.

I hear what he is saying about *delegatus non potest delegare*. That is a basic principle. However, as I also said, there may be, on rare occasions, places where it makes sense for Parliament to actually do that. We should examine ways of making that happen that would not be too scary.

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I very much appreciated my colleague's speech on the bill. I thought it was very well thought out. I was particularly interested in his opening comments in which he talked about the power of the executive, the power of the cabinet to make decisions that troubles even the government's own backbenchers, frankly, as we have read in the media in recent days and weeks. That is troubling, especially when we reflect on the things that have happened in the media in the last couple of weeks. Accountability really is at the core of what we are trying to establish, and the bill again tries to undermine some of that accountability.

Conservative Senator Linda Frum said: “Incorporation by reference is a widely used drafting technique currently, but this bill would legitimize it...”. This is really important. She is saying they are doing it already on the government side, but what they are trying to do now is cover themselves after the fact by bringing in legislation that would validate what they have been doing 170 times already.

I am not sure we want to provide that kind of cover retroactively. I wonder if my colleague could comment on whether he thinks it is appropriate to use a Senate bill to cover the government's butt—it is not Hamilton language, but it is probably as parliamentary as I can get here—whether that is an appropriate use of this kind of legislation to cover something that the executive has been doing without, frankly, the requisite authority.

● (2140)

Mr. Mike Sullivan: Mr. Speaker, that is exactly right. The bill retroactively fixes the problem the government ran into when it discovered what it was doing did not have the blessing of both chambers, did not have the blessing of the committees that deal with the status of regulations. One of the things we do not like to have happen is that, when government makes a mistake, it asks us to bless it retroactively. That is not something we are prepared to do.

On the other hand, if Conservatives convince us that there are occasions when this kind of behaviour warrants consideration by the houses of Parliament, then let us go there, let us have those discussions, but let us not get in the business of fixing the mistakes of the government retroactively in order to cover its backside.

Mr. Mathieu Ravignat (Pontiac, NDP): Mr. Speaker, there seems to be a certain misunderstanding with regard to our position on this side of the House, so let me clear it up. We want to get this legislation forward because we actually want to study it and we want to improve it. I think that is what the official opposition does. It presents questions, it seeks weaknesses in legislation, it proposes amendments and, depending on the reaction we have from the other side, we decide whether or not it is valuable to support when it comes to the other readings.

My hon. colleague pointed out that there are substantial questions we have at this point. For example, what are the costs involved in guaranteeing access to incorporations by reference? What access-related obstacles could arise? Is the public generally aware of these regulations? What can we do about that? What sort of feedback can we receive from the public about these regulations and their accessibility? All these things would be good going forward. Also, what guarantees would be in place to ensure that the documents will eventually comply with the Official Languages Act? All these things I believe my hon. colleague spoke to and I would like simply for him to tell us whether or not that is indeed a valuable thing to engage in, and whether or not we will see any openness on behalf of the government?

Mr. Mike Sullivan: Mr. Speaker, if history is our guide, we will not see any agreement on the other side of the House to any possible amendments to the bill. However, like the man beating his head into the wall over and over again, we are going to go there again because we do want to make Parliament work. That is part of why we came here, to try to make laws that are good for all Canadians and to make Parliament work, to make both sides of the House actually do their job.

Therefore, we will examine the bill, examine whether we can support it with amendments and put those amendments forward to the other side. Hopefully, members will actually listen.

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, I am pleased to join this debate, although at times it can seem rather obtuse and obscure. There are all kinds of adjectives, I suppose, to describe it from the perspective of even parliamentarians who may not be as well versed as my colleague from Hamilton Mountain around the idea of regulatory change and what those regulatory statutes actually mean.

As someone who used to be a municipal councillor, I know all too well that when we pass things like a safe water act, for instance, in the province of Ontario, when the act comes to municipalities, it is not the act that scares us but the regulations. When the act comes down, it is about two and a half to three pages, and then the book comes, and it is sometimes really quite thick with the regulations that one now has to put into force or enact or find a way to do. It is those pieces that ultimately make that piece of legislation work and that form the backbone of the legislation, if you will. In fact, it would be the nuts and bolts. That is how it makes all of these things work.

Many of us in this place, I would suggest, know that we pass legislation and debate it in this place, but then off it goes somewhere else where the regulations that go behind the legislation to give it teeth or put meat on the bones are put in place, so it can go forward and actually mean something.

The regulations get drafted in different ways and it all becomes part of that bigger piece that the general public would see as that maze of government bureaucracy they say they deal with. They do not actually necessarily deal with the act specifically; they deal with the specific regulations, nine times out of ten. When they come to our office to complain about something, it is the regulation of the particular act they are complaining about, not the act that may have been passed in this House.

What I found quite astounding was the number of regulations. We are literally talking about thousands. At the moment there are at the federal level approximately 3,000 regulations comprising 30,000 pages of text.

For folks to wade through that material to find out what the regulations are that might impact them in whatever sphere of life they are in, whether it be business or other things they are partaking in as a general part of their lives, is quite a daunting task when they come up against something and they try to figure it out.

We find, to give it some sense of context, there are about 450 statutes of 13,000 pages. Again, the acts themselves that we pass here are such minor pieces of the overall legislation when the regulations are finally written and enacted and put behind it. That speaks to the volume of material that folks would have to navigate to try to figure out what they need to know, what they do not need to know and what their obligations and their rights are, because obviously regulations give us certain rights as well as obligations.

What if some folks breached one of the regulations? They need to understand the regulation because, as a traffic officer explained to me when I used to sit on a municipal police association board, going through a stop sign and saying we did not see it is not a defence. Ignorance of the law is no defence. If we did not see the traffic signal and just kept driving, that is not a defence. The same thing happens with regulations. The fact that we do not know about them is not a defence, because there is an obligation for us to know and understand them. It also gives us the right under the regulations to do certain things, whatever that happens to be, based on the regulations.

Ultimately it is a dual piece of rights and obligations. One needs to find a way to understand them, but to understand them, we have to be able to find them. When we talk about this incorporation, whether it be a static piece or an ambulatory piece, and lots of folks have gone through definitions of what are they, what they are not, and how they would change, how do those folks who actually look at them know that they have changed and say that they will act accordingly?

● (2145)

I know that I need to put *x* number of green books on a table, as they are in front of me here in the House, followed by three white books at the end. That is the regulation. Then somebody changes them, because it is an ambulatory piece of regulation. It is not static. We can take the three white books off the table and add two orange ones. New Democrats like orange, so we are going to put two orange ones down. Then we test everybody by asking them if they know how many green books are on the table and whether the three white ones are at the end. They would say yes, but they would fail, because we put two orange ones there. That means that they are out of office now, because they voted wrong, and the orange ones are going on the other side, which will probably happen in 2015, quite frankly. There was a change that nobody really knew about, and it was as simple as moving three books and putting two orange ones there.

What if we were to do that to food safety regulations? We have reciprocal agreements with our largest trading partner, the United States, and we have them with other countries around the world. They stand us well in a lot of different ways. We understand that we have a robust safety system in the agriculture sector at the producer level and when it comes to food processing and food handling. We accept that the United States also has a robust system. We accept as quid pro quo that what they do and what we do is good. We accept their standards and they accepts ours.

We get into this idea that we can change the regulations. Canada has regulations on our side and the United States has regulations on their side. We have similar regulations with our other trading partners. What if folks start changing food safety regulations? Most folks would say that they trust our American trading partner. They say that we do not have to worry about it. That country makes some changes that are probably okay and we will be fine. What happens if it is a country that is less trustworthy? I will not point the finger at any one country, but lots of us could identify a country where some of its food products have been less than safe, whether that be melamine in milk or other things that have happened.

What happens if those countries change a regulation and we change our regulation as well? Have we done our consumers justice by ensuring that the system is safe? We said that it was safe, and we changed the regulation, because it was an ambulatory regulation. We allowed it to be changed, because someone else changed it. We initially accepted a system that accepts other country's regulations. They changed one and we just accepted it, because we can do that now. No checks and balances are in place to make sure that we do not do that.

My colleague from Hamilton Mountain asked a question of my colleague from York South—Weston. We already know that a number of regulatory changes have been made, even though there was no authority to make them. I think she said that there were 170. It was not once or twice. My colleagues on the other side who sit with her on that committee also know that this is the case. They heard the testimony. It was not an issue of somebody slipping up and forgetting. One hundred and seventy times is a pattern. That is not a mistake. That is not a matter of somebody forgetting and forgetting to call the minister. The House should have looked at the information. It should have gone through the process and it should have had its due course. It does not seem as if that is right.

If we are now, as my colleague has said, changing legislation to cover off that period, and those 170 plus go forward, how do we ensure the rights of this House and of parliamentarians to do the job people want us to do? Our role is not just overseeing the public purse to hold government to account. If regulatory changes are coming down from different boards or agencies within the federal government's domain, then surely we should have the right to ensure that we have input.

● (2150)

My colleague from Okanagan—Coquihalla spoke quite eloquently about the idea that this is a non-partisan committee. It is made up of all kinds of folks who do not actually vote. It has a sense of building consensus. I am not too sure that the legislation says that. What happens if it becomes the executive that takes on that role and the rest of us do not have an oversight role? We are looking for answers to some of those questions.

That is why we want to send it to committee and look at amendments. Even though my friends across the way may not be happy about it, we want to send it to committee to try to make it better. They would be pleased with that rather than upset by the fact that we may not be saying the nicest of things about it. One would think that it is what they would want us to do, even though we are pointing out what we do not think works well. We will help them out, unlike my friends down at the end who do not want to vote to send it to committee and do not want to study it. That is their choice. Earlier I heard something about an open mind. I guess it is a closed mind on this particular issue, but that is the way it goes. They have decided against it, and that is okay. That is the great choice with democracy. One gets to decide whether to say yes or no. In this case, we will vote to send it to committee and study it. Ultimately, it is about democracy. It is about our right to have a say and have input with respect to legislation and its regulations.

As I said at the beginning, the regulations are quite often more important to people than the bill. Ironically, quite often, we get tied up looking at the bill. It is very important, no question. I would never want to suggest to the drafters of the legislation that somehow it is not important. There might be some parts of the legislation that the other side drafts that we would not find important or would vote against, and have. Budgets come to mind. However, regulations clearly have an impact on people's lives and that is what they run up against quite often, not the specifics of an act. That is where folks have difficulty.

I recognize that the other place exists, at least for now. If Canadians were allowed to vote probably over 70% would vote. We know that there is a constitutional requirement to have seven provinces and 50% of the population and so forth. We all know that. However, if we asked Canadians tomorrow if they wanted that place, they would want to get rid of it. My friends down at the far end still want to defend it in some sort of beleaguered way, since their leader said just two weeks ago that they just need better guys in there, not better people, which would include women. I can see where he is coming from when it comes to that. I certainly can tell him that I know a lot of women who were not pleased when he said that.

Bill S-12 started in the other place. One of my colleagues earlier talked about bills starting there or here, but they always have to come here. In my view, they all ought to start right here. There should be no bills starting with an "S". They should all start with a "C", and we should deal with them. This is the people's House. We will pass them if indeed that is the will of the people's House. We do not need the Senate to either rubber-stamp bills or throw them out. That is what they did to my good friend and leader Jack Layton. It did not even take the time to look at the bill. It tossed it aside. That is not democracy when the Senate tosses aside a bill that this House has passed twice.

● (2155)

If that is their attitude, not to mention the latest shenanigans that have gone on over their expenses, then it is time for them to go. It is long overdue. The time is long since past.

I said something months ago in the debate on what was the Senate reform bill, which seems to have disappeared. It has gone off to the Senate now, it seems. At the time I said this to my colleagues across the way, it just happened that one of Canada's favourite coffee houses, Tim Hortons, was having its roll up the rim contest at the same time as we were debating. I was standing right here, as a matter of fact, and I said, "Mr. Speaker, it is time to roll up the red carpet", just like we roll up the rim.

Canadians will be the winners when we roll up the red carpet. Every single Canadian would not have to worry about rolling up the rim and maybe winning a donut or a coffee or a car. Not everybody gets one; I have rolled up many a rim and not gotten too many winning roll-ups, I must admit. However, without a doubt every Canadian would win if we rolled up the red carpet.

We would roll up that red carpet and wish them all well. I would be the first to stand in line, shake all their hands and wish them well. I would not have a problem doing that and I would do it with a smile on my face and a sincere thanks to many of them.

There are many good folks down there. Hugh Segal is a prime example. I think Senator Hugh Segal is a remarkable individual, a remarkable Canadian who does remarkable work. Unfortunately, it is time for Senator Segal to go.

Senator Kirby was a remarkable man down there as well, and he did remarkable work. He left on his own. Romeo Dallaire is also in the Senate. There are a great number of them. We have identified three, but over the years there have been a good number of them. We have given three examples; finding three is not bad for New Democrats.

However, we cannot find a New Democrat down there, probably because they do not want to go there.

I see my friends down at the end are a little restless. Clearly they are worried about the appointment that is never going to come, so the hour must be getting late. It truly must.

I would invite my colleagues down the way to come with me. In fact I invited my colleague from Winnipeg North last fall. He probably does not remember, but I invited him to come with me. Let me try to quote myself again. I invited my colleague to come arm in arm with me to walk down the hall together, roll up the red carpet, wish them a Merry Christmas and send them on their way, never to return. It is not Christmastime, but we could wish them happy holidays and ask them to not ever come back.

Oddly enough, if we had had regulations and had done it the way that this government suggested and that place was regulated, we could just have changed the regulations and gotten rid of them all. Unfortunately, we do not.

I have less than two minutes left. I really want to thank my colleague on the other side. I say this with great sincerity, because he has been the person who is really keen on this legislation. He has been up asking questions and he debated earlier. I give credit to the member for Okanagan—Coquihalla. He actually answers.

He and I also have an affinity for wine. We have the two greatest wine regions in the country, Niagara being the finest and his being after that.

However, what I would like to say is that there are a whole pile of others on the other side who really have not been bothering with the legislation. They do not seem to want to bother with the legislation, so let me just say this to them: I would love to give them the opportunity to discuss their own bill. Therefore, I move:

That the House do now adjourn.

● (2200)

The Acting Speaker (Mr. Barry Devolin): 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 nays have it.

And five or more members having risen:

The Acting Speaker (Mr. Barry Devolin): Call in the members.

● (2235)

[*Translation*]

(The House divided on the motion, which was negatived on the following division:)

(Division No. 694)

YEAS

Members

Allen (Welland)	Andrews
Bennett	Bevington
Charlton	Christopherson
Cuzner	Easter
Fry	Giguère
Groguhé	Hughes
Hyer	Lamoureux
Liu	May
Morin (Laurentides—Labelle)	Pacetti
Quach	Rankin
Ravignat	Scarpaleggia
Sims (Newton—North Delta)	Sullivan– — 24

NAYS

Members

Adams	Aglukkaq
Albas	Albrecht
Ambler	Armstrong
Bergen	Bernier
Bezan	Boughen
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Calandra	Calkins
Chisu	Clarke
Clement	Crockatt
Daniel	Davidson
Dechert	Devolin
Duncan (Vancouver Island North)	Dykstra
Findlay (Delta—Richmond East)	Galipeau
Gill	Harris (Cariboo—Prince George)
Hayes	Holder
James	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Lake	Leef
Leung	MacKay (Central Nova)
Mayes	Menzies
Moore (Port Moody—Westwood—Port Coquitlam)	
O'Connor	
Rajotte	Seeback
Shea	Storseth
Strahl	Truppe
Van Loan	Warkentin
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Williamson	Wong
Woodworth	Young (Oakville)
Zimmer– — 57	

PAIRED

Nil

The Deputy Speaker: I declare the motion lost.

Questions and comments, the hon. member for Okanagan—Coquihalla.

● (2240)

[*English*]

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Mr. Speaker, with all this discussion about rolling up the rims or carpets, it seems like the NDP—

Some hon. members: Oh, oh!

The Deputy Speaker: Order, please. I appreciate the enthusiasm from the House at this time in the evening, but if members have conversations they want to carry on that have nothing to do with the debate, please take them outside the chamber.

The hon. member for Okanagan—Coquihalla.

Mr. Dan Albas: Mr. Speaker, getting order is always an important part of House business.

The hon. member for Welland brought up the topic of rolling up the rim and rolling up red carpets and whatnot. I would just like to remind the NDP members that they should really be rolling up their sleeves and working in the House for Canadians.

I have a part comment, part question, and I will try to put it as succinctly as I can. The member said, and other members have stressed this as well, that 170 different statutes have gone through the House that somehow are not lawful. He says that there are cases where incorporation by reference has not been used properly. That is not true.

Each one of these bills has gone through our process here. As parliamentarians, if there are any mistakes that have gone through, it has been under our supervision.

I would simply invite the member to take a look at what is being presented, a codified way, recommended by the scrutiny of regulations committee. I would like to hear if the member actually has an amendment he would like to carry forward. There is continual discussion about the need for amendments. I would like to hear what that amendment would be.

Mr. Malcolm Allen: Mr. Speaker, I would certainly roll up my sleeves, in fact, I will roll them up now, but I do not think the Speaker will let me take my jacket off, since that is in the House rules.

The issue is clearly one of who wants to look at this. As I said earlier in my remarks, the member for Okanagan—Coquihalla actually does. There is no question that he truly finds great passion in this, and I commend him for that.

There is not a lot of folks in the House who would actually want to sit on that committee. If I asked volunteers to put their hands up if they really wanted to go on that committee, I would probably not find too many hands. There is a couple and a couple more.

For my colleague, the member for Okanagan—Coquihalla, he ought to write those names down. Then the next time you need a sub in, you should ask those folks who put their hand up to come and help you out—

Some hon. members: Oh, oh!

The Deputy Speaker: I would again point out to the member for Welland, please direct your comments to the Chair.

Mr. Malcolm Allen: Mr. Speaker, if you could help me inform the member for Okanagan—Coquihalla, it looks like there might be friends who want to substitute in for him when he is not available to go to his committee.

All I can say to my friend across the way, through you, Mr. Speaker, is "stay tuned". He will be at the committee and he will hear what good constructive amendments are going to come from the New Democrats.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I want to deal with the issue of incorporation by reference.

I made reference to this earlier, and will continue to do so, in regard to the third party. It does not even have to be a government agency. It could be any sort of a standard organization, anywhere internationally, nationally or wherever it might be.

We should focus attention on international standards, where there is a third party of that nature which develops a standard. Quite often that standard will be unilingual, primarily in English but there are other languages.

The Liberal Party has expressed concern with regard to Canada being a bilingual nation and the impact of not having both official languages being properly recognized through a delegated regulation.

Would the member share that concern we have expressed and is that one of his amendments?

Mr. Malcolm Allen: Mr. Speaker, being in a caucus that has a predominant number of members, great colleagues, great friends, from the great province of Quebec, clearly we understand the need. Our country is indeed a bilingual country. We have two official languages. The House recognizes that we work in both of them. In fact, all hon. members agree with that and do their utmost to ensure we continue to do that.

The weakness we see is the potential for third party regulators to do something that perhaps would not be in both official languages. We do not know that this would happen, but the potential is there. This is why that clearly becomes a piece that needs to be looked at as the bill is scrutinized at second reading, in committee and is given the due diligence that it deserves and needs to have put to it.

I would hope one of the things that comes back to the House is the sense that if we are to go down this road, in whatever way that happens, both official languages will always be, first and foremost, a requirement of those particular regulatory changes as we move forward.

I look forward to those discussions and we will see where it takes us.

● (2245)

[*Translation*]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I would first like to commend my colleague on his excellent speech, which shed a great deal of light on Bill S-12.

Since the bill raises a huge number of questions and concerns, we want to support it so that it is sent to committee and we can propose amendments.

In November 2012, the hon. Mac Harb shared some of his observations. He said:

> ...Bill S-12, as presented, undermines democratic principles by eroding Parliament's oversight of legislation, and it will make criminals out of otherwise law-abiding citizens who will not have adequate access to the content of Canadian laws.

Could my colleague comment on that?

[*English*]

Mr. Malcolm Allen: Mr. Speaker, one of the things that colleagues have pointed out a number of times tonight is the potential to change things and then expect folks to understand them or know about them and perhaps have illegal implications. That is what stands out for folks as well as ensuring it is in both official languages. It becomes a dilemma for people who have to follow a regulation under the penalty of perhaps the law not knowing that it has actually changed. They may be living under a regulation that no longer exists.

My colleague for Okanagan—Coquihalla talked about where the number 170 came from. When the Minister of Justice came before the committee he said that since 2006, he found that the express authorization of Parliament had not been given to changes 170 times. Therefore, the number 170 comes from the Minister of Justice, from the Conservative government. He gave the committee that number.

I know the hon. member for Niagara Falls quite well, and I know him to be a very honourable man. Therefore, when he said that it happened 170 times, I believe him, quite frankly. Albeit, there may have been some confusion around some different thing, and there were issues around this happening. However, we need a process that actually works, and that is what this debate is about.

We want the bill to go to committee to be studied in an appropriate way. If changes need to be made to it, which we think there should be, then those changes will be made. Indeed, it will come back as better legislation. If not, I guess we will vote and figure out where it goes. Ultimately, it is about trying to work the legislation.

I hope my friends on the other side would see this in the sense that we should study the bill and make it better. At the end of the day, we are entrusted to make better legislation. When we say that we want the bill to go to committee to look at it, debate it, have witnesses and propose amendments to make it better legislation, surely the government wants us to do that.

In fact, I know it does because I heard the Prime Minister say so many time since I came to this place in 2008. I am paraphrasing but the Prime Minister would look across the way to us and say "give us your good ideas". Well, we are going to give our good ideas. The Prime Minister asked for them and we are about to give them. Hopefully the Conservatives will see they are good ideas and accept them.

● (2250)

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Speaker, I would first like to say that I have been looking forward to speaking to this particular issue for some period of time, actually. Indeed, if we really look at it, we will see many important aspects of the incorporation by reference in regulations act. In fact, it speaks about the future, about being prepared for the future and about making sure that we are able as a government to adapt to what is new.

I speak particularly of change relating to, for instance, the world economic crisis. Our government responded in a very positive way, much like we would with changes to regulations to respond to international or domestic treaties. I would say that we responded by way of an infrastructure rollout such as this country has never seen before. I speak particularly of Canada's economic action plan and the investments in roads, street lights, security for airports, and water and waste water infrastructure. I speak of many recreational facilities across this country that have benefited Canadians. I also speak about the thousands upon thousands of jobs that Canada's economic action plan created, especially in provinces that do not have the economic activity of my province. I speak specifically of Quebec, where I have seen an increase in the quality of life through roadways, water and waste water infrastructure and a cleanup of the environment. All of these things were brought in as a result of change, and the need to change, by our Conservative government.

I know, Mr. Speaker, that this is going to come as somewhat of a surprise to you. Not only has Canada been the most successful country in the world with respect to the economy, but there was one party in the House that voted against each and every one of those economic activities. It is true. Even my colleagues cannot believe it. There were members in the House who voted against Canada's economic action plan, the plan that has been raved about by the G8 and G20 and that has identified Canada as having the best banking system in the world and one of the most successful recoveries, with over 900,000 net new jobs. That party was the New Democratic Party in the House. I witnessed it with my own eyes when New Democrats voted against job recovery. They are applauding now, because they remember what they did. They remember that they stood against this government as we created what can only be said is the best recovery in the world from a deep world economic crisis.

The Liberal Party supported us in some of those bills. I would have to give it credit. Of course, Canadians looked at it a little differently, and that is why they returned the Liberal Party with the fewest number of members in its history. I think that had something to do with the $25 billion it stripped from provincial transfers back in the 1990s. Speaking of changes in statutory instruments, Liberals changed the way the law worked. They changed how provinces and the federal government are supposed to work.

We know, for instance, about the relationship we have built up as a Conservative government with all of the provinces and territories, with every level of government, including, of course, the Federation of Canadian Municipalities, which today identified this Conservative federal government as a government that is prepared to act in the best interests of Canadians by coming forward with a new infrastructure plan, which it was very satisfied with.

● (2255)

We have done a lot that has been asked of us and we have done that because of the need for change. Change comes in many ways. This bill talks about drafting techniques that offer many advantages because for example, reducing needless duplication or repetition of materials such as provincial legislation when there are current federal and provincial legislative regimes that need to be harmonized.

That is what this government does. Our job is to represent Canadians in the best way we possibly can in saving them money that is unnecessarily spent, by standing up, as the NDP now knows it should have, to support our government when we brought forward $45 billion of economic activity in partnership with provinces, territories and municipalities.

In 2004, the Federation of Canadian Municipalities identified $123 billion in an infrastructure deficit across this country. As a result of 13 years of the Liberals ignoring provincial and territorial governments and stripping $25 billion from their transfers, we had no choice but to react immediately and come up with a plan, a one-page application, a simple process that we have had tremendous reviews about. We work with provincial governments to bring one third, municipal governments bring in one third and we invest one third of Canadian taxpayers' money back into roads and bridges. The NDP voted against it.

There might be some repetition in tonight's speeches because I am very passionate about the opportunity to speak. Some parties in this place, in my mind, do not represent Canadians as they should, especially when we are faced with an economic crisis like the world has never seen before. That is the time when all of the members in House elected by Canadians should stand with the government to protect our economy and our jobs.

We have seen an amazing thing happen over the last 20 years; first the Liberals ignoring Canadians and stripping the $25 billion in transfers and then the New Democratic Party not standing up for Canadians. It is rather shameful and I understand their passion in relation to that.

I would like to answer a couple of questions regarding the incorporation by reference in regulations act because it is very important. Obviously, this government does make changes as necessary and we are doing it in this case as well. One might ask what is incorporation by reference. It is a legislative drafting technique most often used in regulations and it consistently allows the reference documents to form part of the regulations without actually being reproduced. That means that as a result of laying down proper ground rules we do not need to cut down a lot more trees. In fact it not only saves the trees, but it is more economically viable for the country. There is no sense in wasting taxpayers' money. They work hard for it.

In my riding most people work 12 hours a day and then they travel about two hours back and forth to go to work, about 30 kilometres. They enjoy one of the best qualities of life in the world and certainly one of the best qualities of life in Canada. The Clearwater River Valley, only about three blocks from my home, is one of the most beautiful places in the world to fish. I have posted on Facebook a picture of my fishing boat. I think it is time for a change, just like the change necessary for incorporation by reference in regulations act. That change is my opportunity to return to my constituency, go two blocks down to the Clearwater River Valley and to go fishing with my constituents and supporters for some period of time this summer. That is the change that I am looking forward to.

It is unfortunate that I am running out time. The types of regulations that use incorporation by reference would be shipping and marine safety acts, energy efficiency acts and hazardous products. I would hate to see the NDP stand in the way of all the safety products and marine products that need to be brought in as well by this legislation.

● (2300)

I see my time is up. I would just like to say in closing that I really hope the NDP supports this government in the future and sees how important it is that we make these changes in the best interests of Canadians.

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, I want to remind the member that this party did not vote against economic action.

I voted against eviscerating environmental legislation. I voted against paying temporary foreign workers 15% less than Canadians. I voted against bringing temporary foreign workers in to replace Canadians in their jobs. I voted against seniors having to work another two years. I voted against removing protection from the Humber River, the Clearwater River and hundreds and thousands of other rivers as part of the economic action plan. I voted against failing impoverished seniors. I voted against cuts to the disabled. I voted against cuts to EI.

That is our record. That is what we did, and that is what we will continue to do when the government continues to hide these horrible things inside other legislation.

As far as this particular piece of legislation goes, you have heard from me already. I am very nervous about where the power-hungry and power-seeking Conservative government is going to take it, but we are willing to send it to committee so that we can try to improve it. I do not expect that the government will allow it to be improved, but we will see.

Mr. Brian Jean: Mr. Speaker, I was here then and I do not remember them voting against that.

I do remember them voting against Canada's economic action plan. I remember them voting against the first $33 billion. I remember them voting against $12 billion in infrastructure stimulus. I remember them voting against just about everything we have put forward.

I judge by results, and I think that is what most Canadians judge by. They judge by whether they have a job or not. We have created over 900,000 new jobs.

We see that the member across the way voted against $241 million to improve on-reserve income assistance programs. He voted against $5 million to expand facilities at Cape Breton University for the Purdy Crawford Chair in Aboriginal Business Studies throughout Canada. He voted against $10 million to inspire and help young aboriginal people all across the country. What he voted against most of all, and every time in the House, is the opportunity to train aboriginal Canadians to have jobs in colleges, universities and trade schools right across the country.

That is what we are doing as a government. We are making sure that we stand up not only for the youth of the country, who have one of the highest unemployment rates of any group and sector in the country, but also for the aboriginal and needy people right across the country.

It is not about a handout; it is about a hand up, so that people can feel good about themselves, take pride in what they do and feel good about being Canadian.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I see there is a great deal of discretion extended to the member in not being relevant to the bill, even though he did make reference to it periodically.

That said, it is interesting that the member talks about the Canada economic action plan. Every Canadian knows about it. They do not have a choice. The government is using millions of tax dollars on advertising. With every ad we see on the NHL, imagine the government said, "Put $100,000 on an ad and deny 32 summer students a job".

That is the priority. The government's priority is a net increase in taxes. That is the reality of the government: hundreds of millions of dollars in net tax increases. What about annual deficits and the huge deficit? The government started with a surplus and turned it into a billion-dollar deficit. That is the record of the Conservative government.

My question to the member in regard to the bill itself is about international standards. Does he not share the concerns that we have expressed regarding third parties being able to incorporate laws that would be applied to all Canadians? Could it mean standards being applied from a unilingual organization? Does he not have a concern about that?

● (2305)

Mr. Brian Jean: Mr. Speaker, I am glad the member asked that question. What type of material is incorporated by reference? Federal, provincial or foreign legislation. This includes standards developed as part of Canada's national standards system, including those of the Canadian Standards Association, the CSA. There are currently over 400 references to these types of standards in federal regulations.

International standards, such as the standards written by the International Organization for Standardization, ISO, most people see that. Members will see we are taking care of business.

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I am very pleased to stand here at 11 o'clock at night to have the opportunity to speak to the Statutory Instruments Act.

First, I am not very pleased that the bill has come from the Senate. I find this is an inappropriate direction for legislation of this nature. It should have come from the House of Commons.

Right now, at the aboriginal affairs committee, we are dealing with another piece of legislation, Bill S-8, which also came from the Senate. That legislation has been panned by almost everyone who is standing in front of our committee because it does not have the ability to provide resources for the things that are required within the bill.

A Senate bill cannot put a financial burden on the government. Therefore, that bill is not effective. It is also the wrong direction, as well.

That aside, when we look at the bill, it is an interesting one. I think we have all learned a lot through this debate tonight, and I am sure the debate will continue on it because it is a very important bill. As my colleagues pointed out, it would make 170 decisions of the government legal after being illegal for a number of years.

There is a lot to regulation. There are 3,000 regulations on the books, consisting of 30,000 pages. There are also 1,000 draft regulations every year. That says that those 3,000 regulations are being changed constantly. There is change within the system. That change has the scrutiny of Parliament, its officers and its staff. That is taken care of within the confines of our Government of Canada.

We now have a bill that would open up change to our regulations from a variety of sources that we would no longer have control over. What is going to happen here?

In the bill, there is a section which says, “The power to make a regulation also includes the power to incorporate by reference an index, rate or number”. Now, we do not have definitions of those three things, but I guess we can assume that they cover most of the gamut of what regulations are. It goes on to say, “as it exists on a particular date or as it is varied from time to time”. Therefore, as it varies, it can be incorporated. It goes on to say, “established by Statistics Canada, the Bank of Canada”, all good institutions. I do not have a problem with those institutions helping with regulations. Then it says, “or a person or body other than the regulation-making authority”

As my colleague from Fort McMurray—Athabasca said, this can be Canadian regulations, it can be provincial regulations, or it can be international regulations.

We now have a situation where we are going to incorporate regulations under Parliament that are made in other countries. It sounds good. Countries make choices. They may be very good choices. However, those regulations can also be varied in those countries and we have no control over that. We would have no control over what would go on with those regulations when they are varied in those countries.

How does that fit with sovereignty? I am not here to sell Canadian sovereignty. That is not my goal in this Parliament, I am sorry. Canadians need to control the regulations that are created by Parliament. They need to have a say over how those regulations are changed, whether they come through the provinces, whether they come through bodies in Canada, or whether they come through international bodies. That is quite clearly the case. That is what most Canadians will want.

What we have is a situation where we need some amendments to the bill. We need to limit the ability to take on changes that are made in bodies outside our country. We need to ensure that changes made to regulations that are made within Canada have the scrutiny of Parliament through its procedures, through its committees that are set up to do exactly that. Those are types of amendments that could be made to the legislation to make it more palatable to most people when they understand the nature of what is going on with this innocuous named bill.

● (2310)

It does not sound very threatening and, if handled correctly in the interest of Canadians, with the understanding of Canadian sovereignty, it works out quite well, unless it is used as a tool in international trade agreements to take on regulations so that we can make trade deals with other countries and take on their regulations.

We are into the European Union right now. The European Union will demand a lot of things of Canada. It is going to demand that Canada do things the way the European Union does them. That is what it wants, if we want to have a trade deal with the European Union.

This is an opportunity to give the European Union exactly that. We could take on the regulations of the European Union for many things. We could put them into our system, and in the future, if they make changes to those regulations, those will fit into our system as well.

How does that fit with sovereignty? I do not buy it. I stand here today and say that if I do not hear a better argument against this, I cannot buy this legislation. If I do not see some kind of amendments in it that actually protect my country from having changes made to its laws by other countries without the scrutiny of this Parliament, I cannot buy that. That is not for me. If it is for you, then I say you should go back to your constituents and tell them what you are doing with Canada.

Mr. Chris Warkentin: Mr. Speaker, he is telling you to go back to your constituents.

The Deputy Speaker: The "you" can be used in the collective, generic sense, and that is the way I interpret it being used on this occasion.

I have to advise the House that I did not feel any compulsion to react and take action as a result of the "you" used in this context.

Mr. Dennis Bevington: I have to say that your wisdom has increased ever since you have become a Speaker, Mr. Speaker.

Mr. Chris Warkentin: Oh come on, apologize.

Mr. Dennis Bevington: Mr. Speaker, the foreign investment protection act is another piece of legislation that just went through. The foreign investment protection act means if we change legislation regulations in Canada and it does not fit what the foreign investors had expected from our country, then they have the right to complain, to take action.

All of a sudden now we are in a position where regulations that are decided somewhere else by someone else other than this Parliament can make that a probability, perhaps a reality. Those are things we have to think about with this.

We are changing the way we are doing business. Is the way we are changing doing business the way we want to do that? I would say right now that, to me, amendments to the bill are needed.

I understand why people want to have the bill, the necessity to do the things that make sense with the bill. It is good to have regulations that can recognize inflation and the changing nature of our society, that can do those things that make sense. I do not have a problem with that. I am in favour of that, but I am not in favour of impeding our sovereignty in any way through changing the way we make regulations. That is clear. I do not have to think twice about that.

When we talk about Bill S-8, about the safety of drinking water on our first nations reserves, we are talking about a law that enables regulations, and those regulations will probably be made in provinces. Those provinces will change those regulations for safe drinking water as time goes on. That is the reality of the situation.

We have a fiduciary responsibility to first nations in the government. We need to ensure that any changes that are made to regulations are run by the first nations to whom we will apply this law. Therefore, we need to have the opportunity to look at changes, to consult with our first nations about changes that are made by provinces if we adopt their regulations to govern safe drinking water on first nations reserves. There is another instance of why we need to look at this legislation.

● (2315)

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Mr. Speaker, a few members who have spoken tonight obviously believe in the independence of the Bank of Canada, and that is a great thing. The member for Timmins—James Bay has actually said publicly that part of the NDP policy would be to interrupt that independence. I am glad to hear we have NDP members who disagree with that. Many economists believe that neutrality is very important and fundamental to the Bank of Canada.

Specific to what the member has said, sovereignty is always Canada's. We debate here in the House and we pass laws. Those laws then go to the delegated authority, whether it be a minister's office or whatnot. Regulations are created and those regulations are then put in the *Gazette*. The *Gazette* calls for open consultation. The whole process is there. Everything is lawful and has the scrutiny of Parliament. In fact, a committee is in charge of that. I would suggest the member become familiar with that.

We hear time and time again that NDP members will support the legislation but they might want to have amendments. Every member I have asked tonight has declined to point to one area where they would put forward an amendment. We know the official languages component is there. We know there is due process and we are not giving up sovereignty.

I would ask the member to bring up one amendment that he thinks needs to be brought into this bill at justice committee.

Mr. Dennis Bevington: Mr. Speaker, maybe it is the late hour or perhaps that very enthusiastic member has been listening to a lot of the debate intently and perhaps he missed it when I mentioned the type of amendments I would like to see made to the bill.

I said I would like to see amendments that would ensure that any regulatory change that came through the incorporation by reference of any regulations, any of those changes that were made by any body other than the Parliament of Canada, would be subject to the scrutiny of this Parliament. That type of amendment would give us comfort that that is going to happen with this legislation.

[*Translation*]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, I want to thank my hon. colleague for his speech.

This bill is far from perfect. We need only look at the work of the Senate committee and the debate that was held in the Senate to see that this bill has some serious flaws. That is why we want to study it further in committee and hear from experts to find out what can be changed.

One of the flaws in this bill is that many of the terms are rather vague, including the word "accessibility". What is meant by accessibility? When the bill says that information is accessible, does it mean that the information is public, or does it mean that the information will be accessible to people who have special needs, for example?

Can my colleague comment on the senators' work and the flaws in this bill?

● (2320)

[*English*]

Mr. Dennis Bevington: Mr. Speaker, I did not really touch on the issue of accessibility, but accessibility in terms of understanding regulation would probably be determined by the ability of whoever is dealing with these regulations to have the kind of professional assistance that is needed to wade through regulations and understand how they work.

I have been in business and I know that the regulations that are needed to conduct a business in many cases are very complex, and they require a very good understanding of them. There are many. Sometimes in business one understands the regulation but if it changes, one can be caught many times. That is a reality of life in business. A small business without the resources to ensure it has accountants and lawyers working for it to understand the regulations well may find it has innocently broken the regulations. That is the unfortunate reality of life in this country.

Mr. Paul Calandra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, I cannot tell you how relieved I am to have the opportunity to speak to this bill. I was not sure when it first came up that I wanted to speak to it, but I started to receive a lot of calls and emails from concerned Canadians, Semhar Tekeste. She said to me that I had to get in and speak to this bill and that it was very, very important. She called me so many times today. She emailed me a number of times and said that I had to get into the House and talk about this bill. She said specifically that Bill S-12, an act to amend the Statutory Instruments Act and to make consequential amendments to the statutory instruments regulations is very important, and she wanted me to come in here and speak to it. The more I looked at it, the more I thought to myself that it is a very important bill.

The member for Fort McMurray—Athabasca earlier talked about how hard his constituents work. They work 12 hours a day, and then they sometimes have to drive a couple of hours to get home. I wonder how they would feel knowing that the opposition cannot wait to get out of here. We hear so much about the orange wave, the orange tide. Apparently, the tide does not come in after 6 o'clock. After 6 o'clock that is the end of the tide. They do not want to come into work. They are too tired.

We should make no mistake. Canadians do not pay us a little to be here. All of us are very fortunate. We make $150,000 to be in this place to debate the issues that are important to Canadians, yet the NDP members want to go home. I have heard them all day talk about how lazy the Senate is, and they want to abolish the Senate. I now understand why the NDP members are so desperate to abolish the Senate. They are actually embarrassed that the Senate works harder than they do, so they want to abolish the Senate. It is actually unbelievable. Here we are in a time of global economic uncertainty, and at 10 o'clock, they have to go home. I cannot fathom that. I guess, on their behalf, I will apologize to all those Canadians who invest so much in this place.

My parents came to this country. They worked hard. I talked about this last night. They owned a pizza store when I was young. They got up at 10 o'clock every morning, and they were at the store. They worked all day and all night until 3 o'clock the next morning. They worked very hard to support the family. They never once complained. They worked extraordinarily hard, long hours. They never once complained about how difficult their lot was in life. They did not try to pass a motion to go home at 10:30. When people called the store and wanted to order pizza, they did not say they had to vote because they maybe wanted to go home early. They did not do that. They did what all other Canadians do. They worked hard. They invested in their families. They invested in their business, and they were proud to do it. I wish sometimes that the NDP, and in fact the Liberals, would actually consider those hard-working Canadians who have sent us here before they decide to go home.

We also heard the opposition talk about the loss of Canadian sovereignty. It seems to me that I have heard this before. That is what the NDP said when it opposed the auto pact. It opposed the auto pact because it worried about sovereignty. Free trade came around, and it did not want free trade, because it felt we would lose our sovereignty. The fact of the matter is that the auto pact created hundreds of thousands of jobs. Free trade has created millions of jobs and incredible economic growth in our country. We have not lost sovereignty. In fact, we have increased our sovereignty, because now we are one of those countries in the world where everyone wants to invest. We have created over 900,000 jobs, in part because we are open to trade, yet they want to turn their backs on that.

When I heard the member from Fort McMurray talk about his hard-working constituents, I could not help but feel somewhat embarrassed for the NDP and Liberals, because they had to go home early. However, let me tell all Canadians, who I know are watching intently, especially on this particular debate on this bill, that the Conservatives on both sides of the House will stay here, debate and talk about the issues that are important to them, no matter how long it takes to make sure that we continue this economic recovery we have seen.

● (2325)

Let us talk a bit about this further. I will read this to the House. It states:

> ...regulations that use this technique are effective in facilitating intergovernmental co-operation and harmonization, a key objective of the Regulatory Cooperation Council established by our Prime Minister and President Obama.

How exciting is that? This would eliminate red tape. I understand that on that side of the House red tape is something they revel in because it confuses people. It slows down the economy. It makes it harder for business.

On this side of the House we are all about eliminating red tape. We are about unleashing the potential of the economy, of small businesses, of those sectors that create jobs, economic growth and value for Canadians, all of which help put more money in the pockets of Canadians so they can invest in themselves and their families. That is what we are trying to do on this side of the House each and every day. Even if the NDP members are desperate to shut down debate, like they do every single night in this place, we will still work on that.

It goes even further to state:

> Referencing material that is internationally accepted rather than attempting to reproduce the same rules in the regulations also reduces technical differences that create barriers to trade—

That part is so exciting. I will read it again because it references something I know the NDP know nothing about, which is trade.

> Referencing material that is internationally accepted rather than attempting to reproduce the same rules in the regulations also reduces technical differences that create barriers to trade—

How exciting is that for the millions of Canadians at home watching this tonight thinking that finally they have a government that is prepared to make those types of changes so that we can make things better for them?

I will flip over a couple of pages because this is where it gets really exciting. It mentions that with this important regulatory tool come corresponding obligations. It then states:

> [The bill] not only recognizes the need to provide a solid legal basis for the use of this regulatory drafting technique, but it also expressly imposes in legislation an obligation on all regulators to ensure that the documents they incorporate are accessible—

It is almost remarkable that we have waited so long to pass this. Honestly, we have been seized with a global economic crisis in this country. We have been seized with putting more money in the pockets of Canadians. We have been seized with opening up new markets for our manufacturers and getting new trade deals out there. We are working on a trade deal with the European Union. We have been seized with creating better relations with our American friends.

We all know what the Liberals did to our relations with the United States when they were stomping on dolls of the American presidents and insulting them all the time. We came to an historic low in those bilateral relations.

We have been bringing our budget back into balance while at the same time investing in Canadians and infrastructure across this country so that as we come out of the global economic downturn ahead of anybody else, we have the resources and the infrastructure in place so that our Canadian businesses, families and communities can succeed.

I am yelling a bit because I was not sure that the microphones are working. I heard the member from Hamilton and the member for Newton—North Delta screaming so much I thought the microphones were down, so I thought I would elevate my voice.

I am proud of the fact that this concerned Canadian called me and sent me an email as late as 10 o'clock asking me to come and talk to the bill. I responded that for her and for the millions of Canadians who are relying on us, I am prepared to work late and do whatever I have to do to make sure that this economy and this country remain great. I am only sorry that the opposition members do not feel that same sense of passion.

● (2330)

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, after that vote we had, I was extremely excited because my colleagues across the room came to life for the first time this evening since seven o'clock. Suddenly they are ready to speak and actually participate in parliamentary debate. Let us have a big round of applause for my colleagues across the way.

Also, while we are praising ourselves, I want to remind my colleague across the way that for youth in this country, unemployment is at double digits. I am told this piece of legislation here, this technical bill, will open up all kinds of doors, but when we look at it, what is it? Its aim is to give more power to the executive branch so that regulations can be changed without parliamentary scrutiny. Is this the job creation policy of the government across the way? Is this it?

Mr. Paul Calandra: Mr. Speaker, earlier in debate, I talked about the NDP. It was formed in 1961. In 1962 we had an election in this country, and the New Democrats lost. In 1963 we had an election, and they lost. In 1965 we had an election, and they lost. In 1968 we had an election, and they lost. In 1972 we had an election; they lost. In 1974 we had an election; they lost. In 1979, they lost. In 1980, they lost. In 1984, they lost. In 1988 and 1993, they lost. In 2004 and 2000, they lost.

One would think that a party that has lost 16 straight elections would finally come to understand that maybe what its members are talking about does not resonate with Canadians. One would think that especially a member from British Columbia who has just seen her party go from 20 points ahead in the polls to losing an election would at some point think to herself that maybe what they are doing just is not working, that maybe Canadians have no confidence in them and that is why they have lost so many elections.

Our job creation is one of the best in the world. I will take our record of job creation any day over the NDP's plans for a $21-billion carbon tax that would devastate the economy.

Mr. Richard Harris (Cariboo—Prince George, CPC): Mr. Speaker, I want to encourage the parliamentary secretary to reassure the scattered New Democrats across the way there that the sky is not falling. It is not falling because of this bill, as it did not fall because of the Auto Pact bill, as it did not fall because of the free trade bill, as it did not fall because of the softwood lumber bill, which everyone in the softwood lumber industry supported.

The sky did not fall, it is not going to fall, and it will never fall as long as the Conservatives are sitting on this side in government and the New Democrats maintain their consistent loss record.

Could the parliamentary secretary reinforce that?

● (2335)

Mr. Paul Calandra: Mr. Speaker, what a solid question from a member who has been in this House for so long and who has been returned consistently by the people of his community seven times to represent them here in this place.

What is so exciting about winning seven times is that earlier today the Liberals were suggesting that when members like that have been re-elected seven times, somehow the people in those ridings did not know what they are talking about and we should somehow be ashamed of all of those hard-working Reform, Alliance and Progressive Conservative members who now form government. I am not.

The only way that the sky will ever fall is if that party ever made it to this side of the House. That is why we are going to ensure that never happens.

That said, we know that those members do not work past six o'clock anyway, and they want to go home. With that type of track record, there is no way they will make it from that side of the House to this side of the House. They should look over there and see what happens when they do not work for Canadians. They end up on that side of the House.

Mr. Chris Warkentin (Peace River, CPC): Mr. Speaker, it is a privilege for me to speak on this bill. I can assure you that I am equally excited about being able to stand in the House to talk to Canadians about the importance of the bill. I am proud to see this bill finally reach the floor of the House of Commons.

I, too, am disturbed by what I witnessed just an hour ago. New Democrats stood in the House, those who were here to vote, and told Canadians that it was time to go. My colleagues and I are here to work and get things done. That is why we were elected.

I take great inspiration from the people who work in my constituency, the people who sent me to Ottawa, who are working still tonight. I hear the NDP members groan. The member for Western Arctic said that he does not believe it.

Tonight I was on the phone with several farmers, who are tonight working around the clock to get their crops in. They are not making a motion to say that it is time to go home and shut the place down. This is not what Canadians do. Farmers do not do that. Loggers do not do that. Oil workers do not do that. People who work throughout my constituency do not do that. New Democrats are still laughing, because they want to shut these sectors down. New Democrats run to Washington and say not to defend Canadian jobs and not to defend young people who are trying to find employment in communities like mine. They say to shut down the industries that are creating the jobs, opportunity, hope and prosperity for all Canadians through the oil sands and the oil and gas sector, which is alive and well in my community.

The people in my constituency do not go home early. There are Canadians throughout this country who do not go home early. They stay at work and continue to get things done. They are—

[*Translation*]

The Deputy Speaker: The hon. member for Saint-Lambert on a point of order.

Mrs. Sadia Groguhé: Mr. Speaker, I would like to interrupt my colleague's speech, which is completely irrelevant. We are discussing Bill S-12, and he has yet to mention it in his speech. I would ask that you call him to order.

[*English*]

The Deputy Speaker: I will give the member for Peace River the recognition that he mentioned Bill S-12, but he has not spent more than about five seconds on that bill and a bunch of other things that have some indirect relevance. I will allow him to continue, but I would encourage him to begin to address at least some comments to the bill that is before the House for debate this evening.

● (2340)

Mr. Chris Warkentin: Mr. Speaker, I do not want to impugn motives on my colleagues, but anytime they hear about the oil and gas industry or farming or the forestry sector, they want to shut down debate on those issues.

That is why they tried to shut down the debate in this House earlier today. They want to go home. They do not want to talk about important things like jobs, opportunities, prosperity and hope in this country.

Incorporating by reference, the material in this bill would do exactly that. It would streamline things to ensure that there is efficiency, clarity and assurance for people who are involved in these sectors, in agriculture, the oil and gas sector and the forestry sector. These are companies, industries, small business people who depend on referencing regularly the legislation that is important to their industries.

There is a number of very important issues that are being brought forward in this bill that are entirely important with regard to these industries.

Mr. Speaker, you are an expert in this House, you have been in this place for some time and you know that this is a modern technique of incorporating by reference through regulation.

The Senate was criticized by my colleagues earlier, but I can assure the hon. members opposite that even the Senate did not shut down to go home early. It got its work done and sent us a bill, an important bill. The senators heard evidence at their committee hearings, and we will see if these members on the opposite side stick around long enough to hear witnesses on this side.

What we do hear from the witnesses the Senate heard is that it is important to move forward on this legislation. For the first time, Bill S-12 would impose a regulation requirement, a positive obligation on regulators to ensure that the reference is accessible to those people who are being regulated.

That answers the question that some of the members opposite were wondering about. They had not read the legislation, clearly. I want to assure the members opposite that there is a positive obligation on the regulators to ensure that the information is available to those who are being regulated. If it is not, then the person who is being regulated is not responsible. That is the first time in Canadian legislation that that has in fact happened.

There is a number of things that Bill S-12 would do. One of the things it would do is reduce unnecessary duplication and costs within the federal government and on some of our other levels of government, as well as, more importantly, on small business.

This is one of the things I heard about regularly as I served as a commissioner on the red tape reduction commission. We travelled from coast to coast. I hear the hon. members on the opposite side heckling again. Anytime they hear about the reduction of red tape, they are opposed to that. We know that. They have made that clear. That is why they have lost all the elections my colleague referenced earlier.

What we heard from small business owners, those people who create jobs, those who are the drivers of our economy in this nation, is "We need less duplication; we need more clarity; we need the regulations that we are required to follow to be user-friendly." That is exactly what this bill would do.

My colleagues from the opposite side also referenced the scary notion that by incorporating our work with other jurisdictions, somehow that was going to be the end of the world.

I am a big federalist. I believe we have great provinces and territories from coast to coast. I am different from the leader of the Liberal Party, who comes to Alberta and basically says Albertans are some kind of nasty folks, and the Leader of the Opposition, who we hear continually criticizing the industries in my province.

I recognize that is not the view of my colleagues in the opposition parties. However, here on this side of the House, on the Conservative benches, we believe that every province and every territory is an important part of this country, and we trust them all. We believe we can incorporate by reference.

I was talking to John today. He is a hard-working Canadian. He is still working tonight. John Holtby was talking to me about the necessity to incorporate by reference beekeeping regulations.

● (2345)

He believes there needs to be more clarity when it comes to the freedom of individuals to have bee-keeping operations in communities across the country in a more homogenous way. This was something I heard directly from a constituent. He is a hard-working Canadian still working tonight and this is something he talked about.

While the opposition members are opposed to coordinating with our provinces, I am a strong federalist and I strongly trust provinces and territories across the country. I do not think they are somehow going to do something nasty to the federal government. Therefore, it is important we work together in a collaborative fashion to ensure we streamline things, provide more clarity to business owners, reduce duplication and ensure that when people are being regulated that, first and foremost, they can find those regulations, which is established in this bill, and that they be clear. That is what is established in this bill. It is something that is great news to all Canadians, specifically small business owners and people who work in other levels of government across our great nation.

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, I have one question on the substance of Bill S-12, which is a bill to amend the Statutory Instruments Act to deal with ambulatory references and the like.

One of the things that has caused me concern, and I would like his comment on, is whether the term "accessible" should be defined.

The bill imposes an obligation, as the member knows, on regulation-making authorities to ensure that certain documents that are incorporated by reference are accessible. However, the bill does not have a definition of "accessible". Does my colleague think it needs to be defined so we could know what it means?

Mr. Chris Warkentin: Mr. Speaker, I can assure the member that this would be the normal meaning under the law. It is a regular legal term. It is something that is defined and has been defined throughout years of history. It is clear to those of us on this side of the House that things need to be accessible not only to bureaucrats and people with a law degree, but also to people who run small businesses. That is the definition we believe will be established throughout it.

If the hon. member has suggestions as to how we can ensure there be a more streamlined approach to regulations across the country to ensure they are accessible to small businesses, that would be welcome news on this side. So often what we hear from the opposite side is how they can become more convoluted and how we can reduce the ability of small businesses to move forward.

I am a strong proponent of ensuring that there be accessibility for small business owners, specifically as it relates to regulations. Those people who are regulated need to have access to those regulations and understand them clearly.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, my colleague from Peace River eventually got around Bill S-12. However, I would like to ask him a question.

I am thinking about small business as well in the context of this act. Some commentators have noted that will be difficult for people who are affected by regulations to stay on top of those regulations with the ease with which things can be incorporated by reference. There will be less scrutiny and, while things may be in legislation described as "accessible", we have seen the Conservative government take labels off cans and say that they are now accessible on a website. We have already seen that under Bill C-38 pharmaceutical drugs will be maintained on a list as opposed to posted in the *Canada Gazette* for full regulation.

Is the member not just a little troubled that some of the people in business with whom he empathizes, and rightly so, could find themselves on the wrong side of a regulation about which they had much less notice because of Bill S-12?

● (2350)

Mr. Chris Warkentin: Mr. Speaker, Bill S-12 does exactly the opposite of what the member describes. In fact, the referencing of regulation happens as a normal practice within much legislation. It is a modern practice. It has been going on for years and years and it has become the regular practice.

What has not been codified within legislation is that it be accessible to those people who are regulated. Now there will be a requirement to do exactly what the hon. member is looking for, which is first and foremost, and that it be understandable so it not be written in some format that is foreign to those people who are being regulated.

I can assure members that in this bill we go to great lengths to ensure those issues that the hon. member brings to the attention of the House as they relate to small business and those people being regulated.

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Mr. Speaker, as we know, Canada is a trading nation. In Canada, we have shipping companies and exporters.

One of the things that has been brought up is the question of whether international rules or standards can be used through incorporation through reference. Obviously, the answer from the speech we heard is that yes, it can. In this case, it will actually help to open up new markets for Canada's exporters.

I would like to hear, again with the highest of standards, the member's thoughts on how important it is to have a set of rules that everyone can compete by and work by safely.

Mr. Chris Warkentin: Mr. Speaker, I know that I got some criticism from the opposition members for talking about sectors in my constituency that depend on exports. We are talking about forestry, oil and gas and those industries that continue to export.

I have spoken to a number of Canadians who are concerned about these very things. John, Zach, Sean, Leigh, Semhar and Christine all told me that these types of things need to be addressed, and this legislation does just that.

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC): Mr. Speaker, I am excited about this bill and excited about this piece of legislation. I am also excited to be batting cleanup tonight after tremendous speeches from my colleague from Fort McMurray—Athabasca, my colleague from Peace River and of course the Parliamentary Secretary to the Minister of Canadian Heritage. I found their speeches compelling, invigorating, intense, effective and in-depth.

I was a former history teacher, and we have heard some great speeches, some remarkable addresses. I think of Lincoln's Gettysburg address, Roosevelt's "the only thing we have to fear is fear itself", JFK's "ask not what your country can do for you" speech and Churchill's call to fight on the beaches and in the hills. Of course, I also think of our own Prime Minister and his historic apology to the first nations of Canada.

I am not saying that the speeches we heard were up to that standard, but I do think they were very memorable speeches that we can refer to in later years, because this bill is important to the future of this country. It is important to regulation.

The Parliamentary Secretary to the Minister of Canadian Heritage said a lady named Semhar called him and encouraged him to get in and speak, but she called me as well and said, "This is your last chance to speak on this bill. You have to get in there." Fortunately, I was able to capture the last spot to speak on this riveting piece of legislation, so I want to thank Semhar for her encouragement to come here to speak.

I also had a call from a lawyer named Adam Church. He told me that he knew I was a teacher and might not be that familiar with this type of legislation, but he said this is going to be important. It is going to put Canada on the leading edge of regulatory processes in the world. Canada once again is going to be number one because of this legislation.

I am proud to come here and speak about this bill. I would like to thank our colleagues on the Senate Committee on Legal and Constitutional Affairs for their thoughtful consideration of this bill and for reporting it to the House without amendment.

As the Senate committee heard during the consideration of Bill S-12, incorporation by reference has already become an important component of modern regulation. The witnesses the Senate committee heard from were supportive of the use of incorporation by reference, notably in its ambulatory form, as a way to achieve effective and responsive regulation in a fiscally responsible manner.

Our government always tries to be fiscally responsible in making sure Canada continues to be one of the best job producers in the G8. Bill S-12 is an important step toward this in many important ways. Enactment of this legislation will clarify when ambulatory incorporation by reference can be used. The bill responds to one of the Standing Joint Committee on Scrutiny of Regulations' most important concerns by confirming the basis for the use of this technique.

As well, Bill S-12 will impose for the first time in federal legislation an obligation on regulation-makers to ensure the material that the regulations incorporate by reference is accessible. We heard the colleague across the way ask for a definition of this accessibility. This is very important for the future of this nation. It is very important that we have effective regulation-making and it is very important that it be accessible.

This bill would provide regulated communities with the assurance that such material will be available to them with a reasonable—I repeat, reasonable—amount of effort on their part, cutting regulation and cutting red tape. It will at the same time provide regulators with the necessary flexibility to respond to the many types and sources of material that may be incorporated.

The approach to accessibility in Bill S-12 avoids any unnecessary duplication or costs by recognizing that much of the material that is incorporated by reference is already accessible, without the regulation-maker needing to take further steps in many cases.

Cutting red tape, reducing the regulations and reducing duplication makes things easier, quicker and more effective. For example, federal regulations often incorporate by reference provincial or territorial legislation in order to facilitate intergovernmental cooperation. Provincial and territorial legislation is already widely accessible through the Internet, and no further steps would be needed on the part of the federal regulators. To require further action would result in unnecessary costs.

Using modern technology and the Internet to help us incorporate what already exists at the provincial level is going to reduce the costs to the federal government and make things more efficient. This bill is about efficiency, about reducing red tape and about making things work more quickly and more effectively.

● (2355)

Similarly, standards produced by organizations operating under the auspices of the Canadian Standards Council are readily accessible from the expert bodies that write them. The government takes seriously the obligation to ensure that this material is accessible and has for that reason proposed to enshrine that obligation in this proposed legislation.

Bill S-12 also introduces provisions that make sure that a regulated person could not be subject to penalties or other sanctions in the event that the incorporated material were not accessible. It provides protection for Canadians.

As the Minister of Justice highlighted in his remarks before the Senate committee, this is a positive and important step forward. Both the obligation relating to accessibility and the corresponding protective provisions respond to concerns of the Standing Joint Committee on the Scrutiny of Regulations.

It is also important for us to recognize that the mandate of the Standing Joint Committee on the Scrutiny of Regulations will not be altered as a result of Bill S-12. As is the case now, the joint committee will continue to be able to review and scrutinize the manner in which incorporation by reference is used, to ensure that it falls within the scope and authority conferred by this act or a particular act that is under the jurisdiction of the Government of Canada.

There were concerns from the opposition side that somehow we would be losing our effective ability to effect regulations later on as the Government of Canada. This protects that. Scrutiny of Regulations still had jurisdiction over these regulations.

After years of experience with federal regulations using the technique of incorporation by reference, we know that regulators will frequently rely on both international and national standards to achieve the regulatory objectives. The Senate committee heard witnesses from the Standards Council of Canada. Ensuring that regulators can have immediate access to the best technology and the best thinking will offer the best protection for the health and safety of Canadians. Once again, we are making sure that Canadians are protected, red tape is cut, but the health and safety of Canadians is always paramount. These witnesses provided testimony that many hundreds of standards are already incorporated by the reference and that access to these standards goes a long way to ensuring that our international obligations are met. Use of this technique to incorporate international and national standards ensures that our obligations related to avoiding technical barriers to trade are satisfied, that unnecessary duplication is avoided and that regulatory alignment is promoted.

Indeed, that successful experience to date in using these materials in federal regulations would also inform the future guidance on the use of this technique.

● (2400)

The Deputy Speaker: Indeed, the member's time is up. He will have two and a half minutes when the debate resumes in the future.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, it is somewhat ironic, or perhaps even meant, that I rise tonight at the stroke of midnight to talk about the most important issue facing our country and the planet, which the House hears so very rarely discussed, and that is the climate crisis. I rise tonight to pursue a question I asked of the Prime Minister on February 26.

There is something about the stroke of midnight that put me in mind of where we are as a human population on this planet right now. It reminded me of the doomsday clock, which is a tradition started in 1945 as a way of awakening humanity to the threat of mutually assured destruction from the insanity of the arms buildup. The doomsday clock was created as a mechanism for global awareness by a group of scientists at the University of Chicago. In recent years, the scientists have added to the question of how close the minute hand is to the moment of midnight and a global apocalypse. They have now been taking into account the climate crisis, the buildup of global greenhouse gases, and the failure of humanity to act.

That link between nuclear threat and climate was also enunciated very clearly in the first global scientific conference on the climate issue, the first one to be fully comprehensive and public, which was held in Canada in June 1988. The consensus statement of over 300 scientists there was this: “Humanity is conducting an unintended, uncontrolled, globally pervasive experiment whose ultimate consequences could be second only to a global nuclear war”.

The clock is a little past midnight here in the chamber, but the doomsday clock set by this group of scientists has now been placed at five minutes to midnight, based on the failure to act to confront the threat of the climate crisis. No country bears that failure more shamefully, nor do its first ministers go forward and bear it, as the Minister of the Environment said, as a badge of honour that we fail. We are singled out for our contempt for multilateralism and the importance to future generations and our own kids. We are not talking seven generations out. We are talking about our own kids. We are failing them on a daily basis in this place when we let climate change go by the boards and only raise it now and then as a sort of absurd *Punch and Judy* show, between one side of the House claiming that the other side wants a carbon tax and the other side saying that it does not.

In relation to that five minutes to midnight, in the last few weeks, the world's scientists have reported that the global chemistry of the atmosphere has been changed to where there is now a concentration of over 400 parts per million of greenhouse gases. That is not a temporary situation. That is, in fact, a statement of concentration that will take centuries to change, because every time we emit carbon dioxide, it lasts in the atmosphere for 100 years. A statement of concentration is a statement of a new balance in the atmosphere, but one that continues to rise.

We know we must avoid 2° Celsius. To do that, back in Copenhagen in 2009, the current government took on board a target that it knew at the time was too weak to avoid 2°. The Intergovernmental Panel on Climate Change said that the collectivity of Copenhagen targets was too weak to avoid 2°, yet every day in the House, if the issue comes up, we hear representatives of the Conservatives say that they are on track to reach Copenhagen targets.

As I pointed out on February 26 to the Prime Minister, Environment Canada's own figures make it very clear that by 2020, the government will have completely and totally failed to meet the weak target it set. It is not acceptable. It is time for real climate action.

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Yes, Mr. Speaker, indeed, it is the stroke of midnight. At this hour, I would like to dedicate this particular adjournment proceeding to Leigh Johnston, who, time after time, sits in the House, in the lobby, and who has a personal passion for climate change as well.

It is actually our government's policy to deal with this particularly pressing issue. Because this is such an important issue for Canadians, and indeed the global community, I find it very difficult to believe that my colleague opposite would treat this issue with such glibness as to compare our country, Canada, a great nation, to one, North Korea, that is ruled by a dictatorship. This is such an important issue that I firmly believe that we should not be comparing our country's progress on this issue, our country's international leadership, to a country that, frankly, has an abysmal record of environmental denigration.

Over the last two years, as I have stood here in the House of Commons and have tried to promote a positive debate on this, the one thing I have found over and over again is that the hyperbole coming from the opposition ranks has been exceptionally disappointing.

Canada is a place where we have increased the amount of protected lands by 50% since our government came to office. Environment Canada scientists have shown a decoupling of the growth of greenhouse emissions and the growth of the economy. In fact, it has been through our government's efforts that we have seen a reduction in the growth of greenhouse gas emissions while our economy has continued to grow. To be so disrespectful to our country's record, to call our country North Korea, I find disrespectful to the environmental debate in whole.

I have been long looking forward to these particular adjournment proceedings, because when we look at North Korea's environmental record, internationally renowned scientists have said: "...the landscape is just basically dead. It's a difficult condition to live in, to survive". That is Dutch soil scientist Joris van der Kamp. Another said: "They don't have trees to hold soil. When it rains, the soil washes into the river, landslides occur and rivers flood. It triggers a really serious disaster".

Why can we not have appropriate debate in this place? This is a place where we should respect one another. To compare our country to North Korea just debases the value of the debate we have in this House.

Through our government's efforts, we are reducing greenhouse gases through regulations in the light-duty passenger vehicle sector, which will see a reduction and cost savings for Canadians, and banning outright traditional coal-fired electricity production. This is the first international leadership that has been shown in this area. This is something we should stand and be proud of as Canadians. Rather, we have hyperbole. We compare our country to North Korea. I will not stand for that. My constituents will not stand for that.

I certainly hope my colleague opposite will value this debate, will value the issue of climate change enough to have appropriate debate in here and ask me about how we can measure greenhouse emission reductions and ensure that we have economic growth.

I certainly hope from her that we will see this appropriate debate rather than hyperbole in the future.

● (2405)

Ms. Elizabeth May: Mr. Speaker, I am astonished that the parliamentary secretary thinks that the consensus statement of the world's scientists gathered in Canada, at a conference opened by former Prime Minister Brian Mulroney, constitutes hyperbole.

When we look at the statements from our Minister of Natural Resources recently, when he said that "an end to the use of fossil fuels would have dire, if not catastrophic, global economic and social consequences", we have to wonder if he has looked at any of the science or understands it at all.

He quotes often from the International Energy Agency, in fact in that same paragraph I just cited, but never quotes this. I ask the parliamentary secretary if she would say this is hyperbole. The same report cited over and over again by the Minister of Natural Resources claiming to say that fuels will be used well into the future states:

> No more than one-third of proven reserves of fossil fuels can be consumed prior to 2050 if the world is to achieve the 2°C goal.

That is her government's target: to avoid 2°C.

The global experts and the International Energy Agency say, clearly, that two-thirds of all known reserves have to stay in the ground. That is not hyperbole. That is fact.

● (2410)

Ms. Michelle Rempel: Mr. Speaker, my colleague opposite did not retract her statement comparing Canada to North Korea. That is wrong and disrespectful of the debate on climate change in our country.

In fact, Canada is the first country to outright ban traditional coal-fired electricity generation. This is something of which we should be proud.

We have introduced regulations on passenger vehicles, which will reduce greenhouse gas emissions in a tangible way.

Our government is working with the oil and gas sector to ensure we have regulations that reduce greenhouse gas emissions in that sector while ensuring that this key economic driver of our country continues to grow and ensure that we have jobs for all Canadians.

I have not once heard her talk about the need to balance economic growth with environmental stewardship. I for one feel that this is something we can achieve as Canadians.

We can respect the climate change debate and ensure we transition to a low-carbon economy, but we should be having that debate and not be comparing our country to North Korea.

[*Translation*]

AGRICULTURE

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, I am pleased to have an opportunity to follow up on a question I raised on May 10 regarding the dismissal of 100 or so workers at Agriculture and Agri-Food Canada, including many lab employees. According to the most recent union data, 700 employees at Agriculture and Agri-Food Canada received work force adjustment notices, meaning that they were told that their services may no longer be required.

Most of the job cuts are at the science and technology branch and the market and industry services branch. Notice was given to 79 scientists, 29 engineers and 14 biologists. Clearly, these cuts will have a significant impact on the department's scientific work. As the union president said, these cuts threaten our international competitiveness and directly impact one of Canada's key economic activities: food production.

In 2012, 150 members of the Professional Institute of the Public Service of Canada received a work force adjustment notice. Last year, nine experimental farms in Canada had to shut down because of the Conservatives' irrational budget cuts.

One particular example comes to mind, and that is the disastrous closure of the experimental farm in Frelighsburg, Quebec. That institution had been in existence for more than 40 years. It worked on important research on plant diseases, insects and genetic improvement of apple trees.

This example shows that, contrary to what the Conservatives claim, cutting funding for science does have repercussions. In the case of the Frelighsburg farm, permanent jobs and a number of student jobs were eliminated, but most importantly, we lost 40 years of scientific data and we are compromising the future of an important agricultural sector. The Conservatives do not understand this.

These massive cuts began in 2012, and it is now obvious that scientists are being targeted. A simple calculation is proof enough. The government announced that it would eliminate a total of 19,200 positions, or 7% of public service jobs. When the cuts were announced, the Professional Institute of the Public Service represented 17,000 scientists. Of these, 11% received layoff notices. As we can see, scientific positions are overrepresented in the layoffs. It is obvious that the Conservative government is using the cuts as an excuse to get rid of researchers.

We know that these ideological cuts to science stem from the Conservatives' sheer ignorance of and contempt for research. I would just like to share an anecdote that perfectly illustrates this contempt.

Last week, the Minister of the Economic Development Agency of Canada for the Regions of Quebec was visiting the Quebec Metallurgy Centre and said: “Instead of funding researchers who discover nothing, I prefer to fund discoverers.” That is ridiculous.

According to the minister's logic, were Agriculture and Agri-food Canada scientists let go because they discover nothing? Do NRC researchers doing basic research not deserve funding because their research does not have immediate industrial applications? The minister's logic is ridiculous.

I am waiting for this government's response. When will this government admit that its short-term vision is compromising our future?

● (2415)

[*English*]

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I had the privilege of working with some of the top academic researchers in this country for the better part of my career. Working in the field of research administration, if there is one thing I can tell members personally it is the effect that our government's commitment to science and technology funding has had on the academic community across Canada.

The one thing that my colleague opposite did not mention tonight was the level of funding for tri-council research that has occurred during our government's mandate. If she had done any research whatsoever, she would have looked into the last six years' budgets and seen that year over year the amount of money we have put into tri-council research has increased over time.

What does this mean? This means that funding for basic research, not only in science and engineering or in the health sciences through CIHR but also in science and social sciences, has increased over time. This means that this particular research can be translated into commercializable technologies. It can also be translated into social policy, and it can be translated into training highly qualified personnel for the jobs Canada needs to have in the future.

Not only are we funding research through tri-council agencies, but we are also funding research through the Canada Foundation for Innovation. Not once in my colleague's speech did she acknowledge that the Canada Foundation for Innovation, which does a wonderful job of providing Canada's academic researchers with basic research infrastructure funding, also ensures that Canada's researchers have the bricks and mortar funding they need to ensure that their research programs continue long into the future.

It has been under our government's tenure that we have seen increases in all of these agencies. What is the NDP's record on these funding increases? The New Democrats voted against this time after time.

When my colleague the Minister of State for Science and Technology stands up in this House time after time to remind my colleague opposite that the one thing she needs to do to continue the excellent track record of our government's funding for basic research is to vote in favour of our government's budget, what does she do? She stands up and does not even talk about any of the funding we have put into these research agencies. Not one agency did she talk about tonight. She did not talk about any of the research outcomes that happen at the research infrastructure within her city, within McGill University.

I have a great colleague with whom I used to work, who is the now the vice-president of research at McGill University and who understands the impact of tri-council funding on her institution's research administration. I wish my colleague opposite would take five minutes to look at our federal budget year after year to see these funding increases before she speaks out against this excellent track record that our government has for basic research funding. Between the CIHR, SSHRC, NSERC and CFI, our government has a wonderful track record of supporting basic research, supporting research that translates into commercial outcomes and supporting research that translates into social policy. I certainly hope that for once she will actually get on board.

[*Translation*]

Ms. Laurin Liu: Mr. Speaker, her answer is in no way relevant to my question, but I will let it pass, since I am sure she was not really listening to what I was saying anyway.

She talked about this government's so-called support for basic research. I can only surmise that she was not aware of her government's recent revamping of the National Research Council. Perhaps she should do her homework before speaking on the subject in the House. As usual, this government's decisions are not based either on science or on facts.

Did the government carry out an impact study before sending 700 workforce adjustment notices to Agriculture and Agri-Food Canada employees? What impact will these cuts have on economic activity in the agri-food industry? Can he assure us that the food Canadians eat will be safe? The answer to all of these questions is no, because no studies were done.

This is how the government typically does its job. There were no studies, and the cuts will have a tremendous impact on everybody, but the government does not care.

● (2420)

[*English*]

Ms. Michelle Rempel: Mr. Speaker, when we talk about examples of program funding, I am not sure my colleague opposite could stand up and name one research program that is managed by the NRC right now. I am not sure she could talk about any of the increases to funding that our government has provided to the National Research Council under our government's mandate. I am not sure she could talk about any of the commercialized technologies we have seen through the NRC's funding mandate under our government.

I am sure what she could talk about, though, is the fact that time and again her personal voting record has been against research funding, which we have put to the NRC, to SSHRC, to CIHR and to NSERC. I would love to continue this debate with her, specifically about research programs at McGill University, which I am sure I as a Calgary MP could speak to far better than she right now. Not one research program did she admit voting against in our budget.

[*Translation*]

THE ENVIRONMENT

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, Canada's future depends on its ability use its natural resources responsibly.

Our country has one of the biggest fresh water supplies on the planet, and our biodiversity is the envy of many people abroad. Nature allows us to feed ourselves, breathe clean air and create sustainable jobs. However, if we waste these resources by depleting and polluting them, we will be jeopardizing our long-term economic development.

Yet, unfortunately, that is what is happening because of the way that the Conservatives treat nature. Just over 100 years ago, James Harkin, the commissioner of the Dominion Parks Branch, created what was to become Canada's network of national parks. The objective was and still is to protect and present our natural and cultural heritage. Parks Canada's mandate is also to protect the ecological integrity of the parks for current and future generations.

According to the Parks Canada Agency's most recent report on plans and priorities, eight national parks have one ecological integrity indicator rated as poor and six parks are showing a declining trend. The number of species at risk in heritage places has increased from 141 to 222 since 2004. Development projects in the subsoil of some wildlife areas could affect wildlife. Climate change increases the risk of degradation of our biodiversity, and the Conservatives are still not taking action to reduce the effects of climate change.

Studies show that our biodiversity is declining. Canada now needs parks more than ever to protect its ecological integrity and future economic development. Many witnesses appeared before the Standing Committee on Environment and Sustainable Development to tell us about the conservation of terrestrial and wetland habitats. All of them said that making cuts to science and public awareness campaigns decreases our ability to protect nature and properly manage all these protected areas. These areas should be set aside to encourage biodiversity in order to preserve and restore ecosystems.

However, that is not what this government is doing. The Conservatives are making promises they do not want to keep. The government promised to meet the Aichi targets by protecting 17% of the country's land area and 10% of the country's marine area. The reality is that the government protects only 10% of our land area and 1% of our waters. Protection does not seem to mean much to this government.

Protecting means managing responsibly in order to be able to enjoy nature in the future. That is not what is happening. The Conservatives have made drastic cuts to our national parks, without any regard for the consequences.

Last year, $29 million was cut and 600 biologist and interpreter jobs were lost. It is not surprising that the number of visitors to the parks is declining. It has declined by 20% in just 15 years. What is the government doing to improve the situation? It keeps making cuts to the parks. It is also increasing entrance fees.

The minister says that we have to choose between parks and health transfers to the provinces. That does not make any sense. To preserve the parks, why not make smarter choices and make cuts to the Senate? It is corrupt and full of people who are unelected and unaccountable.

I will ask my question. With everything that is going on right now, I think Canadians would be glad to get rid of a costly and useless institution in favour of reinvesting in the parks. Does the minister agree?

● (2425)

[*English*]

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I think at this particular time of night, my colleague would be interested to know that she supports a leader who, during his time as environment minister, actually decreased his department's budget substantively. One of the first things that he did as environment minister was brag. He went out and said, "Take my ministry, for example. When I arrived, I immediately cut my own budget by 8%". It was actually in the *Chomedey News*, Laval, on May 5, 2005. This is the NDP's track record on the environment. It is one that my colleague opposite supports.

Here is the other thing that she does not understand. She does not understand the basic principle that we can ensure environmental protection in the country with economic growth. Time after time, I have heard her colleagues talk about how we need to shut down wholesale sectors of our economy in order to ensure environmental protection. I fundamentally believe that this presumption is false.

Specifically with regard to our government's track record on parks, it is one that I am so very proud to stand in the House of Commons and support. In fact, it has been under our government's tenure that we have seen nearly 150,000 square kilometres added to the protection of our national parks sector. This is an incredible amount of protected space that it has been our government's privilege to take leadership on and protect.

One of the accomplishments that our government has seen with regard to its protection of national parks is the World Wildlife Federation's international award, its Gift to the Earth award. It is one of the highest accolades that it can award, which goes to conservation work of outstanding merit. It recognized our government through its work in Parks Canada.

Additionally, the Royal Canadian Geographical Society awarded Parks Canada its gold medal, its highest honour, for our government's leadership role in the expansion and preservation of Náàts'ihch'oh National Park. It is a great honour for me to congratulate Parks Canada and its staff for the work that it does to maintain our national park system.

Year over year, since our government came to office, not only have we increased the amount of parkland that is protected in Canada, we have also increased the budget year over year. There has been an increase, but the difference between our government and the NDP is that, first of all, they continue to vote against any sort of measures that we take to increase Canada's national parks.

I certainly hope that with Bill S-15, the bill to create Sable Island, my colleague opposite will support it in the House.

She also speaks about the need to protect habitats. Through our government's efforts, through the national areas conservation plan, a quarter of a billion dollars have already been invested to create easements for the NCC and other organizations, such as Ducks Unlimited Canada, which we are proud to partner with. We have seen habitat conservation measures taking place and land protected.

This is pure rhetoric.

[*Translation*]

Ms. Anne Minh-Thu Quach: Mr. Speaker, I would remind my colleague opposite that using rhetoric to avoid the issue or distract people from the issue will not help protect our parks, much like making investments does not create long-term jobs.

I would remind her that her Minister of the Environment recently won a fossil award.

Why not invest in our future instead of wasting money on advertising campaigns filled with lies or spreading propaganda to try to enhance the Conservatives' image?

The government spent $500,000 on training to brainwash scientists so they could then brainwash the public.

The Conservatives want to sell pipeline and oil sands projects without any real environmental assessments, which they did away with in Bill C-38.

This government also plans to spend another $16 million on advertising in the coming year to try to enhance its image. Why?

Why not spend that money where it is needed? Why not spend that money on parks or measures to stimulate the economy? Why not invest the money in environmental technology or in sustainable infrastructure? That is how you look after the economy and the environment.

I will repeat the question to my colleague. What is this government's priority? Its own image or the well-being of Canadians? Does it care more about statistics or about looking at studies and facts to ensure it is making positive changes?

● (2430)

[*English*]

Ms. Michelle Rempel: Mr. Speaker, the track record of my opposition colleague's leader is in fact that he, as environment minister, reduced his budget by 8%. I did not hear one acknowledgement of that fact in her speech and in her support for him as leader.

She stood up in the House of Commons and talked about a spurious award that our country has received, a fossil award, when in fact our county has reduced its greenhouse emissions growth. It has increased the amount of protected spaces in our parks areas. What she should be talking about is the WWF award and the Royal Geographic Society award that I spoke about.

Not once did she acknowledge the positive things, through positive environmental groups, that our country has been awarded because of our commitment to ensuring that we have protected space. The track record of the NDP is to stand here and denigrate our country instead of talking about the positive things that we have done and the positive investments that we have made. For that reason, I do not support any of her comments.

[*Translation*]

The Deputy Speaker: Pursuant to order adopted Wednesday, May 22, 2013, the motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until later this day at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 12:32 a.m.)

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Thursday, May 23, 2013

GOVERNMENT ORDERS

ADJOURNMENT PROCEEDINGS