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(HANSARD)

Monday, February 25, 2013

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Monday, February 25, 2013

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1105)

[*English*]

DISCOVER YOUR CANADA ACT

(Bill C-463. On the Order: Private Members' Business:)

November 6, 2012—Second reading of Bill C-463, An Act to amend the Income Tax Act (travel expenses)—Mr. Massimo Pacetti.

The Speaker: The hon. member for Saint-Léonard—Saint-Michel is not present to move the order as announced in today's notice paper. Accordingly, the motion will be dropped to the bottom of the order of precedence on the order paper.

SUSPENSION OF SITTING

The Speaker: The sitting will be suspended until 12 noon.

(The sitting of the House was suspended at 11:04 a.m.)

SITTING RESUMED

(The House resumed at 12 p.m.)

GOVERNMENT ORDERS

● (1200)

[*English*]

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

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC) moved that Bill C-55, An Act to amend the Criminal Code, be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased to rise to speak to Bill C-55, a response to the Supreme Court of Canada's decision in the R. v. Tse case. This important piece of legislation would ensure constitutional compliance of section 184.4 of the Criminal Code.

The bill we debate today is the government's response to the April 2012 Supreme Court of Canada's decision in the matter of Her Majesty the Queen and Tse.

In this case, the Supreme Court held that section 184.4 of the Criminal Code is conceptually sound but that it is constitutionally invalid in its current form because it does not provide for an after-the-fact notification requirement to persons whose private communications were the object of a wiretap interception pursuant to section 184.4.

The court suspended its finding of constitutional invalidity until April 13, 2013, to provide Parliament with time to remedy the defect of this provision, failing which section 184.4 of the Criminal Code would no longer be available to law enforcement agents. With the introduction of the bill, I hope that its provisions will receive the widespread support of all parliamentarians so that we can move forward with this essential investigative tool.

Before members consider the specific amendments proposed by the bill, I think it would be helpful for them to know the facts of the R. v. Tse case, because they illustrate how important section 184.4 is in practice, and more importantly, they show how critical it is that the police continue to have access to such an essential power in situations where every minute counts.

In the case I refer to, three persons were kidnapped one night in 2006. When the daughter of one of the alleged kidnapping victims began receiving calls from her father stating that he was being held for ransom, the police used the power provided to them under section 184.4 of the Criminal Code to carry out interceptions of the communications without prior judicial authorization. It had become clear to them that the victims were at serious risk of being harmed and that a wiretap was the way to assist in providing critical information about the situation at hand.

Since lives were at risk, the police could not afford to lose time by following the regular process and preparing all of the paperwork required to obtain a regular wiretap judicial authorization beforehand. Neither could they, given the imminent danger involved, obtain an emergency wiretap under section 188 of the Criminal Code. Section 188, which does allow for a more streamlined process to obtain a temporary judicial authorization to intercept private communications, still requires some paperwork and the availability of a designated peace officer and a specially designated superior court judge.

In the Tse case, the police determined that there was no time to go through either the regular elaborate wiretap process or the so-called emergency process to obtain the authorization to intercept the private communications. Accordingly, they relied on section 184.4 of the Criminal Code to perform wiretap interceptions without a judicial authorization.

When the case went to trial, the accused argued that section 184.4 was unconstitutional because it did not offer the usual privacy protections that are provided when a full-blown wiretap authorization is issued by a judge, which is the mechanism that police usually rely on to intercept private communications.

The judge found that in the circumstances at hand, the use of a wiretap without a judicial authorization could be justified; the court also held, however, that more safeguards should be built into section 184.4 to ensure that this exceptional power was used appropriately.

The trial court was particularly concerned about the lack of any requirement for officers to, first, give notice to those persons whose communications had been intercepted and, second, to report their use of section 184.4 of the Criminal Code.

As a result, the trial judge in British Columbia declared the provision unconstitutional and gave Parliament a deadline to remedy the constitutional shortcomings. Since then, trial-level courts in Quebec and Ontario have made similar rulings.

The crown appealed the declaration of unconstitutionality in R. v. Tse directly to the Supreme Court of Canada which, as I mentioned earlier, confirmed the constitutional invalidity of section 184.4 but suspended the effect of that declaration until April 13, 2013.

The Supreme Court of Canada also provided some helpful direction with respect to privacy safeguards that could be added by Parliament to improve the provision.

Bill C-55 therefore proposes to amend section 184.4 of the Criminal Code so that it remains available in life-threatening situations while offering appropriate privacy protections.

It is critical for members to also understand that section 184.4 does not exist in a vacuum. It is part of a broader spectrum of wiretap powers provided for in the Criminal Code.

Part VI of the Criminal Code was created nearly 40 years ago, in 1974. Entitled "Invasion of Privacy", part VI criminalizes the wilful interception of private communications, subject only to a few exceptions. Part VI contains numerous privacy protections and stringent tests to ensure an appropriate balance between investigative needs in pursuit of criminal justice and the privacy of Canadians.

The provisions contained in part VI of the Criminal Code have evolved from the two originally enacted types of authorizations—regular and emergency wiretaps, sections 186 and 188 respectively—to the five provisions for wiretaps that we have today.

These five different types of wiretaps form a spectrum of police interception powers that range from a high level of judicial oversight for the purpose of obtaining evidence of a crime, which could be described as investigative wiretaps, to no judicial oversight when the purpose is to prevent an imminent harm, or what could be described as preventive wiretaps. Section 184.4 of the Criminal Code falls into that latter category.

Section 184.4, the preventive wiretap, allows peace officers to intercept private communications without any judicial authorization in situations of imminent harm. It is designed to be used in order to prevent an unlawful act which a police officer believes on reasonable grounds would cause serious harm to a person or property.

The peace officer also has to believe, on reasonable grounds, that the person whose communications are to be intercepted is either the person who plans to commit the offence that is likely to cause the harm, or the victim or intended victim of the harm.

● (1205)

Importantly, the peace officer must also rule out the possibility of obtaining any other type of wiretap authorization contained in part VI.

Section 184.4 is designed to allow police to prevent serious harm to persons or property and to save lives in the most extreme cases. In high-stakes situations like bomb threats, every minute lost can be a game changer, and gathering evidence of the crime is a secondary consideration.

However, this does not mean that this power is without any judicial oversight. As was recognized by the Supreme Court, while this provision "allows for extreme measures in extreme circumstances", the police know that their ability to intercept private communications without judicial authorization in exceptional circumstances under this section diminishes with the passage of time.

The court also noted that once the police start wiretapping in such circumstances, the speed with which they can obtain the follow-up judicial authorization plays a role in assessing whether this section passes constitutional muster. If the police do not proceed to seek the appropriate authorization when circumstances allow, they risk non-compliance if they continue interception under section 184.4. Thus, even in cases in which the situation allows for an interception under section 184.4, given the imminent harm or danger, steps need to be taken to regularize the process and the police need to start as soon as possible to prepare an application for a judicial authorization under section 188 if there is still urgency, or through the regular process otherwise.

This is exactly what happened in the Tse case. Twenty-four hours after having intercepted private communications in accordance with section 184.4 of the Criminal Code, the police obtained a judicial authorization to continue those interceptions.

Given the broad spectrum of wiretap powers and the parameters within which the police operate in urgent situations, I hope that we can all agree that it is absolutely necessary for police to continue to be able to get these communications without judicial authorization in exceptional circumstances in order to prevent serious harm.

However, the Supreme Court of Canada has clearly said that in order to retain this essential tool in a way that does not contravene the Constitution, the privacy provisions provided in section 184.4 of the Criminal Code need to be improved by requiring the police to notify, after the fact, persons who were the object of the wiretap interception. Therefore, Bill C-55 proposes to do not only this, but to also add other safeguards into section 184.4 consistent with our objective of ensuring the safety and security of Canadians while protecting their right to a reasonable expectation of privacy. This critical balance is reflected in the bill.

Bill C-55 proposes an amendment that would require persons whose private communications have been intercepted to be notified of that interception once the interception is complete. As is currently the case in the Criminal Code for other wiretap authorities, Bill C-55 would require that such a notification be provided in writing within 90 days of the interception unless an extension is granted by a judge. Notification ensures that those whose private communications have been intercepted will be made aware of that fact so that they can exercise important rights, including their right to a fair trial.

Requiring after-the-fact notification for section 184.4 is clearly what is required by the Tse decision to pass constitutional muster. However, our bill goes further by proposing another safeguard to better protect the privacy of Canadians.

Section 195 of the Criminal Code currently requires yearly reports to Parliament on the extent of the use of electronic surveillance. This provision provides a detailed list of information to be included in the annual reports. By adding section 184.4 of the Criminal Code to the list of wiretaps that need to be reported, the bill would require the federal Minister of Public Safety as well as provincial Attorneys General to prepare a report each year on the use of this particular section, consistent with the existing reporting requirements under section 195 of the Criminal Code for other types of wiretaps.

As spelled out in the bill, the reports would include, for example, information about the number of interceptions and notifications, the methods used, and the number of persons arrested whose identity became known to a police officer as a result of the interception.

● (1210)

If Parliament and the public in general know how and how often these powers are used, it will be possible to review their use on an annual basis, thereby assisting to ensure that these powers are only used in appropriate situations. This, in turn, would allow Parliament to make adjustments, if necessary.

Another safeguard proposed by Bill C-55 would limit the use of the Criminal Code to specific offences only. Currently, the law permits section 184.4 to be used in respect of any unlawful act. While the unlawful act has to be one that would cause serious harm to any person or property, the concept of unlawful act could be made clearer. That is why the bill proposes to limit the use of section 184.4 to the offences listed in section 183 of the Criminal Code. This limit already applies to most other wiretap authorizations. It would create certainty for police so that they could easily determine whether this investigative tool is available in the situation they are dealing with.

Finally, the bill proposes to restrict a class of persons who can use this authority to police officers only. Currently, the authority under section 184.4 is available to peace officers, which is defined in the Criminal Code to include not only police officers but also a wide range of officials, including fishery guardians, mayors and customs officials.

This proposed amendment accepts the Supreme Court of Canada's suggestion in R. v. Tse to consider whether the availability of the provision to peace officers generally might be overly broad. The court declined to address this situation in the absence of a proper record, but that is not to say that it could not come up in the future.

This legislation would not only remedy the constitutional defect of section 184.4 of the Criminal Code but would enhance the safeguards associated with this provision that allow police to intercept communications without judicial authorization in situations where there is an imminent and serious risk of harm to any person or property. The amendments are specifically intended to reduce privacy concerns and to increase accountability and transparency.

I hope the bill can be passed quickly to meet the April 13, 2013 deadline imposed by the Supreme Court of Canada. Passing this legislation would ensure that we continue to have the tools necessary to obtain information required to deal with exceptional situations, such as kidnapping, while at the same time respecting the privacy rights of Canadians.

I urge all members of the House to give this legislation their full support.

● (1215)

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I would like to thank the Minister of Justice for rising in the House to explain Bill C-55. We appreciate it.

We all know that we are on a tight deadline. April 13, 2013 is not that far off. The Supreme Court rendered its decision almost a year ago, and it basically told the government to get its act together. Bill C-55 was introduced a few days ago.

It reminds me of my university days. We would wait until the last minute to do our work, which sometimes yielded great results because we could come up with some great things at the last minute. However, there were also instances where we did not have enough time to ensure that there were checks and balances in place. I would like to ask the Minister of Justice a question about that.

This is an urgent situation. Since the government did an about-face by abandoning Bill C-30—which it felt would fix the issue—and since the Minister of Justice took on the task of making Bill C-55 more palatable, did he also take the time to speak with experts in his department to find out if the proposed amendments are in line with the Supreme Court decision in R. v. Tse?

[*English*]

Hon. Rob Nicholson: Mr. Speaker, I am confident that the analysis that has been done with respect to the bill goes beyond what was required by the Supreme Court of Canada.

I indicated in my remarks that we are limiting the application of this procedure to the offences listed in section 183 of the Criminal Code. The Supreme Court of Canada was actually very clear on that. It said that it does not have to be limited to section 183. It could be any provision of the Criminal Code. We went one step further, and I think it provides some clarity.

Getting the report to Parliament on a yearly basis, in a sense, enhances and goes beyond what was absolutely required from the government.

The government has addressed the issues raised at the court level, in particular by the Supreme Court of Canada. I think it has taken it one step further with the additional changes, such as clarifying that this provision applies to police officers, which is a more narrow category than what has traditionally been used. In the Criminal Code and other pieces of legislation at the federal level, it refers to peace officers. Even though, on many occasions, mayors do have responsibility with respect to keeping order in their communities, it is appropriate that it be limited to police officers, so we made that change.

I am confident that we have met all the suggestions made by the Supreme Court of Canada and that we have taken it one step further to protect privacy issues.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, to what degree is a minister representing the Government of Canada obligated to ensure, prior to the introduction of legislation, that there is some form of constitutional compliance? Does the government have a check in place to ensure that the legislation it is passing is, in fact, constitutionally compliant?

My second question is related to the previous question. The bill is being introduced today. In a relatively short time, a few weeks, we are expected to pass Bill C-55 straight through the system. The minister had the opportunity to introduce the bill months ago. One could accuse him of being negligent in terms of his own responsibilities by not bringing forward the bill in a more timely fashion that would have allowed for due diligence. I am wondering why it took him so long to introduce the bill.

● (1220)

Hon. Rob Nicholson: Mr. Speaker, with respect to the constitutionality of the legislation we introduce in Parliament, procedures have been in place since the early 1990s, when his party formed the government. A very careful analysis goes into all pieces of legislation to comply with all aspects of the Constitution, be they the charter or the Canadian Bill of Rights. That is a process that has been in place for quite some time.

I am very confident and supportive of all the pieces of legislation we have brought forward. We have carved this out. The bill has actually been before Parliament. It was actually contained in another bill tabled before Parliament, but in the interest of moving this as quickly as possible, this bill has been hived off. It is very specific and straightforward.

As the hon. member and members of the House know, there have been many bills in the justice area that we have pushed. I would like to see them all passed very quickly. A bill on elder abuse I wanted through in two days. I would like to see that. These are all very important. I am asking the House to have a look at this and give it its support.

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, I want to thank the Minister of Justice for his endeavours. The justice agenda put forward by the government, and by the minister in particular, has been, bar none, one of the most impressive I have ever seen. As a former police officer, of course, I always look very closely at bills to see how they empower the police to do a better job to protect and preserve security in our communities. I see that he has done it again by putting forward a bill that will give them the tools to do a better job.

I have been approached a number of times by many organizations or individuals who have wanted to be included under the designation of peace officer. In fact, transit bus drivers have approached me saying that they would like some measure of protection by being included. Therefore, I am quite interested in hearing from the justice minister about the importance of ensuring that it is police officers who have the ability to use this tool, as opposed to those under the broader designation of peace officer.

Hon. Rob Nicholson: Mr. Speaker, we wanted this bill to be as specific and as clear as possible. As I mentioned in answer to a previous question, we said specifically what sections of the Criminal Code this would apply to. We did not just leave it open-ended as "an unlawful act", as it presently reads. We said that it must be contained within section 183. That adds clarification and precision to it.

In addition, changing the definition of who this power is available to and indicating that it is to police officers and not peace officers again clarifies exactly what we are addressing and the issues at hand. That is important. This is an extraordinary power given in emergency situations. We want to be exactly sure who has the ability to do that. That is number one. As we know, and as I indicated, there are a number of safeguards in place after this provision. We balance the rights of an individual to privacy, but on the other hand, we know that there are situations when there is imminent harm that must be addressed. I believe that this bill strikes the appropriate balance.

In answer to the hon. member, we wanted to make the provisions with respect to who and what this applies to as clear as possible. As I say, we have gone beyond the ruling of the Supreme Court of Canada. We have taken it one step further.

● (1225)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I listened with great interest to the minister. In terms of any sort of justice agenda, we have seen the cutbacks to crime prevention programs the government has made, its refusal to keep its commitment to putting additional police officers on the street and its systematic refusal to put in place a public safety officer compensation fund, even though Canadian police officers and firefighters come to the Hill year after year and continue to get the back of the hand from the government. It is fair to say that we do not take lessons from the government on criminal justice issues.

The question that has come up, which the member from Gatineau and others have raised, is why the government is putting forward this bill at the last moment. It knew that Bill C-30 was problematic. There was a big push-back from the public. Yet even though it had almost a year to bring forward provisions, it is doing it a few weeks before the deadline expires. It seems to be improvised on the back of a napkin.

I would like the minister to stand and explain very carefully to the Canadian public why it is putting forward this last-minute bill on something the government has known about for almost a year.

Hon. Rob Nicholson: Mr. Speaker, I completely reject the preamble to the hon. member's question. No government has done more to support law enforcement agencies across this country than this government. Nobody has made it more of a priority.

I will give good advice to the hon. member. He should take lessons from the Conservative Party when it comes to the justice agenda. New Democrats should do that. It is in the best interests of the constituents they represent. It is in the best interests of law-abiding Canadians, and it is certainly in the best interests of victims.

I never introduce a piece of legislation without being asked by some of my colleagues, members of the public and victims groups how it affects victims in this country. I am very pleased and proud of the fact that we have consistently made sure that victims' interests are taken into consideration.

This bill is before Parliament. I know that there has been a lot of stalling on a lot of government bills before, but I certainly hope that this one gets everyone's support. We need it.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I would say to the Minister of Justice that when one is seeking support from people, it helps to be nice to them.

Indeed, it is going to take quite a bit of mental gymnastics to ensure that a bill as important as Bill C-55 is given the attention it deserves. I cannot believe that the Minister of Justice and Attorney General of Canada is asking the 307 other members of this House to simply take a leap of faith and blindly accept this bill because we have an obligation imposed by the Supreme Court.

On this side of the House, we in the official opposition plan to work very hard on this. I can tell the minister that we will support this bill so that it can be sent quickly to the Standing Committee on Justice and Human Rights.

This will not stop us from doing our job in committee, as we always do, as the minister knows very well. We do not do this in order to systematically oppose the government. I hope I will not hear this from any Conservatives for the next 10 days, which is how long members of the Standing Committee on Justice and Human Rights will have to examine Bill C-55. I am very serious. The Supreme Court of Canada has set a deadline. We are not the ones asking for a favour here; rather, the government is, if it wants to meet the deadline.

I cannot believe that the brilliant legal minds at the Department of Justice took 11 months to draft Bill C-55. The fact is that the Conservatives made a serious mistake at the outset. They introduced Bill C-30 thinking that it would solve every conceivable problem related to wiretaps. I cannot exactly blame the Minister of Justice, since it was not his file. Rather, it was the Minister of Public Safety's file.

The Conservatives had to backpedal and introduce this bill with just a few weeks' notice. The members of the Standing Committee on Justice and Human Rights are meeting today, but they will not be studying this bill. They are meeting on Wednesday, but they will probably not study this bill then either. That leaves two days at most. On this side of the House, we promise to look at this bill closely and we will do our best to finish our study of it in time.

However, I would ask the government to be more open than it has been since we arrived in this House, since the 2011 election.

The official opposition makes some very good suggestions sometimes that would prevent the government from looking bad and ending up yet again with a case like R. v. Tse. In its ruling on that case, the Supreme Court said that there was a problem with the legislation. The government can keep saying, and rightly so, that section 184.4 of the Criminal Code already existed, that this provision has been around since 1993, before it came to power.

I am not really interested in knowing who to blame. I just want us to settle this issue. The Supreme Court was very clear. It pointed to the problem and to the aspects that were inconsistent with the charter. It set its findings aside for one year to give the government a chance to deal with this major legal void.

Often, that is why I ask the minister or his officials whether any serious, in-depth studies have been done before certain bills are introduced. From a distance, these bills may be well-meaning, but up close they create more problems because they are drafted so quickly. This will come back to haunt the Conservatives maybe not tomorrow, next month or in the next six months, but someday.

When I was a lawyer, I tried to prevent any future problems by anticipating problems that could come out of any document I wrote. As legislators, we should do the same.

We should not believe, as a Conservative colleague told the Standing Committee on Justice and Human Rights, that the courts will set things right if we make a mistake. I found that really ironic coming from a member of the Conservative government, which does not really have the greatest respect for what is known as judicial authority. When it suits them, the Conservatives rely on judicial authority to fix everything and set things straight.

● (1230)

However, I do not want to send people to court. This is not because I do not have faith in the courts. Quite the contrary. However, I know that it is very expensive, that the situation is not clear-cut and that there are problems accessing justice.

In this context, if we do our job properly in the House, if we draft bills that comply with our charter and our Constitution, we will solve many of the problems. After that, the courts will do their job, based on the circumstances.

The Supreme Court handed down its decision in R v. Tse. I urge all my colleagues in the House to read the decision before voting on Bill C-55. There is no need to read all 50 pages of the decision, whether in French or in English, but at least read the summary. It gives a good explanation of the problem arising from the section on invasion of privacy. Believe it or not, that is what it is called. In the Criminal Code, the section concerns invasion of privacy. However, according to the Supreme Court of Canada, this section is justified in the very specific context of certain offences. Section 183 of the Criminal Code explains in what context this section applies.

I would point out to my colleagues and to those watching that we are not referring to minor offences. We are talking about extremely serious situations such as sabotage, terrorism, hijacking, endangering safety of aircraft or airport and possessing explosives. I could repeat them all, but there is a good list in section 183.

This section on invasion of privacy pertains to very specific cases that must be considered within the context of the Canadian Charter of Rights and Freedoms. The authorities must ensure that the circumstances in question actually constitute an invasion of privacy. Most of the sections provide for some checks and require the Crown and the police to obtain certain authorizations. Section 184.4 has proven to be problematic in this regard because it is rather unclear about wiretapping. Unless an indictment was filed against the people in question, they would never know that they were being wiretapped. This problem therefore needed to be resolved. The Supreme Court gave directives to follow in such cases.

The Supreme Court often has more respect for the government than the government has for the Supreme Court. However, the Supreme Court still provides very general solutions and leaves it up to the government to draft bills.

Some clauses require more reflection and debate. I am not sure that the definition of "police officer" set out in clause 3 of Bill C-55 responds to the question that the Supreme Court of Canada will have to consider. The Supreme Court refused to rule on this specific issue because it had not been discussed before the court. Since the Supreme Court is very respectful of its role, it said that it did not have enough information to make recommendations to the government regarding this definition.

This will be examined in committee. The members of the Standing Committee on Justice and Human Rights will be able to ask representatives of the Department of Justice and the minister questions about how the definition was developed and what the basis for the definition was. The bill is not really clear on that. We will certainly have some good discussions in this regard.

I would also like to draw hon. members' attention to the provision that sets out the possibility of renewing certain authorizations for three months to three years. I am no longer talking about section 184.4.

I would like to reiterate that I am talking about the section that pertains to invasion of privacy. Is it reasonable to renew such authority for three years? These things should be discussed.

These bills sometimes appear to be straightforward at first glance, but prove to be more complicated when we really get into specifics.

● (1235)

And since the devil is in the details, I think that as legislators we have a duty to at least do our job seriously. If we do not, in six months or a year, the Supreme Court of Canada will render a decision that shows we did not do our job. It will take a look at what we did so it can determine what the legislator's intent was. It sometimes uses the debates from the House or the Standing Committee on Justice and Human Rights.

The legislator here refers to us. We must stop thinking that the legislator is some separate person within the confines of Parliament. The legislators are all of us, here in the House of Commons. If the Supreme Court wants to know the legislator's intent, it will look at what was said during the debates.

If the records show that there was no debate because the government waited until the very last minute to push a bill that has huge repercussions in terms of invasion of privacy—we are talking about invasion of privacy here—we must all, as good legislators, do our due diligence.

The bill will not be needlessly stalled, but I repeat to my colleagues opposite that they are the ones who need to get this bill passed as quickly as possible. They do not even have enough time to move the closure motions they love to use to prevent us from debating the bill, because in the time it will take to debate those motions, the bill will not even have had the time to get to committee or back to the House.

The Conservatives need the official opposition to help ensure that this bill passes. On behalf of the official opposition caucus, I can say that we are not in the habit of blocking something simply for enjoyment. We leave that kind of attitude to the members opposite. However, my colleagues and I will not sit back and listen to them say that the NDP supports criminals. If I hear anyone say that, I swear, I will talk so long at the Standing Committee on Justice and Human Rights that the Supreme Court will have time to replace seven out of nine justices before I am done.

Let us all do the work that we were sent here to do and let us be serious about it, so we can assure people that the Criminal Code has a section on the invasion of privacy. In the R. v. Tse case, all the necessary safeguards were in place to say that this is acceptable in a free and democratic society, considering the seriousness of the offences covered by section 183.

These are just a few of the points that need to be seriously examined in committee—but with good questions and good answers, and not by playing silly games or being secretive and pretending that everything was carefully considered. We must look for solutions.

Bill C-55 will probably pass by the deadline set by the Supreme Court, but I repeat that the government waited until the last minute. It should be ashamed of playing games with something as serious as this. I will not hold it against the Minister of Justice, since he had been steered in the wrong direction. The Conservatives started out on the wrong track with Bill C-30, and it took time for them to admit that and to withdraw that bill.

It is like finding out that a bad TV show was pulled from the lineup. Bill C-30 was finally pulled from the lineup. Thank goodness. It was replaced to a very small extent by Bill C-55. I do not want the people listening at home to think that Bill C-55 is a carbon copy of Bill C-30. That is absolutely not the case. It does what needed to be done. It amends a very specific section of the Criminal Code—section 183 and following—to answer the questions and carry out the orders of the Supreme Court of Canada.

Some of my colleagues will likely talk about the various provisions, but I want to speak to section 184.4, which is amended by clause 3.

● (1240)

That is quite possibly the most critical section in the decision in R. v. Tse, because it is exactly what the Supreme Court was referring to.

I would also like to draw the members' attention to something else that bothers me, and that is the clause about reporting authorized interceptions. Clause 5 of the bill covers authorizations and extensions for up to three years. Extensions are set out in clause 6 of the bill, specifically in the amendment to section 196.1. The clause mentions the initial 90-day period and states that an extension can be granted under subsection *x*, *y* or *z* for up to three years.

We should be looking into those aspects because they could have some serious implications. The definition of "police officer" should also be addressed. It is somewhat worrying, given what the Supreme Court said:

> In the absence of a proper record, the issue of whether the use of the section by peace officers, other than police officers, renders this section overbroad is not addressed.

The Supreme Court is always careful to respond only to issues that are before it. Since the issue of who has the right to wiretap—in this case, peace officers—did not come before the Supreme Court, much to its credit, the court said that it would not rule on the issue. Generally speaking, the Supreme Court is not there to provide legal opinions, except when the government, regardless of which party is in power, lacks political courage and decides to go through the Supreme Court to be told what it has the right to do, whether it be with regard to the Senate, same-sex civil marriage or even Quebec's right to secede. These are some examples that come to mind.

This is often the strategy used by governments that do not want to stick their necks out. They hope that the Supreme Court of Canada will wave its magic wand and solve all of our country's political problems, which does not often happen, because the Supreme Court is actually very respectful of political power, our power to enact legislation. That is exactly what the Supreme Court did in this case.

The wording of the new definition of "police officer" seems a bit odd to me. It does not seem to be written in a typical fashion. It says:

> "police officer" means any officer, constable or other person employed for the preservation and maintenance of the public peace

As I lawyer, I must say that the expression "[any] other person" is vague, and I never like to see this type of expression in provisions of the Criminal Code pertaining to invasion of privacy. Does this refer to security guards? This brings up so many questions for me.

What I would like to show my colleagues is that a bill that seems so benign and that is described by the minister as being "very straightforward" can be more complicated than we think. It is our job to point that out, particularly since this bill responds to a request from the Supreme Court of Canada that we go back to the drawing board. In my opinion, if we do not want the Supreme Court of Canada to give us another "F" for "fail", we should at least take the time needed to do that.

I am ready to answer questions.

● (1245)

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I appreciate the comments of the member. In the past I posed a question for the minister with regard to government legislation and its constitutionality. Has the government looked into it? Is it offensive to our charter and so forth? In particular, the Minister of Immigration brought in legislation that could easily be challenged in the courts.

Would the member provide comment on the responsibility of government ministers to do their homework prior to bringing in legislation to provide assurances to the House that the measures being put into law are constitutionally compliant?

[*Translation*]

Ms. Françoise Boivin: Mr. Speaker, I am pleased that the Liberal Party supports this as well.

The week before the break that gave us all a chance to return to our ridings, I moved a motion at the Standing Committee on Justice and Human Rights calling for a review of whether there is compliance with section 4.1 of the Department of Justice Act. The government has its answers for that. I, for one, get my answers from the Minister of Justice, since he is the one I turn to the most when it comes to government bills or Senate bills.

How does this work? What information do the experts at Justice give the Minister of Justice on each of these bills? The minister cannot tell me, as he usually does, that everything is fine and dandy simply because there have been test cases. These cases are currently before the courts, and the courts have overturned these measures.

I refuse to believe that the Department of Justice lawyers are idiots. Actually, I think that the Conservative government's risk tolerance is extremely high. In other words, the government will introduce the bill that has good political traction even if it thinks the chance of failure is 95%.

We get the impression that the government is improvising, and that is a shame. This absolutely goes against the fundamental principles of the rule of law in Canada.

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I would like to thank my colleague from Gatineau, our justice critic, for her exceptional work on this issue. It is truly remarkable.

This type of bill needs to strike a balance between exceptional circumstances and privacy protection. I would like to know whether my colleague thinks that this bill achieves that balance. If not, what recommendations would she make to that end?

Ms. Françoise Boivin: Mr. Speaker, I would like to thank my colleague for her compliments, which are always appreciated.

Having said that, I love justice and that is why I am in politics. It seems to me that justice or social justice should guide us all. Law is also one of my passions; it allows us to examine these issues.

How can we achieve a true balance? That question is always before us. The Supreme Court had to answer that question in R. v. Tse. No matter how serious the offence, the Supreme Court concluded that there is a need to define how to notify a person who has been the subject of a wiretap.

That was missing from section 184.4 of the Criminal Code. I am reasonably satisfied that this element is now being introduced. The minister is right about that. However, there are some minor irritants and questions. I should not even be saying irritants. I have some questions about the new definition of who will have the right to do certain things. We need some clear and specific answers. "Everyone else" does not provide enough information, especially when it comes to invasion of privacy. We know that this raises a big red flag in the courts.

Given the section in question, we, as legislators, cannot afford to make a mistake. That has been pointed out once by the R. v. Tse. decision. I would not want to be told again that we have not understood a thing, and that we have not done what we were asked to do. That is the kind of balance that must be struck, and I cannot say that we are quite there. I hope that the Standing Committee on Justice and Human Rights will be able to do its job.

● (1250)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I know that the member for Gatineau loves the law, and she will make an excellent justice minister when elected in 2015. I am certain that her expertise and interest will bring about significant change.

I would like to point out that the deadline is only 20 days away. The government just introduced this bill. We know that Parliament and committees will sit for only 20 days. The government just introduced a bill that should have been introduced 10 and a half months ago. Now we have only 20 days to finalize it, to ensure that we will not find ourselves in the same situation as before—with a botched bill that creates problems and that will be thrown out by the courts.

As the member for Gatineau mentioned earlier, the Conservative members see nothing wrong with that. They do not have an issue with introducing a botched bill that has not been reviewed. They think it is someone else's job to review it. Our role, our responsibility as members, is to review bills to ensure that they are in line with the objectives.

So why did the government not fulfill its obligations? Why did it introduce a bill at the last minute, just 20 days before the deadline?

Ms. Françoise Boivin: Mr. Speaker, I thank my hon. colleague from Burnaby—New Westminster for his question. The answer is simple, and yet very profound at the same time.

This government is a little arrogant. I am trying to be polite, because, in reality, they are extremely arrogant.

With Bill C-30, the Conservatives were sure they had solved every problem on the planet. They did not take the pulse of the nation, even though they boast about knowing what Canadians want. They then saw what happens when the public takes an interest in an issue and the government does something that affects fundamental rights like individual rights and the right to privacy. I have never seen such a strong reaction.

I am very active on social media, including Twitter and Facebook. It was incredible. Everyone will recall the famous "#TellVicEverything" hashtag. It was enough to inflame public opinion. I am not naming any members by saying that.

The Conservatives could have simply acquiesced and reversed their decision. After all, we are here to represent the people. There is no shame in admitting that we are wrong and made a mistake. We all make mistakes; it is only human. A fault confessed is half redressed.

The Conservatives struggled for months to find a way to get out of this without having to admit that they were wrong. Because of this lack of humility, the government now has only 20 days to comply with the Supreme Court ruling.

No one on this side of the House will be to blame if we do not manage to deal with this in 20 days. They are the ones who are putting us in this position, and everyone needs to realize that.

We will do our best to help the Conservatives get out of this, but they will need a dose of humility, something that has been lacking along the way. Their lack of humility is what got them into this situation.

● (1255)

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, I want to thank my colleague for her passionate speech.

Bill C-30 was a disaster, as someone said earlier.

What do we need to make sure we do when it comes to Bill C-55? What process do we need to go through to ensure that this bill complies with the charter and the parameters set by the Supreme Court for protecting privacy?

Ms. Françoise Boivin: Mr. Speaker, that is an excellent question.

The minister, actually the government, should allow representatives of the Department of Justice to appear before the Standing Committee on Justice and Human Rights and answer clear and specific questions about this.

What analyses did they do? What jurisprudence did they study? Did they examine a certain aspect? Is it balanced?

They must stop simply trotting out the empty phrases that we sometimes hear from the government. They say that they were assured of this or that, but who gave assurances and about what and how?

We need substance this time, because this is not just a bill, it is the response to a test of the Supreme Court of Canada.

[*English*]

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, Bill C-55, the bill we are debating today, needs to be seen against the backdrop of Bill C-30, the government's Internet surveillance bill introduced in February 2012. When Bill C-30 was tabled it crashed and burned, largely because the government failed to do its homework. Mainly, the government did not charter-proof the bill or listen to telecommunications service providers about the impracticality of some of Bill C-30's key provisions, nor did the government properly gauge Canadians' views about such a bill in advance of introducing it.

Finally, the Minister of Public Safety's mishandling of the beginnings of the debate in the House on Bill C-30, namely his hyperpartisan reaction to anyone who raised reservations about the controversial and likely unconstitutional aspects of the bill, added oil to the fire and de facto shut down the public conversation, thus foreclosing the possibility that the bill's problems might be remedied through amendment in committee; though many people doubt that the bill could have been salvaged even that way. In short, the minister's rhetoric killed the bill in its legislative tracks. One wonders also if the bill's fatal flaw, its inconsistency with charter principles, was tied to the rumour that the government no longer vets legislation against charter requirements in the drafting phase prior to tabling in Parliament.

The government's decision to withdraw Bill C-30 raises a series of questions.

First, was Bill C-30 needed in the first place? Second, if it really was necessary for public safety, why did the government withdraw the bill, given it has a majority in Parliament? As we have seen with budget legislation, the so-called stable majority Conservative government can and will do what it wants with its majority. To the government, the word "majority" means never having to say "compromise".

Third, given its decision to withdraw Bill C-30, does the government have the courage of its convictions, whatever their merits?

The fourth question is related to the first. Does the current Criminal Code provision, namely section 184.4, provide law enforcement agencies with sufficient means to investigate and apprehend those who seek to exploit children on the Internet? By withdrawing Bill C-30, the government's answer to that question seems to be "yes". I will come back to section 184.4 in more detail in a moment.

Another related question that comes to mind, in light of the government's new focus on the costs of policing, is whether the Conservative government is in fact investing enough to give police the resources it needs to fight cybercrime. This may be the real crux of the issue: money for policing. By not sitting down with the provinces to discuss extending and replenishing the police recruitment fund, is the government undermining the current capacity of the police to fight cybercrime? Is the government abandoning communities and leaving them more vulnerable? For example, the police recruitment fund was used in Quebec to beef up the cybercrime division of the Montreal police department. What will happen when federal funds dry up? Is the RCMP spending enough on cybercrime, or are fiscal constraints being imposed on it by the Conservative government, hurting its valuable work patrolling cyberspace, not to mention fighting the ever-complex problem of white-collar crime?

These are the tough questions that the government needs to honestly ask itself. The safety of our communities and families depends on the answers to those questions.

Bill C-55, which the Liberals support, is a response to the Supreme Court's decision in Regina v. Tse, rendered by the court last April. The Supreme Court's decision on the constitutionality of section 184.4 of the Criminal Code came shortly after the government's controversial tabling of Bill C-30 in the House. In other words, the court was deliberating on some of the issues at the core of Bill C-30 at the time the government introduced the bill. This raises the question of why the government did not wait for the Supreme Court's decision before rushing to table Bill C-30. The government could have benefited from the wisdom of the court in its final drafting of the bill. Furthermore, given that the Supreme Court, in April 2012, gave the government a full 12 months to rectify problems with section 184.4 that made the section unconstitutional, why did the government wait until the very last minute, namely two weeks ago, to deal with this matter?

● (1300)

As mentioned, the Tse case was a test of the constitutionality of section 184.4 in its existing form. Section 184 of the Criminal Code deals with emergency wiretapping or wiretapping in an emergency situation.

Section 184.4 is about the interception, without the normally required warrant, of private communications, including computer communications, in exigent circumstances—that is, in circumstances where interception is immediately necessary to prevent serious harm to a person or property, and a warrant cannot be obtained quickly enough to prevent the imminent harm; in other words, in situations where every minute counts.

In the Tse case the police in B.C. used section 184.4 to carry out unauthorized interceptions of private communications when the daughter of an alleged kidnapping victim began receiving calls from her father stating that he was being held for ransom. The case brought before the Supreme Court was an appeal by the Crown of a trial judge's finding that section 184.4 in its current form violates the charter.

The question the Supreme Court was asked to address was whether section 184.4, as currently written, contravenes the right to be free from unreasonable search and seizure pursuant to section 8 of the charter relating to privacy rights and, if so, whether this section's constitutionality is salvaged by section 1 of the charter, which allows a charter right to be circumscribed if it is deemed reasonable to do so in a free and democratic society.

In the earlier landmark decision Hunter v. Southam Inc., the Supreme Court determined that a warrantless search is presumptively unreasonable. In other words, the presumed constitutional standard for searches or seizures in the criminal sphere is judicial pre-authorization—that is, obtaining a warrant.

In Regina v. Duarte, the Supreme Court found that:

> ...as a general proposition, surreptitious electronic surveillance of the individual by an agency of the state constitutes an unreasonable search or seizure under s. 8 of the Charter.

However, as the court said in its decision in Tse:

> Exigent circumstances are factors that inform the reasonableness of the search or authorizing law and may justify the absence of prior judicial authorization.
>
> Thus, in principle, it would seem that Parliament may craft a narrow emergency wiretap authority for exigent circumstances to prevent serious harm if judicial authorization is not available through the exercise of reasonable diligence.

Thus, section 184.4 is based on the accepted principle that, to quote the court:

> ...the privacy interests of some may have to yield temporarily for the greater good of society—here, the protection of lives and property from harm that is both serious and imminent.

To further quote the court in the Tse decision:

> Section 184.4 contains a number of legislative conditions. Properly construed, these conditions are designed to ensure that the power to intercept private communications without judicial authorization is available only in exigent circumstances to prevent serious harm. To that extent, the section strikes an appropriate balance between an individual's s. 8 Charter rights and society's interests in preventing serious harm.

This reasoning is consistent with Justice Lamer's observation in Godoy, which states that "dignity, integrity and autonomy" are values underlying the privacy interest; however, the interests of a person in need of police assistance are "closer to the core of the values of dignity, integrity and autonomy than the interest of the person who seeks to deny entry to police who arrive in response to a call for help".

The court's main finding in Tse is that section 184.4 is unconstitutional because of the absence of a requirement to notify the person whose communications have been intercepted of the fact of that interception. This is in contrast to judicial authorizations obtained under sections 186 and 188 where the subject of the interception must be notified within 90 days.

While the court refused to rule on the need to tighten the definition of "peace officer" under section 184.4, arguing it lacked "a proper evidentiary foundation to determine the matter", it did express "reservations about the wide range of people who, by virtue of the broad definition of 'peace officer', can invoke the extraordinary measures under s. 184.4".

The term "peace officer" currently includes mayors, bailiffs, prison guards et cetera.

The Liberals nonetheless support the government's initiative in Bill C-55 to narrow the class of individuals who can make an interception under section 184.4. to mean police officers only, meaning an officer, constable or other person employed for the preservation and maintenance of the public peace. However, we wish to know if this narrowed class also includes private security guards of the type contracted more and more by municipalities to fill the reduction in their regular police coverage, for example, when regional municipalities cut police budgets or reassign police to other geographic areas.

● (1305)

Similarly, while the court ruled that there is no constitutional imperative for the government to report to Parliament on the use of section 184.4, we believe the requirement in Bill C-55 that this be done is a positive step, obviously, as it provides an important safeguard needed to balance the interests of the state in preventing harm and prosecuting crime with the obligation to protect section 8 charter rights.

Finally, we are a bit puzzled, however, as to why Bill C-55 limits section 184.4 interceptions to the large number of offences listed in section 183 of the Criminal Code. True, it was the opinion of Justice Davies, the trial judge in Tse, that section 184.4 should be limited to offences enumerated in section 183. However, the Supreme Court disagreed, in the appeal:

> There may be situations that would justify interceptions under s. 184.4 for unlawful acts not enumerated in s. 183. We prefer the conclusion of Dambrot J. in Riley...that the scope of the unlawful act requirement is sufficiently, if not more, circumscribed for constitutional purposes, by the requirement that the unlawful act must be one that would cause serious harm to persons or property.... No meaningful additional protection of privacy would be gained by listing the unlawful acts that could give rise to such serious harm. The list of offences in s. 183 is itself very broad; however, Parliament chose to focus upon an unlawful act that would cause serious harm. We see no reason to interfere with that choice....
>
> ...the serious harm threshold is a meaningful and significant legal restriction on s. 184.4 and is part of this Court's jurisprudence in a number of different contexts....
>
> ...this threshold is also consistent with the police practice surrounding s. 184.4.

It appears that Bill C-55 is an admission by the government that police forces already dispose of necessary legal powers to act to intercept incidents of cybercrime involving children or terrorism for that matter. We are thus a bit puzzled as to why the government went ahead and introduced Bill C-30 only to withdraw it.

[*Translation*]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the presentation by the member for Gatineau clearly outlined that the problem we face today is that the bill was introduced at the last minute. Earlier, I said that there were 20 days left, but, in reality, there are only 19. I forgot to exclude Good Friday.

The government wants the bill to go through all the stages in 19 days and duly pass. But this bill was never analyzed. We already know that there will be flaws. As the member for Gatineau said, we will do what we can. The government's approach is really not professional.

My questions are for my colleague from Lac-Saint-Louis. First, what does he think of the last-minute introduction of this bill? There are only 19 days left on the parliamentary calendar to study it.

These problems date back to the previous Liberal government. So why did the Liberals not deal with these issues when they were in power? At the time, even members from Montreal expressed concerns about the Liberals not making changes.

● (1310)

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, I am very disappointed by the government's actions on this issue. It keeps making the same mistakes and then takes a long time to pick up the pieces.

I am also shocked to hear why the government took so long to introduce this bill. I think it is because it wanted to distance itself as much as possible from the Bill C-30 controversy.

As for the Liberal government, I was not in cabinet seven years ago. I was not privy to the discussions surrounding a similar bill that was debated at the time. Unfortunately I cannot comment on that government's motives.

[*English*]

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, my question for my colleague builds on some of his early comments about the government's pattern of behaviour in bringing forward legislation that it knows to be unconstitutional. I would like him to address this while taking into account three things.

The first is that the government has already been found to be in contempt by the Speaker of the House of Commons for the first time, not just in Canadian history but commonwealth history, for not bringing forward costs on crime bills.

The second thing I would like him to take into account is that there is a legal duty on the Minister of Justice to bring forward legislation that is deemed to be constitutional and, I would argue, goes further because, as a lawyer, the Minister of Justice is bound as an officer of the court to do so.

The third is that the day after David Daubney retired, a former Conservative member of Parliament who used to head up the criminal law policy unit for the Department of Justice, he assaulted the government for forcing that unit to be unable to deliver up options which it told the government would be constitutional with its crime bills.

Could my colleague explain the pattern of this kind of deceptive and unacceptable behaviour?

Mr. Francis Scarpaleggia: Mr. Speaker, I recognize the hon. member's expertise in the law. He has tremendous and lengthy experience in the legal profession. I, on the other hand, am not a lawyer, but I will attempt to answer his questions the best I can.

I believe it is because the government is in a permanent campaign. Therefore, it thinks it can simplify and spin, with a view to scoring political points. When dealing with important legislation after the campaign is over, that attitude should be put on the shelf. It is time to get down to serious business.

On the other matter of whether the minister is properly vetting legislation or instructing his ministry to vet legislation against charter principles, if I were the Minister of Justice, which I will not be because I am not a lawyer, I know that if the Prime Minister said not to worry about charter concerns, that we would adopt a sue-me-later attitude, I would respectfully tell the Prime Minister that I could not do it and that my professional ethics made other demands on me.

● (1315)

[*Translation*]

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, I thank my colleague for his question but I am curious. He just told us what he would do if he were the Minister of Justice. We are not there yet, but I have a question for him in his capacity as an MP who works on the justice file.

We know that Bill C-30 was introduced and practically caused an uproar. The NDP wants to ensure that the new Bill C-55, which we are discussing today, is in line with the charter and the new parameters set out by the court for protecting people's right to privacy.

What does my colleague think we should do while examining Bill C-55 to ensure that the charter and the right to privacy are respected? What procedures need to be followed? What should be done before the bill is passed?

Mr. Francis Scarpaleggia: Mr. Speaker, I would like to thank the member for her question.

I read the Supreme Court's ruling in R. v. Tse very closely. I read the decision with Bill C-55 in hand, and I was able to see that this bill follows the court's privacy directives.

Some of the bill's wording bothers me, though, and the member for Gatineau mentioned one example. Does the term “peace officers” include private sector security guards? Is the definition that broad?

I expect the government to agree to have subject matter experts testify before the committee and to give these experts the latitude to fully address the issue.

[*English*]

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, the member indicated that we would support the bill going to committee, but I have two specific questions.

First, is there any advice he can provide the committee that would be studying the bill in terms of amendments or areas of improvement to the bill?

Second, could the member comment on the extent to which the drafters of the bill have heeded the advice of the Supreme Court of Canada? Is all of the advice contained in the Tse decision incorporated into the bill or is there room for improvement?

Mr. Francis Scarpaleggia: Mr. Speaker, my colleague is another fine member of the bar.

Based on my reading of the decision, the bill responds to the concerns and directives expressed in the decision. However, as I mentioned in my speech, I am a little curious as to why the government went further in some way than the court requested when it came to the applicability of section 184.4 to offences.

The court was quite clear in its decision that section 184.4 did not have to apply exclusively to the offences in section 183. Yet the government seems to have narrowed the scope of section 184.4 to only those offences. If the government really wants to prevent harm to persons or property, why does it not take the broader perspective that the court recommended?

[*Translation*]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I will be sharing my time with the excellent, elegant, hard-working and resourceful member for Halifax. She will be using the second half of the time allotted for this speech, so we will have the opportunity to hear from her.

I am rising after the member for Gatineau, who gave a wonderful speech about this issue.

We will be supporting this bill at second reading. However, it is unbelievable that the government is introducing a bill now, even though it knew for a year that changes were needed.

The Conservatives did nothing for a year. They introduced Bill C-30, which the public clearly rejected. The government even tried to denounce those who were opposed to their ill-conceived bill. The government reacted, but luckily, pressure from the Canadian people eventually forced it to abandon the bill.

Now the Conservatives have introduced Bill C-55, only 19 days before the deadline of April 13, 2013, which was imposed by the Supreme Court.

We have 19 days in total to debate it at second reading and to examine it in committee. We have 19 days to hear from witnesses from all over and to do the clause-by-clause study in order to avoid problems and ensure that the Supreme Court does not have to deal with another botched bill from this government. We have 19 days to get to third reading, to consider proposed amendments and to have a final debate and vote. That is completely ridiculous, when we have known for a full year that the government had work to do on this.

Once again, the government did not do its job. This is not the first time. We on this side of the House see this as a real problem.

As the hon. member for Gatineau put it so well, this government's bills are botched, improvised, flawed and nonsensical.

When our work is not done in the House, when witnesses do not have time to come and share their expertise, and when members do not have time to do the clause-by-clause and amend a bill based on what witnesses tell us, what happens?

True to form, the government moves a closure motion, and the bill passes, even if it is a bad, improvised bill. Canadian taxpayers are then forced to pay judges to examine the merits of the bill.

When the government does not do its job and disrespects the opposition members, Canada as a whole pays the price. Now the Supreme Court has to examine several Conservative bills that are botched, flawed and improvised. In fact, the Conservatives introduced yet another botched bill here today.

The Conservatives continue to have an attitude of entitlement. They think that they can introduce any bill in the House and that it does not matter if it is flawed. As a result, we end up spending a lot more time and tax dollars to fix these botched bills than we would if the Conservatives were disciplined and did their homework properly from the start. I think that Canadians are fed up with this.

That is one of the many reasons why more and more Canadians are saying that they look forward to 2015, when they will be able to get rid of this government and bring in a government that will introduce well-written bills, listen to witnesses and amend its bills accordingly.

In a democracy, it takes time to listen to the opinions of people across this diverse country and to fine-tune bills.

The government is being irresponsible and taking that time away from us. Even if we could work together since the deadline is 19 days away, the reality is that, if the government refuses to co-operate and tries to impose its opinion, then we will once again end up with a Conservative bill that is likely to be challenged in the courts.

● (1320)

If the government refuses to co-operate and tries to impose its opinion, we will once again end up with a Conservative bill that will be challenged in the courts, as we heard this morning and as we have been seeing for months. That is not what Canadians want. They want us to take the time to do things right here in Parliament.

● (1325)

[*English*]

We now have 19 days to put forward this piece of legislation. We have 19 days to get through every single level of speaking, hear from witnesses and get through all of this work. All of this could have been avoided if the government had simply done its work a year ago. After the judgment came forward from the Supreme Court, the government could have moved forward in a responsible way. It chose not to.

Yet again, we have the Conservatives basically asking the NDP to fix the mistakes they have made. Very many Canadians are looking forward to the day when we will not have to have Conservative mistakes fixed, when we will have an NDP government that can bring forward legislation that actually meets that test and receives the consent of the population.

I want to talk about the broader justice agenda. Bill C-55 is part of it. It is symptomatic of just how bad the Conservatives are on justice issues. We had crime prevention programs in the country that were doing a remarkable job. Crime prevention programs are a good investment for Canadians. When we put $1 into crime prevention, we save $6 later on in policing costs, court costs and prison costs. For every buck put into crime prevention, we see a $6 return. More importantly, we do not see victims, because the crime is never committed in the first place. That has always been the foundation of how the NDP has approached justice issues.

What did the Conservatives do? They gutted crime prevention programs. They destroyed them across the country. In my area and elsewhere, Conservatives have gutted the funding that would allow crime prevention programs to stop the crime before it is even committed, to stop having victims because the crime is not committed, saving $6 in policing costs, court costs and prison costs for every $1 spent on crime prevention.

The Conservatives have done far more in a negative way for Canada. The whole issue of putting more front-line police officers in place was a commitment made by our former leader, Jack Layton, and by the Conservatives before the last election. What have the Conservatives done? Nothing. They have failed on that front-line policing duty.

Most egregious, and there is only one way to put this, is the Conservatives' complete lack of respect for our nation's police officers and firefighters in terms of the public safety officer compensation fund. Members will recall that six years ago, before the Conservatives were elected, they voted for and committed to putting in place a public safety officer compensation program so that when our nation's police officers or firefighters are killed in the line of duty, killed protecting the Canadian public, their families are taken care of.

Since that time, I have talked to families who have lost their homes, kids who have had to quit university, and spouses who have had to try to put something together to keep the family together, because the Conservatives broke their promise to the nation's police officers and firefighters. For six long years now, firefighters and police officers have been coming to Parliament Hill. For six long years, the Conservatives have given them nothing more than the back of their hands. That is deplorable.

In 2015, when an NDP government is elected, what we are going to see is respect for the nation's police officers and firefighters. We are going to see in place a public safety officer compensation fund. We will never again see the families of our nation's police officers and firefighters left to fend for themselves because the federal government does not respect them and does not care about them.

We in the NDP take a different approach on these issues. We actually believe that bills should be brought forward in the House of Commons in a respectful way. We should hear from witnesses, improve the legislation, and make sure that it is not the type of legislation that is then subject to court challenges just to fix the mistakes the government has made.

We would take a more mature and more professional approach to justice issues. Like so many other Canadians, I can hardly wait for 2015.

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I thank my colleague. As always, his passion for the legislative process is evident. He pointed out the Conservatives' shortcomings in some areas, including the fact that it does not allow us enough time to examine bills that it introduces. The bills should also not be bricks.

I would like to hear what he has to say about the fact that MPs once again have limited time to speak, all because the government has been dragging its feet. Does this not remind him of all the times debate on other bills has been cut short? It is a similar tactic used in a different way.

● (1330)

Mr. Peter Julian: Mr. Speaker, I thank the member for LaSalle—Émard, who is a strong advocate for her constituents and all Canadians in this House. I appreciate her work in the House and thank her for her question.

That is precisely the problem. I am talking about those who voted for the Conservative Party, and I know there are fewer and fewer of them. In my riding, the people who voted for the Conservative Party last time have no intention of doing so next time because of things like this. The government hands Parliament sloppy bills, and these bills then get passed because the government moves closure motions. These same bills end up being challenged in court. Then, taxpayers end up on the hook for the court costs to fix the problems.

Although we sometimes agree with the principles of certain bills, they are patched together and are so poorly drafted that taxpayers are forced to spend more of their hard-earned money to fix the Conservatives' mistakes. Canadians deserve better than that.

[*English*]

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, I would like to congratulate my colleague from British Columbia on his awesome speech. He talked about all the promises the Conservatives made to the police officers and firefighters six years ago. We could hear them yip-yapping in the background. We can still hear them.

Now they have a chance to stand and ask questions, but they are not. What is happening on the other side? Are they maybe ashamed of having promised these firefighters and police officers that they would do something to help their families, and now that it is time to do it, they are not doing anything?

Would the member give his opinion on that, please?

Mr. Peter Julian: Mr. Speaker, the member for Nickel Belt is a terrific member to work with. I work with him on the natural resources committee. He has been a very strong representative for Nickel Belt in the House of Commons. He is very eloquent and very knowledgeable, so I appreciate his question.

It is absolutely shameful treatment. It is shameful for the Conservatives to have voted to bring in the NDP bill and to have promised in the election campaign that they would bring it in. For six years police officers and firefighters have been asking, "Can you take care of our families when we pass on? When I die in the line of duty, can you take care of my family?" Is that too much to ask so that they do not have to sell their homes, so that the kids do not have to quit school, and so that they are actually taken care of by a grateful nation? That is what New Democrats stand for. That is what Canadians stand for: respect for our nation's police officers and firefighters.

I have no doubt that the Conservatives should be ashamed of the behaviour they have exhibited over the last six years by giving the back of their hands to firefighters and police officers in our country.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, I want to note the heckling from the other side about "hug-a-thug" and that kind of nonsense. It is pretty depressing to be here and to hear that kind of talk, when it is very clear that the hecklers on the other side have not actually read this legislation and do not really know what it is about. This is a serious issue in front of us. This is a decision from the Supreme Court of Canada, which has instructed Parliament to change the Criminal Code of Canada.

Let us do a legal analysis of the bill. We will start with the Charter of Rights and Freedoms. Specifically, let us start with section 8, which provides that everyone has the right to be secure against unreasonable search and seizure. There are very few words, but there is a lot packed into that section.

The courts have held that a search without a warrant is unreasonable. The standard for determining whether a search is reasonable is to have it brought before a judge. There must be a neutral and impartial party, such as a judge, who can determine if a search is unreasonable. However, the courts have noted, in particular Justice Dickson in Hunter v. Southam that:

> [I]t may not be reasonable in every instance to insist on prior authorization in order to validate governmental intrusions upon individuals' expectations of privacy. Nevertheless, where it is feasible to obtain prior authorization, I would hold that such authorization is a precondition for a valid search and seizure.

However, there is also a long line of case law that states that judicial authorization can actually be waived if there is potential for serious and immediate harm or exigent circumstances. I use those words purposely: serious and immediate harm. For example, when a person calls 911, the police are actually permitted to enter the home without a warrant. Why? It is because it has been held that the police duty to protect life warrants and justifies a forced entry into the home in order to figure out if the person is safe. Section 184 of the code says that violations of privacy are against the law, but then we say that this can be violated or waived with judicial authority. However, judicial authority can be waived if there is potential for serious and immediate harm. That is the chain of thinking.

Bill C-55 is an attempt to update the wiretapping provisions in section 184.4 of the Criminal Code. Why? The government is making an attempt to update the code after the Supreme Court of Canada's decision R. v. Tse struck down the wiretapping provisions in the Criminal Code because they violated section 8 of the charter, which I described, which is the right to be secure against unreasonable search and seizure.

It is worth noting that the court gave us the deadline of April 13, 2013 to correct the decision, but here we are in February 2013 debating this legislation.

I will move on to the analysis. Before we can analyze Bill C-55 and the government's proposal, we need to take a close look at what the Supreme Court said about section 184.4. We need to understand the problems with section 184.4 and why it was struck down if we are going to be able to understand whether this attempt by the government actually fixes those problems or whether we are going to have the same constitutional problems.

The court stated that:

> [I]n principle, it would seem that Parliament may craft a narrow emergency wiretap authority for exigent circumstances to prevent serious harm if judicial authorization is not available through the exercise of reasonable diligence.

These are lots of words, but let us unpack them.

When section 184.4 made its way through Parliament in 1993, there was testimony at committee about the need for this kind of emergency power for situations such as hostage takings, bomb threats and armed standoffs. These are pretty serious situations. There was also testimony that this was necessary for very short periods of time during which it might be possible to actually stop that threat and prevent harm from occurring.

I will return later to the phrase "peace officers" in the wording of section 184.4.

● (1335)

Peace officers may only use the power to wiretap without judicial authority if they believe, on reasonable grounds, that the urgency of the situation is such that authorization could not, with reasonable diligence, be obtained under any other provision in the part, so there are four key concepts there.

What happened? The Supreme Court of Canada found that section 184.4 does not meet accountability standards because it does not provide any accountability measures. If we think about it, wiretapping is not at all like a 911 emergency call.

I want to quote something important from the decision.

The Supreme Court of Canada quoted Justice Davies who, I believe, wrote the court of appeal decision:

> The interception of private communications in exigent circumstances is not like situations of hot pursuit, entry into a dwelling place to respond to a 9-1-1 call, or searches incidental to arrest when public safety is engaged. In those circumstances, the person who has been the subject of a search will immediately be aware of both the circumstances and consequences of police action. The invasion of privacy by interception of private communications will, however, be undetectable, unknown and undiscoverable by those targeted unless the state seeks to rely on the results of its intentionally secretive activities in a subsequent prosecution.

In other words, it would actually come out in court. In this case, however, a person could actually be wiretapped and never know it. There is no accountability here.

Another piece that the Supreme Court quoted was the intervener, the Criminal Lawyers Association, and I think this is really interesting:

> ...notice is neither irrelevant to section 8 protection, nor is it a "weak" way of protecting section 8 rights, simply because it occurs after the invasion of privacy. A requirement of after-the-fact notice casts a constitutionally important light back on the statutorily authorised intrusion. The right to privacy implies not just freedom from unreasonable search and seizure, but also the ability to identify and challenge such invasions, and to seek a meaningful remedy. Notice would enhance all these interests. In the case of a secret warrantless wiretap, notice to intercepted person stands almost alone as an external safeguard.

As we can see, it is not at all like a 911 call, and we need to have notice. As was pointed out, notice after the fact is still notice. There needs to be an accountability provision, and the Supreme Court of Canada found that Parliament actually failed to provide adequate safeguards to address the issue of accountability in relation to unwarranted wiretaps and went on to outline why this charter breach was not saved by section 1 of the charter.

Parliament was tasked with drafting a constitutionally compliant provision. How has the government attempted to deal with these accountability provisions?

It did introduce a new provision that the authorization should be reported back to Parliament by the Minister of Public Safety.

Like any law student, I took criminal law, but I am far from a criminal law expert. However, it strikes me that this might actually be a creative way of addressing this issue, the issue of accountability.

Offhand, I cannot think of any similar accountability provisions whereby the accountability problem is solved through annual reports to Parliament. In a way it reminds me a bit of a sunset clause, when legislation is debated and is brought back to the House for debate again, but at the same time, it is really quite different. Through this way of dealing with the report, quite a number of details would be introduced in section 195 of the Criminal Code.

It is interesting, it is potentially very creative, and I am curious about how it would work. My first instinct is to think that it just might work, but then I remember where I am. I am in the House of Commons in the 41st Parliament, with a Conservative government that refuses to accept amendments to legislation, that invokes closure or time allocation to stifle debate, that buries important legislative policies and changes in omnibus legislation.

I would like to see the bill go to committee not just to find out if this is a creative and interesting accountability solution that might work but also to find out if it would work in the context of a government that has such disdain for parliamentary oversight.

I cannot say I have the answer to those questions right now, but I really do think Canadians have good reason to be concerned about the legislation, because the government's record on privacy is not very encouraging.

I very much look forward to the testimony at committee.

Thank you, Mr. Speaker.

● (1340)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I want to highlight what we believe is a big issue with the government, and that is negligence in terms of procedure and the way it brings things into the House. The member made reference to this as she started to wind up her speech.

It is important that we recognize that the government is now expecting us to pass the bill through the House, committee, back into the House and so forth, between now and April 13. That is not a reasonable timeframe. However, because the government was so negligent by not bringing the bill forward in a more timely fashion, the type of due diligence the House should be giving to legislation of this nature is going to be put into question. We see the benefits in its going to committee, but I wonder if she might want to comment about the timeframe and the idea that the bill has to be passed by April 13. Would she agree that it is highly irresponsible of the government to do it in such a poor fashion?

● (1345)

Ms. Megan Leslie: Mr. Speaker, I appreciate the opportunity to answer that question because I did not have time to address it in my speech.

I do not have answers to the questions I raised here today and I am not sure we are going to be able to get to them in about 19 days. I think this is negligent attention to parliamentary duty. I do not think the government has acted. It did bring forward Bill C-30. We see a lot of the provisions of Bill C-30 now in Bill C-55, but Bill C-30 was a total, utter, abject failure, and Canadians cried out against it. Rightly, finally, the government did withdraw that piece of legislation.

However, here we are. The clock is ticking. It has been practically a year, and now we have this legislation in front of us and we are just supposed to agree and vote for it. That is not responsible decision-making. That is not a responsible way to make legislation.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, compared to Bill C-30, this bill is focused. It is looking at the specific issues of how we appropriately balance warrantless access to anything. I stress warrantless. It is not as though our police forces, even prior to the Criminal Code sections that were found offensive by the Supreme Court of Canada in the recent court case, did not have access, but the idea of warrantless access is inimical to democracy.

It is worrying to say there is not time to go to a judge to get a warrant before intruding in someone's affairs if there is otherwise no lawful access to that information. Clearly, in emergency situations such as kidnapping and so on, we want police to do everything they can to save lives. Does the hon. member for Halifax have any sense at this point whether the public report that would be required at the end of each year would be sufficient to meet the Supreme Court's concerns?

Ms. Megan Leslie: Mr. Speaker, I agree with my hon. colleague that warrantless searches like this are worrying. However, the courts have determined that in principle Parliament may—and that is a key word—craft a narrow—another key word—emergency wiretap authority for these kinds of circumstances.

Will the report be the balance we need for that extreme violation of our charter rights? I cannot answer that question. This is yet another reason we have to get this bill to committee. We have to have the proper legal analysis.

We also have to have more than 19 days to get this done. The government has not allowed us to do our duty as legislators and properly review this legislation, given the time constraints that the Supreme Court of Canada has given to us.

It is worrying. I absolutely agree with her on that point.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I would like to congratulate my colleague on her excellent speech.

Although it did not render a ruling, the Supreme Court also considered the issue of the definition of "peace officer". Could my colleague expand on her extraordinary analysis of the bill by sharing her thoughts with those of us who are members of the Standing Committee on Justice and Human Rights and who will be debating this issue?

[*English*]

Ms. Megan Leslie: Mr. Speaker, I appreciate being able to answer this question as well because I did not have a chance to get to it in my speech.

The Supreme Court of Canada did have a problem with the fact that the wiretap power could be granted to peace officers who were not police officers. The government has, it seems, addressed this problem and has narrowed it to police officers. It potentially looks like a good step. I look forward to the testimony at committee.

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, I am pleased to have an opportunity to rise and indicate that I will be sharing my time with my colleague, the member for Portneuf—Jacques-Cartier.

I appreciated and enjoyed the presentation from the member for Halifax, who has the constituency adjacent to mine. I know that she and her constituents enjoy looking across at the wonderful constituency of Dartmouth—Cole Harbour.

We were provided some wonderful information about the Supreme Court decision that led to Bill C-55. I do not have the capacity to engage in the type of legal analysis my colleague did. However, on the question of legislative procedure, there is a need for all members of this House to understand what their responsibilities are and to ensure that they follow through on those responsibilities, so that each and every piece of legislation tabled in this House does not leave the House unless it has been fully examined and vetted and until we have ensured that it is the best possible piece of legislation that it can be.

These are the laws of our country. These are the laws that affect all of our constituents. These are the laws that will continue to exist long after we have left here. It is incumbent upon us to ensure that we dot the *i*s and cross the *t*s so that a piece of legislation does not leave here and immediately get struck down by the Supreme Court of Canada, for example, because we did not show due diligence.

Members should understand that this bill, which is a direct response to a decision by the Supreme Court of Canada, is being introduced in this House with a time limit of 19 sitting days to deal with it. It is absurd that the government, in all seriousness, would expect members of this House to deal with a piece of legislation of this magnitude—one as detailed and specific as this is, and one with such serious ramifications for privacy and for the jurisdiction of the Supreme Court of Canada—in 19 sitting days. That means the justice committee will have about two days to examine this important piece of legislation.

Let us not forget that the current government does not have a very good record when it comes to issues of privacy or when it comes to introducing legislation and trying to ram it through this House.

We have already seen provisions in some of its justice legislation struck down and seriously questioned by some of the courts in this land. We know what happened to the bill that was supposed to take care of this, the bill that preceded this, Bill C-30, which was tabled approximately a year ago in this House. It was torqued up by the minister, who tabled it in such a partisan, mean and ugly manner that Canadians from one end of this country to the other responded with outrage at the manner in which the government and that minister were dealing with such a sensitive and important issue to all Canadians.

● (1350)

They spoke with one voice. They said that it was simply unacceptable that the Government of Canada would deal with a very important issue in such a partisan and irresponsible manner. It was later determined, as people sifted through the details of the legislation, that the government did not do what it said it would do, that it was flawed in so many ways that finally the minister and the government tried to kick it under the carpet, pretend they had never tabled it and that they did not know what people were talking about when discussing the infamous Bill C-30.

What I remember, and I suggest what many members on this side and many Canadians remember, was the second attempt, in part to deal with something that Bill C-30 was supposedly to deal with. The government tells us not to worry, that it has been dealt with it, that it has responded to what the Supreme Court of Canada has said, that it has been very specific, that it has limited it to the particular provision as it relates to section 184.4 and that it has it covered. Therefore, there is no need for members to be concerned or engage in a great deal of debate, so we do not need a lot of time.

The NDP critic, who gave such an eloquent and informative speech at the beginning of this debate, suggested that the government often introduced legislation with a sense of arrogance and knowing what was best: regardless of the members opposite and the constituents they represented had to say, the Conservatives were the ones who had all the answers, so when they brought in legislation that they said was good to go, we should say "fine" and let it go. However, that is not what we were sent here to do.

The government has shown that we have to be on our toes because it does not do its job. It has been raised in the House by members on this side on a number of occasions. They wonder why the government does not properly vet legislation. We understand that the demands of the Supreme Court are such that we are not, with completely certainty, able to say that a piece of drafted legislation will pass muster in the Supreme Court of Canada. Surely the government takes the time, and we have not had the answer, to ensure there has been some examination and sense of proportionality that any particular piece of legislation will pass muster in the Supreme Court of Canada, but it has not given us that assurance.

In terms of the legislation the government has presented to the House since May of 2011, much of it has been flawed in detail and substance. It sometimes seems that when the government produces legislation, it is more concerned with the title and politics of the legislation than it is with the details, the substance, the implications and the impact that changing the laws of our country will have on Canadians. That is very much a case of the government thumbing its nose at members of the chamber.

On initial review of this bill, we hope it will do what the government says it will in relation to the Supreme Court decision. There will be an examination of the bill at the justice committee. Let us hope we get the opportunity to examine the bill to ensure that when it heads out of the House, we have made sure it is in fact the best piece of legislation it can be.

● (1355)

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Dartmouth—Cole Harbour will have five minutes remaining for questions and comments when the House next returns to debate on this question. I expect that will happen sometime later this afternoon.

STATEMENTS BY MEMBERS

[*English*]

QUEEN'S DIAMOND JUBILEE MEDAL

Ms. Roxanne James (Scarborough Centre, CPC): Mr. Speaker, on Sunday February 17, I had the privilege to present the Queen's Diamond Jubilee Medal to 17 outstanding individuals from within the Scarborough community. Among the recipients were two metro Toronto auxiliary police, two World War II veterans and five others who have served or are currently serving in our military.

Today I wish to honour Master Corporal Alan Watson and Master Corporal Calvin Lui.

Master Corporal Watson is a chief trainer with the Toronto Scottish Regiment and has provided over 10 years of honourable service to our nation.

Master Corporal Lui has been a member of the armed forces for seven years and has stood in defence of Canada at home and abroad.

Both men have served in Afghanistan. In fact, Master Corporal Lui has served two terms and during the ceremony I learned later that evening he was returning overseas.

It was truly an honour as a member of Parliament to present medals to such deserving individuals. I invite all members of the House to join me in recognizing these brave young men.

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● (1400)

BLACK HISTORY MONTH

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, as Black History Month draws to a close, I rise to recognize Windsor-Essex's role as the gateway to freedom for untold thousands of men, women and children fleeing the insidious evil of slavery and to commend those fearless Canadians of conscience who, even in the face of grave personal risk, assisted their flight.

Over 40,000 would seek and find in Canada the liberty that was their birthright by way of that great conspiracy of conscience, the underground railroad.

The impact of these newly liberated and their descendants is felt to this day on both sides of the Detroit River. Even in the face of persistent systemic discrimination, they have made invaluable contributions to Canadian society in the fields of politics, the arts, education, commerce and the law, to name just a few.

I urge all Canadians to explore this proud legacy of redemption, which vindicated an oppressed but irrepressible people's belief that somewhere beneath that unwavering star lay the true north—indeed strong, but most important above all, free.

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INFRASTRUCTURE

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, over the past few weeks, I have had the pleasure to announce several funding announcements in the riding of Kootenay—Columbia.

In Area A of the Regional District of East Kootenay, $5.4 million was provided through the gas tax fund for upgrades to an aging sewer system in West Fernie. This will remove septic systems and provide for safe disposal of effluent.

In Fernie, B.C. over $600,000 was provided to upgrade an outflow system for effluent that flows to the Elk River.

In Sparwood, B.C. over $750,000 was provided to upgrade the heating system in the recreation facility. By trapping excess steam from the boiler system, the entire facility will be heated with better efficiency.

These, along with a number of CIIF grants throughout the Kootenay—Columbia riding, continue to create jobs, growth and prosperity, making the Rocky Mountains one of the most sought after places in Canada to live and recreate.

* * *

MISS ALLY

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, all members of the House are aware of the terrible tragedy that happened on Sunday, February 17 when the fishing boat the *Miss Ally* went down off Nova Scotia with the loss of five lives.

All of us, including my hon. colleague for South Shore—St. Margaret's, in whose riding the community of Woods Harbour is, and all those members across the country who have either through direct experience living near fishing communities or having visited the coast of the country and other parts of the country where there are fishing communities, recognize what a dangerous lifestyle it is to go out on the sea and fish, particularly in a month like February.

All my colleagues, like my hon. colleague from South Shore—St. Margaret's, join me and the Liberal Party in expressing our condolences, our heartfelt sympathies to the people of Woods Harbour, especially the families affected by this terrible tragedy.

* * *

ROYAL CANADIAN SEA CADET CORPS *REPULSE*

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Mr. Speaker, one month ago today I had the honour of attending the change of command ceremony for the Royal Canadian Sea Cadet Corps *Repulse*. The ceremony represented the transfer of command from commanding officer Lieutenant Commander David Anderson to the new CO and first female CO of Repulse, Lieutenant Carol Weston.

During Lieutenant Commander Anderson's six years in command, he oversaw many triumphs in the face of adversity for Sarnia's sea cadet corps. From negotiating serious tax issues to overcoming the near closure of the cadet sail centre, David Anderson gave countless hours of dedicated service to address extreme challenges.

His leadership was a major factor in Repulse procuring the Libro ship simulator, making it the only corps in Canada with a DNV-qualified full bridge simulator. Other accomplishments are too numerous to list.

I thank Lieutenant Commander Anderson for his dedicated service and wish him well in future endeavours. I also wish his successor the best as she guides the Repulse for many more years of success.

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● (1405)

100TH BIRTHDAY CONGRATULATIONS

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, it is not every day that one not only gets to meet a 100-year-old citizen of Canada but also a 100-year-old World War II veteran who helped liberate my parents in the liberation of the Netherlands. Not only that, but Mr. Jim Broomfield, of Galt, Ontario, spent eight months as a prisoner of war, sacrificing his time in his youth for the liberation of the Netherlands and the free world by serving Canada in his country.

Mr. Broomfield will be honoured later on this year in the Cambridge Sports Hall of Fame for being an 80-year member of the Galt Curling Club. He is an outstanding human being. At 100 years old, he gets around a lot better than all of us.

I have to say, on behalf of my late father, my mother and all the Dutch people in Canada and the world that he and the veterans liberated, it is an honour, once again, to see him here. We greatly appreciate his tremendous efforts. He is a fantastic veteran, but most of all, he is a great Canadian.

He says that the secret to longevity is Dr. Jim Gowing and good scotch. God bless him.

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OFFICE OF RELIGIOUS FREEDOM

Mr. Bob Dechert (Mississauga—Erindale, CPC): Mr. Speaker, I rise today to applaud our government regarding the announcement made last week to establish an office of religious freedom within the Department of Foreign Affairs. The new office will have the responsibility to enshrine and promote the freedom of religion or belief as a Canadian foreign policy priority.

Many of my constituents in Mississauga are excited to see the launch of this new office, as it shows our government's continued dedication to promoting this fundamental freedom and to addressing the concerns of its citizens.

The office will be an important vehicle through which Canada can advance fundamental Canadian values, including freedom, democracy, human rights and the rule of law worldwide.

At the same event, the Prime Minister announced that Dr. Andrew Bennett will be heading up this new office. I had the pleasure to sit down with Dr. Bennett last week. It was apparent to me that he is a man of principle and deep conviction. I would encourage all members of this House to support the work of Dr. Bennett as he heads up Canada's new office of religious freedom.

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TANNING SALONS

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, my wife is a melanoma skin cancer survivor. She and I were both customers of tanning salons.

In 2009, the World Health Organization designated tanning beds category 1 carcinogenic to humans. This is at the same danger level as tobacco, asbestos, mustard gas and plutonium.

Since 2010, I have pushed for tougher action on indoor tanning and tabled Bill C-497 and Bill C-386. Yesterday the Minister of Health and I announced that new warning labels will be introduced that would strengthen the warnings about the dangers of using tanning beds. I want to thank the minister for taking this bold initiative.The new warnings state that “Tanning Equipment Can Cause Cancer” and that they are “Not recommended for use by those under 18 year of age”.

Skin cancer is one of the most common yet most preventable cancers, especially for our youth. We have come a long way. Eight provinces have already implemented or indicated their intention to enforce age restrictions on tanning beds. I call on all provinces to follow the lead of British Columbia, Quebec and Nova Scotia and ban our youth from using tanning beds.

MISS ALLY

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, today I rise on behalf of the official opposition to express our deepest sympathies to the families and friends of Katlin Nickerson, Steven Cole Nickerson, Joel Hopkins, Billy Hatfield and Tyson Townsend. These young men lost their lives last week when their boat, the *Miss Ally*, of Woods Harbour, Nova Scotia, capsized during a storm.

The sea can be an unforgiving master. Those who work by it are by no means faint of heart. The men who lost their lives leave behind loved ones who will remember their courage, their faith, their love of life and their determination to make a living in one of the most dangerous industries.

We are a seafaring country that has seen many such tragedies, but it does not make them any easier. Our prayers go out to the families of these lost ones.

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● (1410)

YOUNG SCIENTIST AWARD

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, Adam Noble is a young award-winning scientist from Peterborough. His research won gold at the Intel Science and Engineering Fair in Pittsburgh last May. Adam is one of Canada's brightest minds. He spoke to journalists after meeting with the Prime Minister last week and said:

> Canada is one of the only countries right now increasing the amount of funding going into primary research.... I've really changed my view on how research is in Canada.

Adam is now in the early stages of starting his own company. After meeting with the Prime Minister, he has chosen to do so right here in Canada.

Our government has made science and technology a priority, and we are getting results. We are creating jobs, strengthening the economy, and attracting the world's brightest to study and research here in Canada. We have invested an unprecedented $8 billion in new funding since 2006, and we will continue to support science and technology, even if others vote against it.

On behalf of all parliamentarians, we send congratulations Adam Noble and congratulations to the Minister of State (Science and Technology).

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NISHNAWBE-ASKI NATION POLICE

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, last month, a young woman committed suicide in the back of a police car at Kasabonika Lake First Nation. The police had been using the vehicle as a temporary holding cell, because the jail was so run down that she would have frozen if they had kept her inside.

These unbelievable conditions are the day-to-day reality faced by the brave men and women of Nishnawbe-Aski Nation police as they attempt to service the communities across northern Ontario. They are working without backup, in cars without central radios, in third world housing conditions and with increasingly high levels of post-traumatic stress disorder.

The government promised to provide safe streets, but it has left NAP so underfunded that lives are being put at risk. Worse still, the government is set to cut the PORF funding, which will mean more layoffs to an already badly overstretched force.

Why the double standard? It is time we had safe communities all across Nishnawbe-Aski territory and all across northern Canada, for that matter, as well.

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NEW DEMOCRATIC PARTY OF CANADA

Ms. Joan Crockatt (Calgary Centre, CPC): Mr. Speaker, our government understands that Canadians work very hard for their money, which is why the last thing Canadian families want is to pay more for gas, food and electricity. Unfortunately, the NDP's proposed $20-billion carbon tax would be economically devastating for families and would raise the price of everything. Families need to know about the NDP's dangerous economic policies.

Thankfully our government understands what Canadians want, and that is a government that is focused on growing the economy. That is why, thanks to our government, Canada has the lowest debt burden in the G7, by far, and the best job creation record, with over 900,000 net new jobs since July 2009. That is why Canada is a leader in a troubled global economy. Our government will continue to fight the NDP's $20-billion job-killing carbon tax to protect Canadian families.

* * *

HON. EUGENE WHELAN

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, Canada lost one of its most remarkable political citizens with the passing last week of the Honourable Eugene Whelan.

A distinguished and hard-working member of this House as the member for Essex, Gene Whelan was an outstanding minister of agriculture for many years. His sense of dedication and his sense of humour were equally legendary. With his trademark stetson hat, Gene could be seen in meetings not only around Canada but around the world. He cared deeply about the success and prosperity of individual farmers and the industry as a whole.

Quite rightly, last month, the House paid tribute to John Wise, of nearby Elgin County, another minister of agriculture who deeply respected Gene Whelan's work and dedication. The respect was mutual. We should all pause to reflect on these two men, what they did, what they gave and what they stood for.

Our hearts go out to their families and friends. For our part, we remember what they gave, and while we grieve, we also celebrate lives well lived.

● (1415)

CONSERVATIVE PARTY OF CANADA

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Mr. Speaker, since Conservatives have come to office, there have been over 27,000 jobs lost in Ontario's forestry sector. Across the land, we are witnessing a slow erosion of seasonal industries.

Instead of respect or sympathy for those thrown out of work, Conservatives attack. They give quotas to Service Canada staff, while sending out EI inspectors to the homes of out-of-work Canadians. They should stop treating EI recipients like criminals and start catching Conservatives who break the rules.

They do not even need inspectors. All they need to do is ask at the next Conservative caucus meeting, "Will all those who have collected $40,000 in housing allowances they were not entitled to please raise their hand?" or "Who actually lives in the province they represent?" It will be like everybody has to go to the bathroom at the same time.

Thankfully, Canadians have the NDP. While Conservatives stand to defend Senate entitlements, the NDP will continue to proudly stand up, day after day, to defend Canadian taxpayers.

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MISS ALLY CONDOLENCES

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, the seas of the North Atlantic have always been inherently dangerous for those who work upon them. Every south shore fishing community knows this first-hand, and all have experienced the sorrow and heartache of losing loved ones. However, that did not make the burden of grief any lighter when on Sunday, February 17, the halibut fishing boat *Miss Ally* and all hands were lost.

Captain Katlin Nickerson, Tyson Townsend, Billy Jack Hatfield, Cole Nickerson and Joel Hopkins were young men with young families and experienced and able fishermen.

I would take a moment to recognize the tremendous efforts of the local volunteers who assisted in the recovery attempt and the men and women of the joint rescue coordination centre in Halifax, the Canadian armed forces, the Coast Guard, search and rescue, and the RCMP, all of whom have been moved by this tragic loss.

To the immediate and extended families of the lost fishermen and their communities, on behalf of all members of this House, we extend our prayers and our deepest condolences.

ORAL QUESTIONS

[*English*]

ETHICS

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, Conservative Senator Mike Duffy has now admitted he mistakenly collected, maybe, about $100,000 in Senate housing allowances. How does one accidentally claim $100,000 in living expenses? He says the form was too complicated.

We also have Senator Pamela Wallin, who has an Ontario health card while claiming to be a resident of Saskatchewan. She told the federal government that she lived in one province but told the provincial government that she lived in another.

This would be unacceptable for any other Canadian. Why does the Prime Minister seem to think it is acceptable for his Conservative senators?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, we have committed to ensure that all expenses are appropriate, that the rules governing expenses are appropriate, and to report back to the public on these matters.

Senators Patterson, Wallin and Duffy all own property in the provinces and territory they represent. They maintain deep continuing ties to those regions. In fact, all three senators spend considerable time in their home provinces and territory, and in the case of Senator Wallin, who was mentioned, 168 days last year.

The reality is that if we want to see real change in the Senate, real change toward an accountable Senate, we need to embrace the Conservative proposal to actually let Canadians have a say on who represents them in the Senate. The NDP simply will not do that.

[*Translation*]

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, the Prime Minister dismissed the allegations against Senator Wallin before the audit of her travel expenses was even complete.

The Prime Minister dismissed the allegations against Senator Duffy before the investigation of his housing expenses was even complete.

The Conservatives are not shy about making unfounded accusations of fraud against employment insurance claimants, but they are not doing anything to prevent the real fraud that is being committed in the Senate. This is a double standard.

Why are the Conservatives refusing to launch a real investigation of fraud in the Senate?

● (1420)

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, we have committed to ensuring that all expenses and the rules governing them are appropriate. We have also committed to reporting back to the public on these matters.

The senators own property in the provinces they represent and maintain deep, continuing ties with those regions. They spend considerable time in their home provinces and territories.

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EMPLOYMENT INSURANCE

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, that is the thing: Conservative senators are presumed innocent, while unemployed people are presumed guilty.

Three weeks ago, the Minister of Human Resources told the House there are no quotas to exclude Canadians from the employment insurance program. *Le Devoir* reveals that this is completely false and there are indeed quotas.

The Minister calls the victims of these quotas "the bad guys". In the Conservatives' eyes, they are all cheats and fraud artists.

Will the Conservative government apologize to the thousands of honest working Canadians it is treating like criminals?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, let us be clear. If there are no jobs in an unemployed worker's field and region, employment insurance will be available, as always.

Service Canada has confirmed that it does not set quotas that result in negative consequences for employees who do not meet them. What there are, in fact, are performance objectives that help to protect benefits meant for unemployed people from fraudsters.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, that is false.

In the House, she denied that there are quotas. *Le Devoir* revealed that this is false and there are indeed quotas. She can call it what she wants, but the truth will out.

When she was found out, she misled the House. Now, the Conservatives are sending inspectors to the homes of honest unemployed people, Canadians of good faith who are entitled to a little help when they are looking for work.

Can the Conservatives stop siccing their secret EI reform police on unemployed people?

[*English*]

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, last year the employment insurance program lost hundreds of millions of dollars due to fraud and ineligible payments, and that despite nearly half a billion dollars of ineligible payments that were detected and stopped by Service Canada.

The only people who lose if the opposition stops us from rooting out employment insurance fraud are Canadians who follow the rules, but EI will be there for those who are eligible for it if they cannot find a job in their area, just as it always has been.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, telling investigators that they are each required to find half a million dollars in fraud presumes that there is widespread fraud and that they are all a bunch of cheaters and criminals. That is false.

The minister is sending investigators into the homes of randomly selected seasonal workers in Atlantic Canada. They cannot send them to inspect senators, of course, because we do not know where they actually live. We know what the Prime Minister thinks about workers in Atlantic Canada. He calls them losers, and says that they have a "culture of defeat". Does that explain the reaction and the attitude of the minister? Does she think they are a bunch of losers as well?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, that is absolutely a load of nonsense. We are supporting Canadians in their efforts to get back to work. That is why we have expanded the job alerts program and we have expanded the job banks, so Canadians get the information about the jobs that are available for them.

EI is there as a temporary income support to help Canadians while they are transitioning to another job. However, if the jobs are not available, then EI will be there for Canadians as it always has been.

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ABORIGINAL AFFAIRS

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, the new Minister of Aboriginal Affairs and Northern Development said on the weekend that in fact there was no issue of resources with respect to the aboriginal issue in Canada, that it was all a matter of accountability.

Does this then mean that the payments per student are going to continue to be lower on reserve than they are off reserve? Does this continue to mean that police forces are going to be forced to live hand to mouth, from day to day, in comparison to what is going on in the provinces around them? Does this mean, in fact, that those who are on welfare are going to receive substantially less and that children are going to receive substantially less because of the discrimination—

● (1425)

The Speaker: Order, please.

The hon. government House leader.

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, simply put, we do not accept the premise of the leader of the third party's question. Indeed, it is certainly the case that the education funding provided by the government is comparable to that provided for off-reserve Canadians by most of the provinces. We actually believe that the best way to ensure that first nations children and families get the support they need is by working together with first nations, provinces and territories. We are doing that to ensure, most of all, that we benefit first nations Canadians by having a strong economy and by creating the educational and economic opportunities for them to succeed and advance, as all Canadians hope to do quite legitimately. That is our priority and that is what we are looking to deliver.

[*Translation*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, the facts are clear: federal government payments for education, social assistance, welfare, family wellness and police management are lower in northern Canada and discriminate against northern Canadians. It is clear that the federal government does not provide the same level of funding or the same support on reserves for costs associated with police services and prisons, in all circumstances.

So why are we not talking about resources when we talk about—

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

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, the leader of the Liberal Party is wrong. For example, in education, the funding that the government provides to aboriginal youth is at the same level as the funding offered to other young people pursuing an education in the provinces. Our priority is to create opportunities for aboriginal youth everywhere in Canada, in order to offer them a brighter future than in the past.

* * *

[*English*]

FOREIGN AFFAIRS

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, in the light of increasing evidence with respect to the activities of the government of Sri Lanka, its failure to reconcile with the minority Tamil population in Sri Lanka, its failure to deal with the human rights crisis, which is seen as increasingly deep, there being groups and observers across the board including the UN Human Rights Council that are challenging what the government of Sri Lanka is saying, can the Government of Canada state what it is doing to make sure that the next meeting of the Commonwealth heads of states will not in fact take place in Colombo but will be located elsewhere and that the Government of Canada has a clear position with respect to which meetings it will attend and which it will not?

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, the Prime Minister has spoken out, loudly and clearly, on this very important issue of human rights. He voiced our concerns on the lack of accountability for the serious allegations of war crimes and the lack of reconciliation with the Tamil community, and said the events that have taken place since the end of the civil war are unacceptable.

We have relayed the Government of Canada's position both to the high commissioner and directly to the minister of foreign affairs for Sri Lanka. Canada will continue to speak loudly and clearly on behalf of human rights around the world, especially in Sri Lanka.

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PUBLIC SAFETY

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, Conservatives are clearly not listening when it comes to first nation public safety. They refuse to commit to maintaining the funding for 18 first nation police services serving more than 40 communities. This funding runs out in March, but the government has yet to respond to a three-year-old request from the chiefs just for a meeting.

Will the Minister of Public Safety finally commit to this meeting, and will he agree to negotiate a new agreement to provide stable, long-term funding to help keep these first nation communities safe?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I do not know where the member is getting his information. I have been meeting with first nation communities on this very point. If the member wants an update on what meetings I have had and with whom, I am prepared to share that with him.

ABORIGINAL AFFAIRS

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, the Conservatives promised in 2008 to move toward reconciliation. Instead, they are fighting at the Canadian Human Rights Tribunal over funding discrimination of child welfare on reserves, and fighting to keep the Truth and Reconciliation Commission from accessing documents from Library and Archives.

Will the new minister stop these litigations by making documents available immediately to the TRC and providing equal funding for child welfare on reserves, and commit to real reconciliation?

● (1430)

Hon. Bernard Valcourt (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, let me say, first of all, we believe that the best way to make sure first nation children and families get the support and services they need is to work together with first nations, provinces and territories. I want to remind the hon. member that it is our government that introduced a culturally sensitive enhanced protection approach to protect thousands of children on reserve, and we will continue to work with first nations to ensure children and families have the supports they need to have safe—

The Speaker: The hon. member for Abitibi—Baie-James—Nunavik—Eeyou.

[*Translation*]

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Mr. Speaker, I hope that the applause across the aisle was a show of relief.

Tangible action is needed to restore a respectful nation-to-nation relationship with aboriginal peoples. We will not achieve that goal by wasting taxpayers' money on legal battles with the Truth and Reconciliation Commission of Canada over access to government documents or by refusing to meet with chiefs.

Can the new minister tell us how he intends to restore this relationship, starting with the proposed budget measures to improve the lives of aboriginal peoples?

Hon. Bernard Valcourt (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, we believe that the best way to ensure that first nations children and families receive the support and services they need is to work together with first nations and the provinces and territories in order to improve the situation. These are tough challenges. We will continue to work together with our aboriginal partners across Canada and with the provinces and territories to improve the situation for aboriginal people across the country.

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EMPLOYMENT INSURANCE

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, on February 1, the Minister of Human Resources said:

There are no individual quotas for employees of HRSDC.

And yet, documents obtained by *Le Devoir* prove precisely the opposite.

The truth is that the work of those employees is evaluated based on their ability to cut $485,000 in benefits from the unemployed. It is called "performance objectives". That is the truth.

We can therefore only conclude that the minister misled the House. We want to know why the minister is not killing this bad policy.

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, Service Canada is not imposing any quota that would have negative consequences for employees who do not reach their targets. Performance objectives are in place to help protect benefits meant for the unemployed from fraudsters.

The only people who lose if the opposition stops us from rooting out fraud are Canadians who follow the rules.

[*English*]

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, instead of going after unemployed Canadians, the government should be going after their unaccountable senators.

On February 1, the minister stood in the House and claimed, "Departmental employees do not have individual quotas", yet today, the media are reporting that she cancelled those quotas.

Could she explain to the House how she can cancel something that did not exist?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, as I said before, there were no quotas for individuals. There are objectives, targets, to be sure. There is a big difference between the two when it comes to motivating and managing staff.

If the opposition prevents us from rooting out the hundreds of millions of dollars of fraud and ineligible claims that exist within the EI system, it is Canadians who play by the rules who will lose.

That being said, if jobs are not available for individuals in their area, EI will continue to be there for them as long as we maintain its integrity.

* * *

● (1435)

[*Translation*]

ETHICS

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, it is a good thing that intellectual dishonesty does not hurt.

Two week ago, the Leader of the Government in the House of Commons stood in this House and went on and on defending Senator Wallin.

According to him, the senator does indeed live in Saskatchewan. Yet today we learned that she has an Ontario health card.

What is one criterion for obtaining that card? One's primary residence must be in Ontario.

Either she lives primarily in Ontario or she lives primarily in Saskatchewan, but she cannot live in both places at once.

Were the Conservatives aware of her true place of residence when they appointed her to the Senate?

[*English*]

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, Senator Wallin spent 168 days last year in the province of Saskatchewan. Her roots in Saskatchewan are deep and well known. She has a residence in Saskatchewan.

All Conservative senators are qualified to represent the provinces and territories they represent.

[*Translation*]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, Senator Wallin must have the power of ubiquity: she can be in several places at once.

If only Senator Wallin's case were an isolated incident, an accident or simple error in judgment, but no, Senator Duffy added to the intrigue on Friday.

After three months of secrecy, running away and evading the issue, he finally admitted that he does not really live in Prince Edward Island. But it is not his fault; he simply did not know how to fill out a form.

He does not know how to fill out a form, yet he examines government bills. This is a joke.

Will the Prime Minister admit that he had a lapse in judgment when he appointed Mr. Duffy to the Senate?

[*English*]

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, the judgment that is missing is the judgment from a party that purports to want to see meaningful change to the Senate, yet opposes it every step of the way.

Our government has put forward a plan that will allow Canadians, for the first time, to actually have a say in who represents them in the Senate. In every case where Canadians have been asked in those provinces that have held elections, our Prime Minister has appointed the individuals selected to the Senate.

The difficulty is that the NDP opposes our legislation going forward. If the NDP members want to show they are serious about real Senate reform and real accountability in the Senate, they would support that legislation and support real democracy in the Senate.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, real accountability in the Senate is to stop defending entitlements and start defending the taxpayers, like the New Democrats do.

When Mike Duffy became a senator, he signed a form that said his primary residence was not in Ottawa but was a cottage in Prince Edward Island. Now that he has been forced to pay back $40,000 or $100,000 because he got caught out, he says the story is over.

This is what Conservatives tell unemployed Canadians: "If you misrepresent the facts to make a false claim, you are committing fraud and may be prosecuted".

Will the government hold senators who break the rules to the same standards to which they are holding unemployed Canadians?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, as I have said several times, we have committed to ensuring that all expenses are appropriate and that the rules governing those expenses are appropriate.

In the case of Senator Duffy, he clearly maintains a residence in the province and has deep roots in that province.

The difficulty, though, with the NDP members is that they come here talking about changing the Senate in meaningful ways. We had a proposal to do it; they have none and they continue to have none. In fact, the member for Timmins—James Bay said, when asked what the NDP would do about the Senate last week, "I can't say what the NDP leader will do after the next election".

The NDP members have no plan and they will not tell Canadians what they will do.

Mr. Charlie Angus (Timmins—James Bay, NDP): Oh, poor Canada, Mr. Speaker. The Conservatives promised Canadians one thing, that they would bring accountability to the Senate, and what did we get? We got Mike Duffy and Patrick Brazeau, thanks to the Prime Minister.

Article 23 of the BNA Act states, "A senator shall be a resident in the province for which they are appointed". It does not say that they have a cottage there. Clearly, Mr. Duffy does not meet this requirement, but apparently neither does Senator Pam Wallin of Palmerston Boulevard.

We are talking about the Constitution Act. If these senators falsified their residency claims, what steps will the government take to hold them to account and get taxpayers their money back? That is real accountability. That is real Senate reform.

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, clearly we are committed to ensuring all expenses are appropriate. However, when we talk about real accountability, real accountability goes further. Real accountability means we believe in our democracy. Real accountability means we will allow Canadians to choose who represents them in the Senate. That is the proposal from this government. That is the proposal opposed by the NDP, whose own ethics critic, when asked that question, said that he could not say what the New Democrats would do about the Senate after the next election. They have no plan.

We have a plan for real accountability and real democracy in the Senate. Let us all get behind it.

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[*Translation*]

EMPLOYMENT INSURANCE

Ms. Lise St-Denis (Saint-Maurice—Champlain, Lib.): Mr. Speaker, revelations by the media about mandatory savings that must be realized by Service Canada on employment insurance programs leave us perplexed about the minister's responsibility.

Can she explain how officials responsible for these investigations can remain objective if they must meet mandatory quotas? Does she presume that a fixed number of claimants are guilty?

● (1440)

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the department was able to stop half a billion dollars in ineligible payments last year. However, the employment insurance program still lost hundreds of millions of dollars due to fraud.

If the opposition stops us from rooting out EI fraud, the only people who will lose are Canadians who follow the rules.

[*English*]

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, at last night's Academy Awards, the Oscar for best supporting actor went to Christoph Waltz for his portrayal as a ruthless bounty hunter. Of course, if the Hollywood gig does not work out for Mr. Waltz, I am sure the Minister of Human Resources and Skills Development would love to hire him. He could bust down doors and hunt down those people the minister thinks are shiftless, lazy, dishonest seasonal workers, whose culture of defeat has become such a scourge on our country.

I have a very simple question pertaining to today's issues. What is the difference between a target and a quota?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, let us be clear. The department was able to stop half a billion dollars in ineligible payments last year, but the employment insurance system still lost hundreds of millions of dollars due to fraud. If the opposition stops us from rooting out EI fraudsters, the only people who lose are Canadians who follow the rules.

That being said, if the unemployed who are on EI cannot find a job in their area and in their realm of competence, then EI will continue to be there for those who qualify.

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ABORIGINAL AFFAIRS

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, today the Canadian Human Rights Tribunal resumes its hearings on the unacceptable gaps in funding for child and family services on reserve versus off reserve. Rather than fixing the appalling discrimination, the Conservative government has spent more than $3 million dragging the case through the legal system.

Will the new minister do the right thing, settle this matter and redirect the millions of dollars being wasted on lawyers to the first nations children who need the help?

Hon. Bernard Valcourt (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, let me repeat what I said earlier. The best way to ensure that first nations children and families get the support and services they need is by working together, first nations, provinces and territories, and that is what we are doing. We have introduced a new enhanced prevention approach in dealing with the rights of first nations children and we will continue to work with our partners to improve the situation.

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[*Translation*]

EMPLOYMENT INSURANCE

Ms. Nycole Turmel (Hull—Aylmer, NDP): Mr. Speaker, the Conservatives have nothing but contempt for job seekers, seeing them as the bad guys. They are sending inspectors to job seekers' homes to spy on them, so the inspectors can meet their individual quotas for cutting benefits. And then the government tries to make us believe that these reforms are for workers.

Workers will not be pushed around, and we will not abandon them.

Instead of cutting $485,000 at the expense of the poor, why do the Conservatives not start by sending inspectors to visit their senators?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, last year, the employment insurance program lost millions of dollars as a result of fraud and ineligible payments. That is unacceptable.

When the opposition prevents us from rooting out employment insurance fraud, the only people who lose are Canadians who follow the rules.

Eligible unemployed workers who cannot find another job in their region in their field will have access to EI, as always.

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, quotas are quotas. Let us call a spade a spade.

People have had it with threats, intimidation and the minister's reluctance to tell the truth. She is saying that her reform is good for workers, but the people in the regions are feeling abandoned.

Why have they been demonstrating for months to save their way of life and the regional economies?

The productivity of seasonal businesses is in jeopardy because they are going to lose their workers.

Will the minister do away with the reform and the quotas?

● (1445)

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the opposition should stop fearmongering. This is not just about seasonal workers.

Employment insurance will be there to help them find another job, perhaps during the winter, so that they are better off. People are better off working than not. It is very important.

If there is no work in their region and in their field, employment insurance will be there for the unemployed, as always.

Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP): Mr. Speaker, we can also talk about cities.

People in the cultural sector are sometimes unemployed between contracts and occasionally have to claim employment insurance benefits.

Thirty-five thousand people in Quebec and 132,000 people in Canada make a living from the cultural industry. For example, Toronto composer Mychael Danna, who won an Oscar last night for his music in *Life of Pi*, has a job in the cultural industry. The same is true of artistic director Jim Erickson, from Salt Spring Island, British Columbia, who also won an Oscar for his set decoration in *Lincoln*.

With the EI reform, the Conservatives will force film industry workers to change jobs.

Why threaten our film industry?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, our government and the Minister of Canadian Heritage support these artists. The reformed employment insurance system supports them as no other government has.

[*English*]

Let us be clear. These workers are now, if they are self-employed, available for special benefits through the EI system, such as compassionate care, sickness leave and parental leave. That has never been available to the self-employed before. Unfortunately, the NDP opposed those new programs.

[*Translation*]

Ms. Nycole Turmel (Hull—Aylmer, NDP): Mr. Speaker, people are tired of hearing the minister say anything and everything but the truth.

This reform is scandalous. On Saturday, people in Quebec and the Maritimes were in the streets saying no to the gutting of employment insurance, protesting this attack on seasonal workers and denouncing the fact that the regions are being abandoned.

We do not need quotas and investigators for the unemployed, we need them for the senators.

When will the minister stop attacking workers?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, it is the exact opposite.

Our government is supporting unemployed people by increasing access to special benefits and also by offering them a larger job bank system than before to inform them of positions available in their area of expertise and their region.

We want to help them find work and ensure that they are better off working than not working. If there are no jobs available and they cannot find work, employment insurance will be there, as it always has been.

[*English*]

THE ENVIRONMENT

Mr. Parm Gill (Brampton—Springdale, CPC): Mr. Speaker, when it comes to the environment, our Conservative government has a track record of which to be proud. The failed policy pronouncements of the former Liberal government saw an actual increase in greenhouse gas emissions by over 30%. The proposed policy of the NDP, a $20 billion job-killing carbon tax, would stand to cripple the Canadian economy and not reduce a single tonne of carbon.

Could the Parliamentary Secretary to the Minister of the Environment update the House on our government's latest announcement to regulate heavy-duty vehicle emissions?

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, with the tough new measures that we have announced today, greenhouse gas emissions from heavy-duty vehicles will be reduced by up to 23%. The regulations will also include fuel efficiency and will save truck drivers up to $8,000 a year.

It is under this government's leadership that we have seen a real reduction in greenhouse gas emissions. It has been under this government that we have seen this while our economy has continued to grow. It has been under this government that we are using this policy to help save Canadians money, such as savings of up to $8,000 for truck drivers through these regulations. It is our Conservative government that is reducing greenhouse gas emissions.

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[*Translation*]

THE BUDGET

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, the most recent Conservative budget gutted public service jobs, health care, old age security and the environment. The upcoming budget should be dedicated to building a fairer, greener, more prosperous economy for all Canadians, and not just for those who qualify for patronage-based tax credits.

Will the Minister of Finance get out of his bubble and consult with all Canadians, rather than just his cronies, as he prepares his budget?

● (1450)

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, we will not speculate on what is in budget 2013, but let us talk about the NDP's record when it comes to budget 2012. Let us talk about the measures the NDP opposed, measures meant to help Canadian families, like the youth employment strategy, which would have created jobs for young people. Fortunately, our government voted in favour of that measure.

The NDP opposed economic opportunities for young aboriginals. The NDP opposed funds to help handicapped people participate in the workforce—

The Speaker: The hon. member for Parkdale—High Park.

[*English*]

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, the Conservatives' last budget failed to tackle the serious economic challenges facing us, it failed to create jobs, and it failed to bring in a long-term skills training strategy. Instead, Conservatives rewarded their well-connected friends and attacked essential services like health care and old age security, and there will always be millions for their unaccountable senators.

When will the government change direction and stop pretending that giving away billions to profitable corporations is somehow a real job creation program?

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, as I listened to the NDP member talk about the plans that we put forward for well-connected colleagues, we are talking about aboriginal youth who are benefiting from the programs that we put forward in budget 2012, which the NDP voted against. We are talking about handicapped people who needed a hand up to get into the workforce, which they could not count on the NDP to vote in favour of. It took this Conservative government to put it forward and make sure it got through to them. We also put forward funds for families to succeed.

We are going to continue in that vein to create jobs for them and secure our long-term prosperity.

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INFRASTRUCTURE

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, across the country roads are full of potholes, bridges are crumbling, commuters are stuck in gridlock and transit riders are packed in like sardines, yet the Conservatives have no plan.

Municipalities are responsible for over half of all the infrastructure, but receive only eight cents per tax dollar. Will the minister work with us, together with municipalities and businesses, and say yes tomorrow to our motion for a long-term infrastructure plan?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, our government has made unprecedented investments in infrastructure since forming government in 2006. We continue to work to balance the budget, but we do not have control over the fragile global economy, such as in Europe and the U.S. No decision has been made, but any decision will be made in the context of the current fiscal situation and the capacity of taxpayers.

[*Translation*]

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, it seems clear that the Conservatives want the people of Montreal's south shore to pay for the construction of the new Champlain bridge. Toll booths could be installed on every bridge and tunnel leading to the south shore.

The problem with the minister's plan is that it leads to the federal government abdicating its responsibility for infrastructure.

Before implementing a tax on transportation in the Montreal area, why not work with the municipalities on coming up with a stable, predictable strategy for funding infrastructure on an ongoing basis?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, as I was saying, never, in the history of Canada, has a government invested as much as ours has in supporting infrastructure.

It is interesting to hear the hon. member talk about what we should do. We are investing, at the request of the Province of Quebec, $700 million in Autoroute 30. A number of choices were made throughout the region. We are going to deliver a new bridge across the St. Lawrence based on the capacity of Canadian taxpayers to pay for it. If there are no tolls, there will be no bridge. We are going to deliver a bridge and continue to do our job.

We made the gas tax permanent, but the members opposite voted against that.

Now they want to give us lessons? I do not think so.

* * *

● (1455)

[*English*]

GOVERNMENT EXPENDITURES

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, last night Canadians watched with pride as *Life of Pi* won four Oscars with its Canadian crew. However, Canadians' pride turned to disgust as they had to sit through extravagant Conservative ads paid for by Canadian taxpayers, so the Oscar for actors in a leading role in wasting Canadian tax dollars goes to the Conservatives.

During their acceptance speech, could the Conservatives please tell us when they will stop wasting tax dollars to pay for Conservative ads and when they will finally show some respect for Canadian taxpayers?

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 gets a Razzie for that kind of remark.

It is our obligation to inform Canadian taxpayers on important government programs, and we do so, and not at the clip of the former Liberal government, I might add. It is certainly well below that by tens of millions of dollars. We will continue to inform Canadians on important programs because it is necessary that we continue that dialogue on issues that will create jobs, opportunity and growth in our economy.

* * *

CITIZENSHIP AND IMMIGRATION

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, today the Canadian Doctors for Refugee Care and the Canadian Association of Refugee Lawyers went to federal court to challenge the Minister of Citizenship and Immigration's reckless health cuts to the most marginalized and vulnerable people in Canada. They are arguing that the cuts are unconstitutional, illegal and a breach of obligations under international law. The cuts were announced last June without consultation.

Will the minister listen to the front-line health care workers and fix his mess?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, we have listened to Canadians. Canadian taxpayers have no obligation to provide gold-plated health insurance to illegal immigrants who have been deemed by our fair and generous legal system not to be refugees.

It is interesting to note that we brought in the initial part of this change on July 1 and we immediately saw a 90% reduction in the number of asylum claims being filed by nationals of the democracies of the European Union.

* * *

SEARCH AND RESCUE

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, Atlantic Canadians are grieving over the loss of five fishermen when the *Miss Ally* went over last week. Our thoughts are with their families and their communities in this difficult time.

Questions are continuing to be raised about the coordination between the Coast Guard, DND and the RCMP. For example, why did the search end so soon? Why was the *Miss Ally* not searched the first time it was located on Tuesday?

Will the government provide Nova Scotians and all Canadians with the answers to those questions and do it soon?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, as was indicated earlier by the member for South Shore—St. Margaret's and by this member, our thoughts and prayers remain with the families of those who lost loved ones on the *Miss Ally*. The entire community of Woods Harbour, Nova Scotia, continues to grieve.

National Defence, the Canadian Coast Guard, the United States Coast Guard and private assets were all involved in the search and rescue mission. After the mission turned to a recovery operation under the RCMP, I immediately responded positively to a request from my colleague, the Minister of Public Safety, that Canadian Forces assets also support the recovery mission.

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, the Conservatives should make saving lives on both coasts a priority. Unfortunately, last week the Conservatives quietly shut down B.C.'s Kitsilano Coast Guard station in Canada's busiest port. This station costs less than $1 million a year to operate. In fact, it costs less than the travel expenses of just three Conservative senators. This is a reckless decision that will put lives at risk.

Why are the Conservatives defending their senators instead of British Columbians?

Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC): Mr. Speaker, of course the government's paramount concern is to allocate its resources in a way that is obviously based on advice from the Coast Guard and is best for public safety.

With respect to the timing, the Coast Guard said that it held exercises prior to the closure of the base last week and felt that the transition could proceed without any additional risk.

* * *

TRANSPORTATION SAFETY

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, tomorrow marks the one-year anniversary of a tragic train derailment in Burlington, Ontario. Our thoughts remain with the families of the victims of that accident.

Our government continues to take strong action to ensure that the travelling public is safe and that Canada has one of the safest transportation systems in the world. In fact, since 2007 train accidents have decreased by 23%.

Can the Minister of Transport, Infrastructure and Communities update the House on the actions taken following this accident?

● (1500)

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, our thoughts and prayers remain with the families of those who lost their lives in the tragic accident that occurred one year ago tomorrow.

Our government takes the safety of the travelling public very seriously. We will continue to make decisions based on the interests of safety for all Canadians.

I am pleased to confirm today that VIA Rail is installing locomotive voice recorders in its entire fleet, and we await the Transportation Safety Board's final report with respect to the accident.

* * *

ETHICS

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, I have a question for the Minister of Intergovernmental Affairs about his ministerial budget and his staff.

Media reports confirm that the minister gave Chris Crawford a huge promotion, effectively doubling his salary. This is the same Chris Crawford who ran the CIMS database on election day, the very data that was used to defraud voters.

Will the minister confirm that it was his decision to give Mr. Crawford this promotion, or was it someone else in government or the Conservative Party who instructed him to do so? Does he take full responsibility for his employees?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, another day, another hysterical false allegation from the Liberal member across the way.

Normally the Liberals are attacking the member for Labrador because he spends too much time in Labrador serving his constituents. Now they are attacking him with false allegations without evidence.

The only party in Canada that has been found guilty of having made illegal robocalls is the Liberal Party of Canada, and more particularly, its member for Guelph.

If the member who just posed the question wants to know more about that, he should just walk over and ask his Liberal colleague.

* * *

[*Translation*]

OFFICIAL LANGUAGES

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, many people are asking to be consulted about energy development projects, including oil pipelines.

At some consultations conducted by the industry, not all documents appear to have been available in both official languages. Detailed information is essential because resource development and exploitation are complex and important issues.

Can the minister assure us that in future, the National Energy Board will make sure that documents pertaining to oil pipeline projects are available in both official languages?

[*English*]

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, we work with regulators, governments and proponents across this country—and opponents, actually—on these proposals.

However, the member opposite needs to know that almost 20% of Canadian economic activity comes from the resource sector. The NDP members just do not seem to get it. They continue to oppose all job-creating resource developments. They oppose all hydrocarbon development. They oppose all mining projects. They oppose clean energy projects. They oppose nuclear energy projects. They even speak against the forestry sector.

When will the New Democrats come up with any economic development in this country that they will actually support?

* * *

AEROSPACE INDUSTRY

Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC): Mr. Speaker, in a report commissioned by our government, Mr. Emerson confirmed that the Canadian space industry is well positioned to take advantage of emerging opportunities, succeed commercially and contribute to the public good.

Canadians are immensely proud of our space sector and its well known achievements that have contributed to its reputation as a world leader in space technology. Canada has earned this reputation by setting the bar high and aiming for the stars.

Can the Minister of National Defence update the House on the latest developments in the space sector?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, I thank my B.C. colleague for the very timely and relevant question.

This morning not one but two satellites were successfully launched as part of an international effort. The Near-Earth Object Surveillance Satellite, NEOSSat, as well as Sapphire, are Canada's first dedicated operational military satellites. These are achievements that every Canadian can be proud of, proof that Canadian ingenuity and leadership in advanced space technology are indeed out of this world.

Canada's highly competitive aerospace and space industries are major contributors to our economy, and these milestones are two more examples of what our world-class Canadian companies can accomplish.

* * *

[*Translation*]

CITIZENSHIP AND IMMIGRATION

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, the minister's decision to deny refugee claimants access to health care is having a growing number of repercussions. Legal action was taken today to challenge these dangerous budget cuts. Lives are at stake, and the minister is defending a policy that would deprive people of vital care that is anything but a luxury. Doctors are in the best position to determine who needs care and what kind of care is appropriate.

When is the minister going to admit that he made a mistake and cancel the health care budget cuts?

● (1505)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, yet again, the New Democratic Party is clearly in favour of forcing Canadian taxpayers to pay the health care expenses of bogus asylum seekers, people who are not refugees, but who have had their claim denied or disallowed by our fair and effective legal system. The New Democrats want to force taxpayers to provide additional services to these illegal immigrants, even though these services are not available to Canadian citizens and taxpayers. It is truly bizarre.

* * *

EMPLOYMENT INSURANCE

Mr. Jean-François Fortin (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, on February 1, the Minister of Human Resources and Skills Development declared in the House that the department's employees did not have individual quotas. This is pure deception. Not only that, but the quotas are nearly 20% higher in Quebec. As Quebec has already taken the biggest hit from the reform, because it has 40% of seasonal workers, it will be doubly penalized by the reform and the quotas.

Is the minister going to answer my question? Unless, of course, she has already answered her quota of questions for the day. Why is Quebec being targeted more than the other provinces?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the employment insurance program lost millions of dollars last year because of fraud and ineligible payments, even though Service Canada was able to stop the payment of half a billion dollars in ineligible or fraudulent benefits.

When the opposition prevents us from combating fraud, the only losers are the Canadians who follow the rules.

* * *

[*English*]

PRESENCE IN GALLERY

The Speaker: I would like to draw the attention of hon. members to the presence in the gallery of the Hon. Jonathan Denis, Minister of Justice and Solicitor General for the Province of Alberta.

Some hon. members: Hear, hear!

ROUTINE PROCEEDINGS

[*English*]

FEDERAL ELECTORAL BOUNDARIES COMMISSIONS

The Speaker: It is my duty pursuant to section 21 of the Electoral Boundaries Readjustment Act to lay upon the table a certified copy of the reports of the Federal Electoral Boundaries Commissions for the provinces of Quebec and Ontario.

[*Translation*]

These reports are deemed to have been permanently referred to the Standing Committee on Procedure and House Affairs.

* * *

MAIN ESTIMATES, 2013-14

A message from His Excellency the Governor General transmitting estimates for the financial year ending March 31, 2014, was presented by the President of the Treasury Board and read by the Speaker to the House.

* * *

SUPPLEMENTARY ESTIMATES (C), 2012–13

A message from His Excellency the Governor General transmitting supplementary estimates (C) for the financial year ending March 31, 2013, was presented by the President of the Treasury Board and read by the Speaker to the House.

● (1510)

[*English*]

FOREIGN AFFAIRS

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, under the provisions of Standing Order 32(2), I have the honour to table, in both official languages, the following treaties entitled, one, Agreement between the Government of Canada and the Government of the United Arab Emirates for Cooperation in the Peaceful Uses of Nuclear Energy, done at Ottawa on September 18, 2012; two, Protocol Amending the Agreement between the Government of Canada and the Government of the People's Republic of China on Air Transport, done at Zhuhai on November 13, 2012; and three, Agreement between the Government of Canada and the Government of the United States of America for the Sharing of Visa and Immigration Information, done at Ottawa on December 13, 2012.

An explanatory memorandum is included with each treaty.

* * *

GOVERNMENT RESPONSE TO PETITIONS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 22 petitions.

* * *

COMMITTEES OF THE HOUSE

JUSTICE AND HUMAN RIGHTS

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, I have the honour to present, in both official languages, the 18th report of the Standing Committee on Justice and Human Rights, in relation to Bill S-9, an act to amend the Criminal Code.

The committee has studied the bill and has decided to report the bill back to the House without amendment.

PROCEDURE AND HOUSE AFFAIRS

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, I have the honour to present, in both official languages, the 41st report of the Standing Committee on Procedure and House Affairs, regarding membership of committees of this House.

If the House gives its consent, I intend to move concurrence in the 41st report later today.

* * *

[*Translation*]

FINANCIAL ADMINISTRATION ACT

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP) moved for leave to introduce Bill C-473, An Act to amend the Financial Administration Act (balanced representation).

She said: Mr. Speaker, I am proud to rise in the House today to introduce a bill that will achieve balanced representation of women and men in financial administration.

At present, only 27% of senior positions on boards of directors of our crown corporations are held by women. I believe that it is about time that Canada follow the lead of a number of countries that have already adopted laws and implemented mechanisms to ensure better representation on the boards of directors of their crown corporations.

The bill I am introducing today will make Canada a leader in this area. I would like to build on the exemplary work of my honourable colleague from London—Fanshawe, who began this endeavour last year by proposing that the government ensure gender parity on the boards of directors of its crown corporation within six years.

I hope that all my colleagues in this House will give their enthusiastic support for this initiative.

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

* * *

[*English*]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, if the House gives its consent, I move that the 41st report of the Standing Committee on Procedure and House Affairs, presented to the House earlier today, be concurred in.

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

Some hon. members: Agreed.

(Motion agreed to)

* * *

BUSINESS OF THE HOUSE

Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC): Mr. Speaker, there have been consultations and I believe if you seek it you will find consent for the following motion. I move:

> That, notwithstanding any Standing Order of usual practice of the House, on Thursday, March 28, 2013, the House shall meet at 10 a.m. and proceed to Government Orders; Members may make statements pursuant to Standing Order 31 at 11 a.m.; oral questions shall be taken up not later than 11:15 a.m.; the House shall proceed to the ordinary daily routine of business at 12 noon, followed by Government Orders; Private Members' Business shall be taken up at 1:30 p.m.; and the House shall, at 2:30 p.m., stand adjourned until Monday, April 15, 2013.

● (1515)

The Speaker: Does the hon. chief government whip have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

The Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

* * *

PETITIONS

SEX SELECTION

Mr. Merv Tweed (Brandon—Souris, CPC): Mr. Speaker, I am pleased to present signatures from within my constituency of Brandon—Souris, calling upon the House of Commons and Parliament assembled to condemn discrimination against girls through sex-selective abortion and do all it can to prevent sex-selective abortions from being carried out in Canada.

SEARCH AND RESCUE

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, I rise today to present three petitions. The first petition is calling on the Government of Canada to rescind the decision and reinstate full funding to maintain the Kitsilano Coast Guard station.

SHARK FINNING

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, petitioners from all across Canada call on the Government of Canada to immediately legislate a ban on the importation of shark fin to Canada.

EXPERIMENTAL LAKES AREA

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, finally, petitioners call upon the Government of Canada to reverse the decision to close the ELA research station.

RARE DISORDERS

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, there are between 6,000 and 8,000 rare diseases that affect one in twelve Canadians. Canadians with rare disorders lack access to clinical trials and new drugs that are available in other countries. It is essential that Canadians have equal and timely access to therapies for debilitating and life-threatening diseases. The petitioners request that a rare disorder be defined as being a chronically debilitating condition or disease with a prevalence of fewer than 1 in 2,000 people and that a national drug policy regarding rare disorders be implemented.

SEX SELECTION

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I have the honour to present a petition signed by a number of people from the riding of Guelph. These people are calling to the attention of Parliament that millions of girls have been lost through sex-selective pregnancy termination, creating a global gender imbalance causing girls to be trafficked into prostitution. The petitioners are calling on Parliament to condemn discrimination against females occurring through sex-selective pregnancy termination.

HUMAN RIGHTS

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, I have four petitions. The first one is regarding hate crimes.

ABORTION

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, the next petition is regarding a woman's right to choose.

HOUSING

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, the next petition implores that we bring in a national housing strategy.

THE ENVIRONMENT

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, the final petition is to stop the expansion of oil supertanker traffic through B.C. coastal waters.

NATIONAL PARKS

Mr. Robert Sopuck (Dauphin—Swan River—Marquette, CPC): Mr. Speaker, I have the honour to present a petition from my constituency. The petitioners are requesting that the Government of Canada restore four-season status to all three-season national parks within Canada, reinstate grooming of winter trails and allow local park managers to determine the appropriate level of winter activities in consultation with their adjacent local communities and people.

LIBRARY AND ARCHIVES OF CANADA

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, it is my pleasure to rise today to present a petition signed by members from my riding of Sudbury. They are asking Parliament and the government to preserve funding for Library and Archives Canada.

Petitioners are calling on the Minister of Heritage to restore archival services to previous levels equal to that of the 1980s so that historians and interested parties have access to the great multitude of documents housed at the archives.

● (1520)

41ST GENERAL ELECTION

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I rise today to present two petitions. The first is from residents of Saanich, in my riding, as well as from Tofino and Vancouver. They are calling on the Government of Canada to launch a full investigation, a commission of inquiry, into allegations of voter suppression and robocalls in the 2011 election.

LYME DISEASE STRATEGY

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I am also pleased to present petitions from residents across Canada—from Toronto, Vancouver and other locations—in support of my bill, Bill C-442, on a national Lyme disease strategy to deal with improving and sharing best practices in prevention, diagnosis and treatment.

EXPERIMENTAL LAKES AREA

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, I have a petition in regard to the Experimental Lakes Area. It is signed by residents of London, Kitchener, Waterloo and Kingston.

Petitioners are asking the House to reconsider the closure of the ELA, since the ELA has been a global leader in conducting full ecosystem experiments that are critical in shaping environmental policy and in understanding the human impact on lakes and fish. They ask the government to recognize the importance of the Experimental Lakes Area, reverse the decision to close down the ELA research station and continue to staff and provide financial resources so that this experimentation can continue.

BANK REMITTANCE FEES

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I am pleased to present petitions signed by dozens of residents of eastern Ontario and the Ottawa region. They are concerned about overcharging on remittance fees. Many banks are charging up to 25% on remittances being sent by new Canadian families to their loved ones and family members overseas. This overcharging hurts lower-income Canadians, particularly new Canadians. The petitioners call upon the Government of Canada to introduce legislation that would put into place caps on the types of remittance penalties and remittance fees presently being paid by new Canadians and lower-income Canadians.

I would like to thank the volunteers from ACORN Canada for their work in getting involved and talking to people about this issue to make sure that Canadians can have their voices heard on the floor of the House of Commons.

* * *

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.

* * *

REQUEST FOR EMERGENCY DEBATE

PRESIDENT OF VENEZUELA

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, on October 7, 2012, Hugo Chavez of Venezuela was elected for another term as president. On November 27, President Chavez underwent treatment for cancer in Cuba, and on December 8, it was announced that the president would have to undergo new cancer surgery.

Article 231 of the Venezuelan constitution states that the new president should be sworn in before the National Assembly on January 10 following the election. If this cannot happen, the president shall be sworn in before the Supreme Tribunal of Justice.

Due to his illness, president-elect Chavez has not been sworn in before the National Assembly or the Supreme Tribunal of Justice. On January 9, 2013, Venezuela's supreme court ruled that the postponement of president-elect Hugo Chavez's inauguration for an indefinite time is legal. After hearing the supreme court's decision, Vice-President Maduro indicated that the swearing in of the president was just a formality.

President-elect Chavez returned to Venezuela on February 18 and still has not been sworn in as president. The people of Venezuela deserve a president and a judicial system that adheres not only to the letter of the law but to the spirit of the law.

The Venezuelan diaspora in Canada is asking what the Canadian government is doing to help the people of Venezuela to ensure that the integrity of the Venezuelan constitution is maintained and that the democratic rights of Venezuelans are not abolished. Therefore, I am asking for an emergency debate so that the government can answer this very important question and explain what steps it is taking.

The Speaker: I thank the hon. member for raising this issue, but I do not think it meets the test for an emergency debate.

The Chair also has noticed of a point of privilege. The hon. member for Skeena—Bulkley Valley.

* * *

PRIVILEGE

MINISTER OF HUMAN RESOURCES AND SKILLS DEVELOPMENT

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I rise today on a question of privilege pursuant to section 48(1) of the Standing Orders that govern this House. It has been demonstrated that the Minister of Human Resources and Skills Development deliberately misled the House of Commons. Given the seriousness of the matter, it is my duty as a member of Parliament to bring this question to the attention of the Chair of the House of Commons.

Members of the House are all well aware of the rights and immunities afforded to parliamentarians so that they may carry out their duties as members of Parliament. However, for the sake of clarity, let me remind my colleagues that on page 75 of *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, parliamentary privilege is defined as "the sum of the peculiar rights enjoyed by each House collectively...and by Members of each House individually, without which they could not discharge their functions".

Mr. Speaker, let me take a moment to provide the House with an account of what has taken place to this point. In hearing my remarks, I will ask you to find that the grounds exist that this is a prima facie case of privilege and that this case may be referred to the appropriate committee.

Three weeks ago, the official opposition learned that Service Canada investigators were being imposed upon to find reductions in EI benefits through the seeking of quotas. Each investigator was being asked by the minister to meet a quota of almost $500,000 per employee per year.

On February 1, 2013, during question period, the member for Hochelaga asked the Minister of Human Resources and Skills Development to explain the existence of these troubling quotas. In response to these questions, the minister flatly denied that quotas even existed. She said that "there are no individual quotas for employees of HRSDC who are looking at EI". I quote again: "Departmental employees do not have individual quotas".

Whether the minister calls these quotas, objectives or targets, the truth remains the truth.

● (1525)

[*Translation*]

Quebec newspaper *Le Devoir* revealed today that according to a new document it has obtained, every HRSDC investigator has an EI benefit quota to meet, even though the minister has denied that any such quota exists. Whether the minister calls them quotas, objectives or targets, the truth remains the truth.

The document in question is a performance and learning agreement. It sets out the criteria for evaluating the investigators' performance. One criterion is that each employee must make an average of $500,000 in savings a year. The savings here refer to benefits that are recovered or not paid to the workers who need them most.

[*English*]

Mr. Speaker, if you will allow me, I would like to quote the 22nd edition of Erskine May, which states the following on page 63: "[I]t is of paramount importance that ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity".

Erskine May further states, on page 111: "The Commons may treat the making of a deliberately misleading statement as contempt".

I would also like to quote the *House of Commons Procedure and Practice*, second edition, on page 115, which states that:

> Misleading a Minister or a Member has also been considered a form of obstruction and thus a *prima facie* breach of privilege. For example, on December 6, 1978, in finding that a *prima facie* contempt of the House existed, Speaker Jerome ruled that a government official, by deliberately misleading a Minister, had impeded the Member in the performance of his duties and consequently obstructed the House itself.

Mr. Speaker, more recently, on May 7, 2012, you stated the following regarding a similar question of privilege raised by the member for Toronto Centre, and I will quote:

> It has become accepted practice in this House that the following elements have to be established when it is alleged that a member is in contempt for deliberately misleading the House: one, it must be proven that the statement was misleading; two, it must be established that the member making the statement knew at the time that the statement was incorrect; and three, that in making the statement, the member intended to mislead the House.

I believe that the present situation meets those three criteria and represents clear contempt of the House.

[*Translation*]

The Minister of Human Resources and Skills Development clearly made false statements in the House in response to questions asked on February 1, 2013.

Since she is fully responsible for her department, the minister should be aware of the performance criteria used to evaluate Service Canada investigators and should therefore know that they have quotas to reduce EI benefits.

By denying the truth in the House of Commons, the minister wilfully misled members of the official opposition and the House.

● (1530)

[*English*]

I am confident that all members of the House will agree that it is an important and serious offence to mislead one's colleagues, and in particular, that this offence was caused by a minister. Misleading the House is a very serious breach of the rules governing our democracy and this institution.

I would urge you, Mr. Speaker, to consider these facts and issues, and if you find a prima facie case of contempt of Parliament, I am prepared to move the appropriate motion to have this case referred to the Standing Committee on Procedure and House Affairs.

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I must say, at the outset, that I totally reject the premise on which the member opposite is raising his point of privilege. Clearly, when the minister has responded to questions from members of the opposition, she has been quite clear in stating, without question, that the government and the department in question has not placed quotas on any of the employees. I certainly believe that it is a laudable goal, and I hope all members agree with me that it is a laudable goal, for any government to try to save money, and particularly to try to find ways to stop fraud from occurring.

The minister has stated on many occasions that the department has already saved not millions of dollars, not hundreds of millions of dollars, but close to half a billion dollars in savings through stopping the fraud that had been occurring when EI claimants were wrongfully claiming for EI benefits. I also suggest that it is a laudable goal for this government, as it would be for any government, to try to make sure that in future, as we move forward, we continue to ensure that all EI claimants who ask the government for EI payments are actually doing so legitimately. Not to be diligent would be denying Canadians who play by the rules and currently receive EI benefits the ability to receive the money in a straightforward and proper manner.

I would suggest to the member opposite that the minister, when responding to questions from the opposition, was being quite forthright and was not trying to mislead the House whatsoever. Therefore, members opposite cannot claim privilege, because, in fact, their duties and responsibilities as members of Parliament have not been impeded.

I would close by saying that the matter of privilege the member opposite raises is obviously serious. Any time any member raises a question of privilege, it is a serious matter. I would therefore ask you, Mr. Speaker, to allow the minister in question an appropriate opportunity, at her earliest convenience, to respond in further detail to the question of privilege just made.

The Speaker: I thank both members for their interventions and look forward to further points related to this question.

GOVERNMENT ORDERS

[*English*]

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

The House resumed consideration of the motion that Bill C-55, An Act to amend the Criminal Code, be read the second time and referred to a committee.

The Speaker: We will now have five minutes for questions and comments for the hon. member for Dartmouth—Cole Harbour.

Questions and comments?

[*Translation*]

Resuming debate, the hon. member for Portneuf—Jacques-Cartier.

Ms. Élaine Michaud (Portneuf—Jacques-Cartier, NDP): Mr. Speaker, I am pleased to rise in the House today to speak to Bill C-55, a Response to the Supreme Court of Canada Decision in R. v. Tse Act.

This bill amends the Criminal Code to provide safeguards related to the authority to intercept private communications without prior judicial authorization under section 184 of that Act.

Bill C-55 requires the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interceptions of private communications made under section 184.4; provides that a person who has been the object of such an interception must be notified within a specified time, which is currently done only where charges are laid; and narrows the class of persons who can make such interceptions.

This bill updates certain provisions of the Criminal Code relating to wiretaps that were enacted in 1993. The updating was ordered by the Supreme Court in R. v. Tse, in which it held that section 184.4 of the Criminal Code was unconstitutional and had to be amended by Parliament no later than April 13, 2013. The deadline is fast approaching.

In that case, the Supreme Court found that this section infringed the right to be protected against arbitrary searches and seizures, a right guaranteed by section 8 of the Canadian Charter of Rights and Freedoms, and was not a reasonable limit within the meaning of section 1 of the charter. That decision is based on the fact that section 184.4 of the Criminal Code does not provide a mechanism for oversight and does not require that notice be given to persons whose private communications have been intercepted.

Bill C-55 is a somewhat desperate last-minute attempt by the Conservatives to comply with the instructions from the Supreme Court by the deadline given. I say “last-minute” because as of today parliamentarians have exactly 19 days left in which to pass Bill C-55 at second reading, examine it in committee, pass it in the House and then repeat the process in the other place, before it ultimately receives royal assent and comes into force as the law in Canada. That is very little time for such an important bill, which could have negative consequences for too many Canadians if we do not take the time to analyze it thoroughly.

I can understand why, after falling flat on their face with Bill C-30, the Conservatives would be somewhat nervous about the idea of considering the electronic surveillance issue again, or indeed any issues relating to potential breaches of Canadians’ privacy, but bill C-55 ought to have been introduced long ago.

Perhaps the Conservatives were trying to minimize the Minister of Public Safety's opportunities to insult potential opponents of Bill C-55. Who knows?

In any event, the NDP believes that it is an initial step in the right direction, and that is why we will be supporting Bill C-55 at second reading so that it can be studied in committee.

As I mentioned earlier, this bill would make important and essential amendments to the Criminal Code to make section 184.4 consistent with the Constitution by adding a number of safeguards as directed by the court.

The NDP has been asking the government to take action for a long time in order to act on these recommendations. From this standpoint, we would like this bill to move on to the next stage. It is essential for the investigative measures provided in any bill amending section 184.4 of the Criminal Code to have oversight and accountability mechanisms that protect the privacy of Canadians.

I am aware of the fact that it is sometimes necessary to put aside individual privacy to protect human lives and property from serious and imminent harm.

On the other hand, one cannot simply cast aside the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms.

The Supreme Court of Canada has established new parameters to protect privacy. We expect Bill C-55 to comply with these new criteria.

However, analysis of the defunct Bill C-30 and its stinging failure makes it obvious that the Conservatives need to rethink their approach to privacy and personal information.

● (1535)

A close look at the Conservatives’ agenda in this area demonstrates clearly that Canadians have good reason to be worried about any government bills on wiretapping and privacy.

My New Democratic colleagues and I are aware of the public's concerns about wiretapping, and we share them.

When Bill C-55 is studied in committee, the NDP will work, as we always do, on behalf of all Canadians to guarantee respect for the rule of law, the Constitution and the Canadian Charter of Rights and Freedoms.

We want to ensure that Bill C-55 is in compliance with the Supreme Court’s decision in R. v. Tse to make section 184.4 of the Criminal Code constitutional and to achieve the necessary balance between personal freedom and public safety.

I invite my Conservative colleagues on the Standing Committee on Justice and Human Rights to work with the NDP to improve Bill C-55 to guarantee respect for the fundamental rights of all Canadians as set out in our charter.

We know that it is sometimes difficult in committee to get support for opposition ideas. However, this time, we all agree on the basic idea that the Criminal Code needs to be amended to comply with the Supreme Court directives. There are people with impressive legal expertise in every party. They understand this issue and have suggestions to make to ensure that public safety in this country is a given for everyone, but that people's fundamental rights are also guaranteed.

It is important that all of the parties work together on this task so that the end result will truly protect us by keeping Canadians safe from terrorist attacks and any other wrongdoing. However, we need assurance that personal rights will be respected as well.

The Conservatives do not need to get caught up in hyper-partisan debates, as they did when they introduced Bill C-30. There is no need for rhetoric and no need to label people as child pornographers —as the Minister of Public Safety did during debate on Bill C-30—if they dare raise the issues that remain in Bill C-55. They also do not need to wait for public and political pressure to get to the point where the government has no other choice but to abandon its own bill, as it did with Bill C-30.

After that huge debacle, I would hope that the Conservatives have finally learned their lesson and that they will be willing to work with members of the official opposition and the third party to fix enduring issues in the Criminal Code of Canada.

We in the NDP share the government's desire to maintain and ensure public safety, but we also care about respecting the principles of the Charter of Rights and Freedoms in every bill that is passed in this House. Unfortunately, that does not always seem to be the case with this government, which would rather be called to order by the Supreme Court after introducing its bills, rather than legislating proactively and ensuring that its bills are constitutional before introducing them in the House.

This government could benefit from the advice and opinions of the opposition in order to ensure that Bill C-55 complies with the Supreme Court decision in the R. v. Tse case. I hope the government will be more open than it typically has been since winning a majority.

I heard many of the speeches given by my NDP and Liberal colleagues. They all regard this bill from more or less the same perspective, specifically, that it addresses something that has been a serious problem in the Criminal Code since 1993, but has never been resolved, not by past Liberal governments or by the Conservative government.

Now we have a makeshift bill here today that was introduced at the last minute to satisfy a court requirement. However, this bill was not necessarily 100% well thought-out and not all possible consequences have been considered. There is still some work to do.

We come here with a very open mind. We support this bill at second reading so that it can be improved at committee in order to ensure that it respects the criteria for the protection of privacy set out by the Supreme Court. That is the objective of all of my colleagues, including those who are members of the Standing Committee on Justice and Human Rights and those on other committees. It is the objective of the third party.

I hope we will achieve this objective together through our work in committee, and I look forward to seeing the new version that results from our examination.

● (1540)

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, we know that the court has established new parameters for protecting the right to privacy, and we expect this bill to comply with those standards. That is what the NDP will be asking for.

Can my honourable colleague explain, once again, why we have only 19 days to study this bill? Why has the government waited so long, why has it waited until the deadline set by the Supreme Court? How does this undermine our right to provide oversight here in Parliament?

● (1545)

Ms. Élaine Michaud: Mr. Speaker, I thank my colleague for her excellent question. Unfortunately, my answer can be summed up in one word: arrogance. Since gaining a majority, the government has introduced the bills it wants and consulted no one, or next to no one. It may consult those who share its opinion.

However, the opposition's concerns, whether they are those of the public or of members of other parties, are not considered. We spent months hearing about Bill C-30 and trying to debate and improve it. The public and various opposition party members have clearly told the government about problems with the bill, but the government decided that it was right and that, because it has a majority, it did not need to worry about the opposition's opinion.

That is the situation today, 19 parliamentary days before the deadline set by the Supreme Court. We are still debating this bill, which should have been introduced months ago. Bill C-30 should have been abandoned or shelved a long time ago, and we should have taken up the task together. That was not done and that is why we are in this problematic situation today.

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I would like to thank my colleague for her speech. I would like her to comment on the importance of accountability. Under the bill, this type of interception is used in exceptional circumstances.

I would also like the hon. member to comment on the importance of always having accountability mechanisms, monitoring mechanisms and well-established conditions in bills, but also on the importance of accountability if this type of monitoring is used.

Ms. Élaine Michaud: Mr. Speaker, I would like to thank my colleague for that excellent question. Accountability is a very important issue, particularly in a bill such as this one. Even if this type of interception is used on a fairly limited basis, it undermines the fundamental right to privacy .

In this case, the right to privacy is undermined in exceptional circumstances, namely, to protect people's lives and to protect property from major damage. The police are given permission to do this, but they must still be closely monitored. Parliament must be informed of how often this type of method is used. We must be informed of the type of circumstances surrounding the choice to intercept any private communications.

This type of mechanism must be included in the bill in order to protect Canadians and to ensure that the measures we take to respect and guarantee public safety do not excessively undermine the fundamental rights of Canadians guaranteed by the Charter. Section 1 of the Charter allows us to override these rights when doing so is reasonable, but we must ensure that such is always the case, which is what will allow for accountability.

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, I will be sharing my time with my colleague from LaSalle—Émard.

I will start by saying that I am very relieved. Like many of my constituents from Saint-Bruno—Saint-Hubert, I am relieved that Bill C-30 has died a quiet death.

Many of my constituents wrote to me to share their concerns about the ill-advised and dangerous Bill C-30. I am pleased that it is now behind us and that we can finally focus on the issues related to section 184.4 of the Criminal Code.

In all the time I have been a member in this House, this is the first time that the government has listened to reason and acknowledged that its first attempt was not the right one, since it did not correspond to the needs and wants of Canadians. I congratulate the Conservatives on that and urge them to start over more often. It is not so hard and everyone feels better afterwards. I urge the government to start over with the employment insurance reform. It feels so good to do the right thing.

But to come back to the matter at hand, let us be honest: this bill looks more like an appropriate response to what the courts have called for than did the former Bill C-30. This new bill is simply an update to the wiretapping provisions that the Supreme Court held to be unconstitutional.

This bill is before us as a result of a decision of the British Columbia Supreme Court, upheld by the Supreme Court of Canada, that declared section 184.4 of the Criminal Code to be unconstitutional. That section allows peace officers to intercept certain private communications, without prior judicial authorization, if they believe on reasonable grounds that the interception is immediately necessary to prevent an unlawful act that would cause serious harm, provided that judicial authorization cannot be obtained with reasonable diligence.

The courts held that emergency situations existed, but that a balance had to be struck between measures to protect individuals against unreasonable searches and seizures and society's interest in preventing serious harm. That is why the courts held that section 184.4 of the Criminal Code violated section 8 of the charter, since it does not provide a mechanism for oversight, and very specifically, it does not require that notice be given to persons whose private communications have been intercepted.

An accountability mechanism needs to be enacted to protect the important privacy interests that are at stake, and a provision requiring notice would meet that need. The requirement that individuals whose communications are intercepted be given notice would in no way interfere with police action in an emergency. It would actually enhance the ability of the individuals targeted to identify and challenge violations of their privacy and obtain a genuine remedy. That is part of the balance we must try to strike and it is precisely that balance that we must achieve. Safeguards have to be in place to prevent as many abuses as possible and provide our constituents with a guarantee that their rights and freedoms will not be violated by legislation that this House might enact.

● (1550)

One way to be sure of this is to follow the instructions the courts have given, in particular with regard to privacy.

There are points that respond directly to the decisions of the courts. For example, this bill requires that the Minister of Public Safety and Emergency Preparedness and the attorney general of each province report on the interceptions of private communications made under section 184.4. It further provides that a person who has been the object of such an interception must be notified within a specified time, which is ordinarily 90 days but could be extended to three years in the case of terrorism and organized crime.

The bill also narrows the class of individuals who can make such interceptions, in addition to limiting interceptions to the offences listed in section 183 of the Criminal Code, which make up a relatively long list. In my opinion, these measures follow the instructions given by the courts, but we have to make sure that these provisions meet the charter requirements.

Like my NDP colleagues, I would like this bill to be referred to committee so that witnesses can be heard to give us answers to a number of questions, or at least provide some details on certain points. It would not be acceptable for amendments to the Criminal Code to once again be ruled unconstitutional by the court. It is our duty as parliamentarians to ensure that the rule of law is respected and that section 184.4 is amended in order to comply with the Constitution, the charter and Canadian laws. The benchmarks must be clear.

Needless to say, I have no blind faith in this government. Canadians have good reason to be apprehensive about Conservative privacy bills, because their record in this area is dismal. We must always work on behalf of the public and show respect for the rule of law, the Constitution and the Canadian Charter of Rights and Freedoms. In view of their failed attempt with Bill C-30, that is to be expected. Many Canadians and stakeholders agree.

According to Michael Geist, Bill C-30 may be dead, but legal access is definitely not. He claims that when the government dropped Bill C-30, it introduced Bill C-55 to allow wiretapping without a warrant. He added that although the bill is disguised as a response to last year's Supreme Court decision in R. v. Tse, much of it is lifted from Bill C-30.

He is right. That is why we need to be vigilant. The court established new parameters to protect privacy and we expect this bill to comply with those standards. That is why it must be studied in committee.

● (1555)

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, I would like to thank my colleague for her characteristically impassioned speech.

I would like to ask her a question about the time available to us as parliamentarians to seriously study this bill. My colleague mentioned in passing that there would be 19 parliamentary days available to meet the deadline set by the court. This is somewhat problematic because the court's decision was not handed down only a few days ago, but rather many weeks and months ago—a year, to be precise.

Why then was this bill introduced only 19 days prior to the deadline? Is this not a way of preventing parliamentarians from doing serious work?

Mrs. Djaouida Sellah: Mr. Speaker, I would like to thank my colleague for her apt question and her typically perceptive analysis.

As she put it so well, we unfortunately have only 19 working days to examine and analyze this bill. We are of course fully aware that this is the way things are done these days.

Ever since I was elected to the House, this government has done everything in its power to gag members of the opposition and take advantage of its majority in the House. Unfortunately, like my colleague, I deplore the fact that we have only 19 days to analyze such an important bill, one that will affect the privacy of Canadians.

● (1600)

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, in contrast with Bill C-30, this bill clearly took out the term "peace officer" and replaced it with "police officer" and "other person".

However, it is not clear who the "other person" is that has the right to use wiretaps. Is it military, immigration, customs or Coast Guard personnel? "Other person" is not defined.

Does my colleague feel it would be appropriate for a parliamentary committee to clearly define who the "other person" is that has the right to use wiretaps under the law?

Mrs. Djaouida Sellah: Mr. Speaker, again, I would like to thank my brilliant colleague who, as usual, is trying to find flaws in the bills put before us. And, as usual, he is succeeding.

He is right. That is why the NDP is showing its goodwill and wants to work with the government. We will support this bill so that it goes to committee and so that we can eventually define who these other people are that can use wiretaps.

I hope that the answer will be clear in committee. We will see what happens after that.

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I would like to thank the hon. member for her speech.

I would like her to tell us more about the difficulties we sometimes have in committee. Amendments are often proposed in committee.

Is she confident that the government will listen carefully to us when this bill is examined?

Mrs. Djaouida Sellah: Mr. Speaker, I would like to once again thank my NDP colleague for the work she does in the House.

She is always there to ask the right questions. The proof is there: I am being asked questions only by my NDP colleagues. I assume this means that the Conservative members have no interest in the issue before us today.

Like the rest of my colleagues, I certainly have concerns about what will happen to this bill when it gets to committee.

I sincerely hope that our government colleagues will have the decency to properly discuss this issue, which affects the privacy of Canadians, in committee.

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I rise in the House today to speak about Bill C-55, which amends the Criminal Code to provide, in response to the Supreme Court's decision in R. v. Tse, safeguards related to the authority to intercept private communications without prior judicial authorization under section 184.4 of that Act. I would like to mention the four main points included in the bill's summary.

> (*a*) requires the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interceptions of private communications made under section 184.4;
>
> (*b*) provides that a person who has been the object of such an interception must be notified of the interception within a specified period;
>
> (*c*) narrows the class of individuals who can make such an interception; and
>
> (*d*) limits those interceptions to offences listed in section 183 of the Criminal Code.

I am emphasizing these four points because one would expect to find these clearly defined points in the bill.

I would like to begin with an argument that was already raised by our justice critic and that is the definition of "police officer". It is important that this term be better defined in committee. The definition has been narrowed. It reads:

> "police officer" means any officer, constable or other person employed for the preservation and maintenance of the public peace...

We will have to provide additional clarification. I would also like to point out that the bill in fact updates the wiretap provisions that the Supreme Court ruled unconstitutional. This reminds us of the saga of Bill C-30. Today, we find ourselves in the House with only a few days to study the bill. When the bill is sent to the Standing Committee on Justice and Human Rights, the number of days left to thoroughly study the bill will pose a problem. A timeline more in keeping with the importance of this bill should have been established in order to properly define the notions covered by this bill.

I would also like to mention that it is vital that this bill include mechanisms to provide oversight and accountability for the investigative measures. As I mentioned with respect to the four points, they must be well defined and there must be accountability. As English members say, there needs to be checks and balances.

We also mentioned that this bill must balance the need for surveillance with specific conditions and exceptional circumstances that have been well defined. These measures must only be used in exceptional circumstances. There must also be accountability for the frequency with which this mechanism is used and the methods used to inform people that they have been affected by this type of interception.

Another point must be clarified. I am the industry critic. The Standing Committee on Industry, Science and Technology conducted a study of electronic commerce. We need not look any further to know that our world is ever-changing and that technology is evolving at incredible speed. New technologies are introduced every day. We are surrounded by all manner of electronic devices.

● (1605)

Section 184.4 of the Criminal Code mentions police officers, which, as I said, will have to be defined, because it also mentions "other person". It states:

> A police officer may intercept, by means of any electro-magnetic, acoustic, mechanical or other device, a private communication if the police officer has reasonable grounds to believe that

I see "or other" there. I would like to know what this "other" refers to and what it includes. Industry Canada requested and held public consultations regarding the 700 MHz spectrum auction.

Some points were raised during these consultations. I am referring to the documents written by Chris Parsons, a man who follows everything to do with electronics very closely, particularly since the introduction of Bill C-30. Mr. Parsons—and others; this is public information—pointed out that the people who appeared to testify were asked to talk about providing information through other means, such as the Internet, for example.

I will read what was requested of the participants:

● (1610)

[*English*]

> The consultation has asked participants to provide comments on a variety of issues. What I focus on are the proposals revolving around 'lawful intercept' conditions of licensing Canadian radio spectrum. These conditions are addressed in paragraphs...operating as a service provider using an interconnected radio-based transmission facility.

[*Translation*]

Then, witnesses, people from various associations—in the online sector, for example—asked whether it was realistic to ask them how they do things when the legislation is silent on the issue. Bill C-30 had yet to be examined, so people were wondering. For example, the Canadian Wireless Telecommunications Association said:

[*English*]

> The Department's proposal to replace "circuit-switched voice telephony systems" with "interconnected radio-based transmission facility for compensation," opens up several additional services to interception requirements, including internet services...

[*Translation*]

They went even further, saying that it was not up to them to act and that legislation needed to be put in place so they could understand where they stood.

That is why I wanted to mention those points. Bill C-55 is very important in the sense that everything in it must be clearly defined, particularly when it states that an officer may "intercept, by means of any electro-magnetic, acoustic, mechanical or other device, a private communication" while respecting public safety requirements in exceptional circumstances. However, I feel it is very important, as do the people of LaSalle—Émard, that a person's privacy be respected.

That is very important. Oversight and accountability mechanisms must be written into a bill such as Bill C-55.

I believe that the members will agree that these requests are completely fair and justified, especially in the interest of the common good and peoples' rights.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I wonder if the member might want to provide some comment on the fact that we pass a considerable amount of legislation through the House of Commons.

Many of us would argue that when government ministers bring forward legislation, there is an obligation for them to ensure the legislation is reviewed with the intention of meeting potential constitutional and charter challenges.

Would she want to comment on the importance of the ministers doing work prior to the introduction of legislation to ensure, as much as possible, that the legislation we are being asked to vote on is constitutionally correct?

● (1615)

[*Translation*]

Ms. Hélène LeBlanc: Mr. Speaker, I would like to thank the member for his question, which is right on the mark.

A huge amount of background work must be done before a bill can be introduced, in order to avoid long, arduous legal action. It is easy enough to check if the legislation is constitutional. His question and comments are completely appropriate.

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, I am pleased to rise here to ask the hon. member for LaSalle—Émard a question.

I would first like to congratulate her on her very pragmatic speech, which focused on the potential flaws of the bill and very clearly described the work that needs to be done in committee. It will not be enough to simply discuss it and come back here with exactly the same bill at third reading, not because the approach or the amendments were lacking, mind you, but because the Conservatives chose to ignore the opposition, cover their ears and forge ahead.

I would like to give my colleague the opportunity to revisit the matter and to comment on the fact that, first of all, we have very few days to do the work that needs to be done thoughtfully and thoroughly, and that secondly, by supporting this bill at second reading, we do in fact hope that it will be studied carefully and with an open mind by all members of the Standing Committee on Justice and Human Rights.

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

Indeed, this bill is the result of a Supreme Court of Canada ruling, which means that this bill is a reaction rather than being proactive. Yet a bill should be proactive concerning issues that have been a problem for several years and continue to be a problem. So I think some work remains to be done in that regard. Unfortunately, because there is little time, because the government did not introduce this bill sooner, we do not have long to examine it.

We hope that at committee meetings, the government will listen to any clarifications that are given in order to ensure that we do not end up with a bill that is unconstitutional and contrary to the Charter of Rights and Freedoms, as someone mentioned earlier.

Many experts can help ensure that this bill meets the needs of Canadians when it comes to security.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is a pleasure for me to rise today to say a few words on Bill C-55.

There are many thoughts I would like to share with members, albeit we are somewhat limited in terms of time.

I want to pick up on two or three themes. I always take great exception when the government does things in a fashion that ultimately is disrespectful to the functionality of the House.

It is a privilege to be a member of Parliament, and I value the role I get to play. I thank the constituents of Winnipeg North for allowing me to represent them. I am also very grateful for the Liberal Party allowing me to respond to the different bills and so forth.

When I look at what the government is doing here, I find it is once again somewhat disrespectful. We need to recognize that the Supreme Court of Canada made the decision that precipitated the legislation before us. This decision was not made a month ago or two months ago. This decision was made back in April 2012.

The government has known for months that it needed to change the legislation. There is absolutely no reason whatsoever that could justify the delay it has taken in introducing Bill C-55.

What the government has done through procrastination is put the House of Commons in a position where, if we want to respect what our Supreme Court has ruled, there is pressure on its members to pass the legislation not only through second reading, but also committee, third reading and so forth, before April 13 of this year.

Today is the first opportunity to debate the bill. It is a significant issue. One has to question why the government—former Reformers and now Conservatives, as the members call themselves—has taken a different approach to dealing with legislation.

Members will recall the two massive budget bills in which the government, through the back door, made amendments to dozens of pieces of legislation. I am somewhat surprised that the government did not include this change. I guess the minister responsible did not think about it, or maybe he did not get the message from the PMO that the budget bill was coming forward. I am glad that at the very least the minister did not take advantage of the budget bill.

The government has been bringing in a record number of time allocation motions. I have a fairly lengthy list, and I will not go through the entire list. Some of these issues of time allocation were quite significant, whether it was on back-to-work type of legislation, the gun registry, a pension plan, the Canadian Wheat Board, Air Canada, Bill C-31, Bill C-27 or numerous other bills.

All of these deal with opportunities that members of Parliament have to provide due diligence and go through the legislation in a timely fashion to ensure the legislation is debated and that ideas will stem out from those debates, ultimately seeing it going to the committees and allowing them to do their jobs. Hopefully the government is then sympathetic to recognizing that its legislation quite often needs to be amended. Amendments come from many members on a wide variety of legislation.

● (1620)

Therefore, today we have a very short window. I suspect time allocation will be placed on this bill. However, there is a high sense of co-operation from opposition parties. On behalf of the Liberal Party, the Liberal Party critic was able to address the bill earlier today and indicated that we were very comfortable in seeing the bill go to committee. We recognize the importance of that.

That does not excuse the government of its irresponsible behaviour in not providing the House the respect that is necessary when dealing with legislation. It should be held accountable for taking so long in bringing this legislation before us.

However, the Liberal Party will behave responsibly and do what it can to get it to committee. We hope the government will be sensitive to possible amendments to the legislation. We recognize the bill does deserve attention at committee and understand that hopefully there will be some changes brought forward.

There are four things that Bill C-55 attempts to do.

It requires the ministers of public safety and emergency preparedness and the attorney generals of each province to report on the inception of private communications made under section 184.4. That is a positive request. It is something that the Supreme Court did not require. It is a reporting mechanism and there is great merit for it.

Bill C-55 provides that a person who is the subject of such an interception must be notified of the interception within a specified period of time. We must give thought to what the appropriate amount of time is. Hopefully that will come out in committee. We are very much aware of the importance of our charter and the protection of our privacy. There has to be a balancing of the public good and life-threatening situations and so forth. However, there also needs to be protection for individuals who ultimately might be subjected to a warrantless wiretap. I suggest the committee would do well to have some dialogue as to whether it should be 90 days or less than that and what the arguments and concerns are. It would be interesting to hear what the stakeholders would have to say on that point.

It would narrow the class of individuals who can intercept a wiretap. My understanding is that it is more general today. What the government wants to do is narrow it to include police officers. Hopefully, we will have some dialogue at committee stage regarding contracting out. Many municipalities hire private services related to security and policing. How will they be incorporated, or will they be incorporated?

Again, there is an opportunity with respect to the limits of those interceptions for offences listed in section 183 of the Criminal Code. We can appreciate that when that type of authority is issued, we should be very careful in terms of when and for what circumstances it would be utilized. Two things that come to mind are life-saving measures or kidnappings. These are the types of things where timing is of the essence. There might be a requirement for us to ensure that law enforcement officers are able to get the necessary information as quickly as possible.

● (1625)

The minister and others have talked a lot about section 184.4. That is really what we are talking about and that is what the Supreme Court made its ruling on. In going through some notes and, in particular, comments by judges, I thought I would share two that are really important to recognize and are related to section 184.4, which deals with the warrantless wiretapping provisions.

The first quote was said by one of our court judges:

> —the privacy interests of some may have to yield temporarily for the greater good of society — here, the protection of lives and property from harm that is both serious and imminent.

I find that to be a most appropriate statement. This is why I raised this a few minutes ago. It is important for us to take a look at the most appropriate time frame. When someone's telephone conversation is being tapped into and the individual is not aware of it, what is an appropriate amount of time between the law officer making a recording of a conversation and the individual's right to know that recording was in fact made? From what I understand, the bill suggests 90 days.

The judge has correctly pointed out the importance of this to the public. We need to recognize that it outweighs the private interest. However, in the same breath, it is still important the private interest be protected in some fashion.

The second quote is as follows:

> Section 184.4 contains a number of legislative conditions. Properly construed, these conditions are designed to ensure that the power to intercept private communications without judicial authorization is available only in exigent circumstances to prevent serious harm. To that extent, the section strikes an appropriate balance between an individual's s. 8 charter rights and society's interests in preventing serious harm.

I wanted to read those quotes because I believe very passionately in the charter. I believe the vast majority of Canadians over the years have recognized how important it is to protect and refer to the Charter of Rights and Freedoms because we have taken ownership of that over the last 30 years. We need to do what we can to always reflect on that.

Earlier today, I had the opportunity to ask a number of members a very important question that many took for granted, and I want to use a couple of examples.

I am the critic for citizenship and immigration. I have been frustrated by the Minister of Citizenship and Immigration and some of the legislation he has brought forward. The question I posed to members earlier was related to the obligation of government ministers, with regard to the changes they are proposing at the draft stage, to get a better sense of whether these changes would meet the requirements of the Charter of Rights and Freedoms or pass a constitutional challenge. This has been an important issue for me because it has been raised in committee on several occasions. In fact, there is a group of lawyers and doctors in Toronto that is going to the Federal Court questioning the constitutionality of the decision made by the minister to cut back health care services to some of the most vulnerable in our society.

● (1630)

We have challenged the minister on that and it is now going to a federal court. We are not confident that the minister knew what he was doing when he brought in that change. Through Bill C-38, the minister made changes that ultimately excluded hundreds of thousands of skilled workers. Again, we questioned that. Not only does it come across as a very cruel and inhumane policy change, but when the minister brought in the change it was, and is being, challenged by a federal court. In fact, there was a ruling made by one court in Ontario indicating that the minister was wrong. I am not sure where this is at within the Department of Citizenship and Immigration, but that is another issue.

Then we had the issue of detention, which is where committees really are of benefit. We had a minister who was going to put people in a detention centre without any real right of appeal for a year, but at committee stage we were able to make some serious changes to that proposal. However, it took a whole lot to do it. Again, we had presenters at committee who said that this would not meet a constitutional challenge. That is important.

In looking at the justice area, I always thought that Bill C-30 was an interesting bill when it was introduced. I understand that the government has now withdrawn Bill C-30, but one of the arguments in that regard was that it did not go far enough in its provisions to give police officers wiretapping power over Internet services. Now Bill C-30 has come to a standstill, with the government backing off from it for a wide variety of reasons. That said, I question whether or not the current section 184.4 is something that would have been able to deal with many of the measures suggested in Bill C-30. Is that one of the reasons the government is not moving forward with the legislation? If so, one could question why it brought forward the bill in the first place. What happened regarding the exploitation of children on the Internet? Is that issue addressed in section 184.4? I am interested in knowing the answer, as I do know there was an attempt to deal with that issue in Bill C-30.

When I look at Bill C-55 as a whole, I do see merit in it going to committee, where I am interested to see what will take place. Hopefully, there will be some discussion relating to Bill C-30 because there might have been possible amendments to it that would benefit Bill C-55. Canadians are concerned about the exploitation of children over the Internet. I do not know to what degree Bill C-55 could assist in extreme circumstances in dealing with that issue.

We look forward to the bill going to committee. I hope and trust that the government will look at bringing legislation in a more timely fashion to the House and allow members the necessary diligence, without being rushed to pass bills to meet a deadline such as the Supreme Court's decision.

● (1635)

[*Translation*]

The Acting Speaker (Mr. Bruce Stanton): Before we move on to questions and comments, it is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Charlesbourg—Haute-Saint-Charles, Employment Insurance; the hon. member for Québec, Search and Rescue.

The hon. member for Halifax.

● (1640)

[*English*]

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, the member for Winnipeg North made a number of good points in his speech, including the value of a full debate in the House and for changes to be made to the legislation if new evidence comes out at committee.

That made me think about the court case R. v. Tse, which prompted this legislation. In that case, witness testimony at committee was quoted to try to determine what Parliament's intention was when this section of the Criminal Code was originally introduced in 1993. That speaks volumes about the value of the work we do here. It is about what happens at committee and what we say in the House about this legislation; it is not just about the vote. The debate really matters.

With a Conservative majority on committee, is my colleague confident that the committee would adopt any recommendations? The government does not have a good track record on that front. What does he think?

Mr. Kevin Lamoureux: Mr. Speaker, the member makes a good point. For example, I can recall a very heated discussion of mine with many different stakeholders about the Air Canada Public Participation Act and how people had referred to what took place at committee because the committee went even further in explaining what was in the legislation. In essence, the legislation guaranteed jobs in Winnipeg, Mississauga and Montreal. When those jobs or positions were lost, we referred to what the legislation said and at committee we started to pull the comments. It was amazing how much more clarity that provided to the issue and how it reinforced our point that Air Canada was in violation of the law.

I do agree with the member's comment that committees do matter. What takes place in committee and the context in which bills are explained, especially when ministers or government members provide further detail and consensus is developed, assists us in going forward.

I would like to think the government would be sympathetic to amendments but I can understand why members would feel discouraged, for the simple reason that it is difficult with a Conservative majority government to get any amendments passed. On one occasion at the justice committee, we had to leave it to the Senate to make some changes even though the government was aware that the changes were necessary.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I think we all want to make sure that the Criminal Code complies with the charter. The fact that the Supreme Court of Canada has given the government and the Minister of Justice a full year to try to make sure that it does puts a great burden on us as parliamentarians to ensure that any legislation we pass will survive a subsequent charter challenge, should it come to that.

I am concerned because paragraph 90 of the Supreme Court of Canada decision refers favourably to the view of Mr. Justice Dambrot in the Riley case that "a legislative reporting requirement such as s. 195 that does not provide for active oversight of wiretapping generally, far less any particular use of the wiretap provisions, cannot be a constitutional requirement of a reasonable wiretap power...".

I am wondering if the bill is likely to fail another charter challenge. In the opinion of the member for Winnipeg North, does it need an amendment to provide some active oversight of wiretapping more generally, taking the view of the Supreme Court?

Mr. Kevin Lamoureux: Mr. Speaker, I believe that the government already has a fairly decent sense of what issues concern opposition members. We want to see legislation that would pass any constitutional or charter challenge. It will be up to the government to recognize the value of making some changes.

If committee members and stakeholders are given the opportunity to present their views, any of our misgivings about what is in the legislation will be overcome. As the Liberal Party critic, I have addressed some of the issues referred to by the leader of the Green Party and I suspect that these will be discussed at committee if the government accepts the need for some amendments to the legislation for it to withstand any constitutional or charter challenge.

● (1645)

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, the hon. member could perhaps speak about one of the weaknesses of this legislation.

A private conversation can be intercepted only in emergency situations. Yet, according to the law, this state of emergency can last for a period of three years, which seems to me like an extremely long time to respond to an emergency. In theory, we would hope that, in the weeks following the interception of these communications, the police would ask a judge to make that interception legal.

Why can this operation continue for three years?

[*English*]

Mr. Kevin Lamoureux: Mr. Speaker, doubtless we need to ensure that there are adequate safeguards to protect someone's right to privacy. Within the proposed legislation, there is an obligation on the law officer or agency to inform a person who, for example, has had their phone line tapped, within 90 days I believe. We are open to hearing what the stakeholders have to say on that.

Everything depends on the need. There is no doubt that section 184.4 is needed, but safeguards are also needed. That is what we are really asking for.

In the vast majority of situations, a court order could be obtained. This section would be used rarely and I suspect that normal procedures would be followed. However, when it is a matter of minutes or possibly hours, having to go through a judge could put someone's life in danger. Therefore, as one judge ruled, sometimes we have to forego a bit of privacy to save that life for the public good, as long as there is some check or balance in place to ensure that there is a safeguard against our going overboard. There would be a great deal of merit in tracking how often it is used year over year, as we go forward.

We will have to wait and see, but I do believe that section 184.4 would allow our police officers to do what they believe is necessary to save a life. If going to court to get a warrant is required, section 184.4 would allow them to take that shortcut, which I suspect would be used very rarely.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, one of the things the Supreme Court of Canada expressed reservations about was the idea of a "peace officer" having all of these powers. When I read the bill, that term has been changed to "police officer". Therefore, the bill has narrowed this to a police officer versus a peace officer such as a bailiff or mayor.

At first reading, I think that strikes a good note, but I would be interested in hearing what the member for Winnipeg North thinks about that.

Mr. Kevin Lamoureux: Mr. Speaker, the Liberal Party's critic had the opportunity to address that specific issue also. Narrowing the scope, I believe, is a good thing.

My understanding is that the legislation in its current state, for example, included that a mayor would have that authority. I am not convinced that a mayor should have that authority.

At the very least, I suspect if we or the government is wrong on that particular point, one of the stakeholders would make that case at the committee stage.

I do believe it is necessary for us to narrow that gap or to be a little bit more specific. I think that is good, given the authority that Bill C-55 would be giving. I think it is a responsible suggestion.

● (1650)

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, I will be sharing my time with the hon. member for Laurier—Sainte-Marie.

The NDP will vote in favour of Bill C-55 at second reading so that it can be examined in committee and so that its weaknesses can be remedied, since therein lies the problem.

This is a good bill, particularly in comparison to its predecessor, Bill C-30, which fortunately was withdrawn. I do not think that the government really had any choice.

We, in the NDP, think that it is reasonable for Canada to have the means to protect its laws, its people and their property. We agree that emergency situations may require the intelligent use of a police force to combat crime.

However, unfortunately, the devil is in the details and they are many. We must clarify them and provide solutions. The NDP will do so in committee.

The bill has many weaknesses. One of our concerns is that the government has a serious problem with the application of the Canadian Charter of Rights and Freedoms. The number of bills that this government is introducing that the Supreme Court considers to be *ultra vires* is becoming indecent.

Someday, this government is going to have to understand that the provisions of the Canadian Charter of Rights and Freedoms are not going to be struck down just to please it; the Supreme Court is not going to take pity on it and is not going to say someday that it accepts the charter being violated, to please a government that plainly does not understand it. That is not how it works.

As Albert Einstein said, "Insanity is doing the same thing over and over again and expecting different results." This government is plainly afflicted by that syndrome. It systematically makes the same mistake all over again by violating the Canadian Charter of Rights and Freedoms, and it hopes that someday those violations will be accepted by the Supreme Court. That is not how it works.

In this case, we have to pass this bill urgently. We will have a short time to examine it, essentially because of a judgment given nearly a year ago by the Supreme Court of Canada in R. v. Tse, declaring section 184.4 of the Criminal Code to be invalid. I would note that that section authorizes peace officers to intercept private conversations without seeking a warrant from the court.

The Supreme Court said at the outset that in exceptional urgent cases, where people and property are in immediate danger, it is to be expected that a democratic society will take measures to defend itself. However, it also said that this reasonable violation of the Canadian Charter of Rights and Freedoms must not open the door to any form of repression. That is the point at which it says that under section 184.4, the government is going too far.

Personally, I say that this must be limited. We must limit rights by stating clearly that the situation is exceptional. We must remedy the situation by informing the person who has been the subject of an unauthorized wiretap and have the continuation of the wiretap approved by a judicial authority.

In fact, section 183 of the Criminal Code provides a list of the events that will open the door to the use of section 184.4. That is a good thing. The application of that section must be guided by section 183.

A police force must not be allowed to go on a fishing expedition —to give itself the right to wiretap because it thinks that maybe someday something is going to happen. That is not authorized by the Supreme Court.

Collecting Canadians' confidential information is no small matter. What is troubling is that this same government has a well-known tendency to lose confidential information about Canadians.

● (1655)

It accidentally forgot 500,000 files of students who received loans and bursaries. It lost information about aboriginal communities. It has lost a lot of information. It would be nice if this government took things a little more seriously.

We will be uncompromising when it comes to restricting rights. We will never allow democracy to be killed for the purpose of preserving democracy. That is the issue here. Under the rule of law in a democracy, people are accountable to justice and the law. We are debating this bill because section 183.4 does not meet the Supreme Court's criteria. It does not meet the criteria of the Charter of Rights and Freedoms. Bill C-30 definitely did not.

The close connection between Bill C-30 and Bill C-55 is regrettable. It is precisely this relationship that NDP members are going to keep a close watch on in committee. The question that then arises is whether we must sacrifice democracy in order to save it. The NDP's answer is very clear and intelligent: no.

The Supreme Court opened a door. It said that it wanted us to review section 184.4 and directed us to ensure that rights and freedoms were respected. There are some potential problems, such as replacing peace officers with police officers—which is fine—and other persons. However, "other persons" can mean anyone. At least this was limited to peace officers before. Now "other persons" can mean people who are not even peace officers. That is a problem and it is unacceptable.

Canadian Security Intelligence Service—CSIS—agents are not police officers within the meaning of the act. Members of the Canadian armed forces who work at the Communications Security Establishment Canada—CSEC— are not peace officers within the meaning of the act. Moreover, those who work for Echelon have the same problem. All exchanges with Interpol are therefore problematic.

It is therefore important to revise section 184. However, it requires proper oversight by police watchdogs. But then there is the problem of the scandal involving Dr. Porter. He was appointed to the highest level of our country's security institutions despite being wanted for fraud and corruption. The only qualification he had for work in intelligence and security was being a friend of the Conservative Party. I believe that friendship with members of the Conservative Party is a flawed criterion.

It is therefore important to make sure that the RCMP, CSIS and CSEC are properly monitored by oversight organizations that will tell their members, "Here is the act; you are required to follow the guidelines set out in this act." We mentioned the problem of "other persons", how oversight of them is important, and that this oversight should be performed by serious entities staffed by qualified people, not by Conservative Party campaign fundraising friends. There is also the problem of "other means", which is very vague. Wiretapping is mentioned, but there is also the interception of private communications. Are the notes we write to prepare a speech or a sermon a problem?

In conclusion, I want to say that in democratic countries—and in London specifically—the phone hacking scandal in which journalists listened to conversations was a problem. In France, President Sarkozy used security services to get rid of some opponents. In the United States, intelligence services were misused to solve the problem. That is the problem with Bill C-55. That is what the NDP wants to do to protect Canadians.

● (1700)

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I thank my colleague for his speech and for raising some important points.

In introducing a bill, we always look to achieve some kind of balance. Here, we are looking to balance the surveillance and public safety objectives in response to a case that was before the Supreme Court. We must also balance human rights, fundamental rights, our Constitution and the Charter of Rights and Freedoms.

I would like my colleague to tell me whether he thinks this bill achieves that balance. If not, then I would like him to tell me what would help the bill to achieve that balance.

Mr. Alain Giguère: Mr. Speaker, I would like to thank my colleague. She came to the same conclusion as I did on this legislation.

It is important to give our public safety forces the resources they need to protect us. In this case, there are things that open the door for so much abuse that it is unacceptable. The expression "other technical means" is too broad. It may simply mean breaking into someone's safe, ransacking his office or stealing documents. It is overly broad.

The definition of "other person" is also problematic. I fully agree that police forces should have this power. However, the expression "other person" is much too broad. We used to talk about an "officer of the peace". At least it was limited. Another person could be anyone. That is one problem we should be addressing.

To whom are they accountable? That is the problem. Can we trust the organizations that supervise and oversee public safety? Unfortunately, this is not the case at the moment.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the issue really is the access without a warrant, and section 184.4 allows that to take place. From an opposition point of view—from the Liberal Party and, I believe for most part, from the New Democratic Party—the idea of safeguards is something we have talked about a lot.

Might the member provide some precise thoughts in terms of what he thinks would be a good safeguard for section 184.4? Does he have a personal feeling as to what could protect the privacy rights of an individual, which he could see potentially in the form of an amendment or something of that nature?

[*Translation*]

Mr. Alain Giguère: Mr. Speaker, that is an excellent question about accountability.

Unfortunately, over the past two years, we have seen police monitoring agencies being curtailed and even abolished by the omnibus bill and administrative reorganizations resulting from budget cuts. Ombudsmen are disappearing, for instance. That is the cause of the problem.

In the Arar case, the judge released a major report that showed the exact nature of Canada's public safety forces and to whom they were accountable.

The problem with the RCMP is that it sent an individual to be tortured in Syria and is not accountable to anyone. It was when the matter was discussed in a parliamentary committee a few years later that we realized that this did not make sense. That is the problem. Who is going to oversee the enforcement of the legislation by the police and by "other people"?

● (1705)

Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP): Mr. Speaker, I am pleased to rise in this House today to speak about Bill C-55, Response to the Supreme Court of Canada Decision in R. v. Tse Act.

We have known for quite some time now that certain provisions in the Criminal Code needed to be amended. In fact, the Supreme Court decision in R. v. Tse was handed down more than 10 months ago, nearly a year ago, in fact. The decision was very clear: the provisions of Criminal Code section 184.4 had to be amended. We know this; we have spoken a great deal today about the provisions that allow for private communications to be intercepted without prior authorization.

I would like to clarify something at the outset. We in the NDP have no problem with the fact that, sometimes, in order to save lives, in matters of public safety and so on, private communications must be intercepted before prior authorization can be obtained. However, when this is done, and because it is really on the borderline, there must be safeguards in place.

In R. v. Tse, the Supreme Court stated that the existing safeguards are not sufficient to ensure that there is no abuse or undue interference in a person's private matters or that the basic principle of the right to privacy is always respected. As one of my colleagues said, when we see what has been happening recently in surveillance organizations such as CSIS, where there have been serious issues and questionable appointments, it is even more important to have a rigid, clear legislative framework.

In short, the court asked Parliament, the government, to fix the problem, which absolutely had to be done. But what did the government do? It came up with Bill C-30, a terrible bill that was poorly designed and included all sorts of things but did not provide more safeguards. Instead, it increased the power to intercept private communication.

We on this side of the House opposed Bill C-30, and we were not the only ones. Many Canadians across the country strongly opposed it. My office received hundreds of emails and letters from people who were opposed to Bill C-30.

When we opposed it, we were called every name in the book. We were told that we were siding with pedophiles, and so on. Those responsible for the file treated us with their usual haughtiness and arrogance, but as it happens all too often with this government, its arrogance backfired. As the expression goes, when one spits into the wind, it blows back into one's face. That is more or less what happened with Bill C-30.

We graciously admit that Bill C-55 is a little better. That said, we have a small problem with the fact that the Conservatives want it passed so quickly. The Supreme Court ruling on R. v. Tse was handed down on April 13, 2012, and at that time, the court gave us one year to correct the situation.

● (1710)

Almost one year has passed, and the government is finally introducing a bill that is moving in the right direction to correct this situation. That leaves only 19 sitting days to debate this bill at second reading, send it to committee, have it return to the House for third reading and carry out the rest of the process. That is a very short timeframe, and it is truly typical of this government, which is always so short-sighted. I work on international files a lot and I am always fascinated at the lack of foresight of this government. You would think that a year would be long enough for the government to have seen this coming. Are the Conservatives so shortsighted that even a year is too long to plan? That is rather frustrating.

Maybe the government is hoping that the bill will pass easily. In case we were not clear before, we will be clear now. We believe that this bill is necessary, that we must ensure security, but we must also ensure that privacy is protected. We do not have a problem with that.

The problem arises when it comes to doing things right. Many people have concerns about the bill as it stands. Let us look at several examples. The bill talks about peace officers that can intercept communications. However, the term "peace officer" is not defined. Could a private security guard be a peace officer?

The bill deals with the issue of the time required before a person must be notified that his or her communications have been intercepted. Should this be 30 days or 90 days? Can this be extended for up to three years, as it is proposed in certain cases? Where is the happy medium?

There is another even more fundamental problem. What have we done to ensure that the legislation really responds to the Supreme Court case? What evaluation mechanism have we put in place to ensure that, in six months or one or two years, we do not find ourselves before the Supreme Court once again? This government seems to think that the executive branch does not have to answer to anyone and that it is above the law. That is not true. The charter and the Constitution are more important than the Conservatives' or any other party's political agenda.

The committee will have to take a close look at these concerns. Canadians have every reason to be apprehensive about a Conservative privacy bill. The Conservatives have a dismal track record in this area. Regardless, it is never a good idea to speed through bills. It is important to act, but we must do things properly. We have only 19 sitting days left to get this job done. We will roll up our sleeves and work hard.

The government's rush to get this passed unfortunately shows its lack of professionalism and lack of respect for Parliament, which in itself shows a lack of respect for Canadians, who have every right to expect Parliament to work diligently on such important issues.

● (1715)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I thank my colleague.

I have a question, because I am not sure I understand the point regarding defining police officers. For Bill C-55, the Supreme Court has demanded that Parliament develop a clear definition of "police officer".

Not a peace officer, but a police officer. There may be a problem with the words, "or other person employed for the preservation and maintenance of the public peace". Perhaps that is the problem? I would like my colleague to speak to that.

Ms. Hélène Laverdière: Mr. Speaker, it is indeed any "other person employed for the preservation and maintenance of the public peace". As long as there is no clear definition, there is the potential for a violation of the basic rights of Canadians. We need to be very rigorous and very precise about this. We must have a clear definition of this term and all the others.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I would like to thank my colleague from Laurier—Sainte-Marie, who really has a lot of experience. She is sharing her extensive experience here in the House. Her speech today added many facts and striking examples to the discussion of Bill C-55. It is important to note that, as of this morning, we had 19 days left to pass this bill, which has just been introduced.

Now the first day is already over, and we have received no replies to our questions. Since this morning, even though the member for Gatineau, the member for Halifax, the member for Laurier—Sainte-Marie and many others have asked questions, we have not received any answers from the government. The government has therefore lost an entire day even though it introduced the bill late, that is, 19 days before the deadline. The government has known for a year that it must do something.

The question that I would like to ask my colleague from Laurier—Sainte-Marie is very simple. Why does she think the Conservatives are treating this matter with such disdain? Why is their approach so disorganized, when following up on a year-old Supreme Court decision is actually quite an important matter?

Ms. Hélène Laverdière: Mr. Speaker, I think there are two problems. The first one is probably the most basic. We are in Parliament here. My understanding is that Parliament is a place for talking, for dialogue, for exchanging views in order to find good solutions, solutions that are fair, equitable and effective.

Unfortunately, in my short career as a member of Parliament, I have found that we are now dealing with a government that is not very interested in dialogue, that is not very interested in in-depth discussions on the issues that we are supposed to be debating. This can be seen in Parliament, it can be seen elsewhere in the country, and it can be seen worldwide. It is as though the government has no concept of what dialogue is all about and is completely unaware of how to work with others.

There is of course another matter that may raise a number of concerns. I have received many comments from my constituents regarding respect for the various institutions that are part of Canada's democracy, including respect for the Constitution, respect for the courts and respect for the Canadian Charter of Rights and Freedoms. We must understand that these kinds of things are so much more essential than short-term political gains.

[*English*]

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to stand today to address Bill C-55, An Act to amend the Criminal Code. I want to talk a bit about the specifics of the bill and the NDP's thoughts on this bill and then move to what is the bigger question, which is the balance between protecting the privacy of citizens and collecting the information we need to make proper policy decisions. Again, I will go through the specifics and then move to the bigger question. Although New Democrats support this bill in general and think it should go to committee for more scrutiny, the government has perhaps an unbalanced or inconsistent approach to these issues that is worth discussing.

Bill C-55 concerns safeguards in relation to authorization to intercept private communications without prior judicial authorization, basically wiretapping, or the state intercepting private communications. This bill requires the federal government and provincial Attorneys General to report interceptions of private communications, requires that the person who had his or her private communications intercepted be notified and narrows the class of people who can make such interceptions. They seem to be reasonable measures that would all be considered by any other country or government around the world that has to undertake these kinds of measures.

These measures seem reasonable to New Democrats, and we will be supporting this bill at least at second reading. We will see what kinds of shenanigans the committee members get up to, but we will make sure the committee has enough time to go through them.

I will be splitting my time with the member for Pierrefonds—Dollard.

Wiretapping is really what this bill is all about. Though we are calling it intercepted communications, we are really talking about wiretapping. Wiretapping has quite a long and sometimes dark history in Canada, and its proper use deserves our full and careful attention. In fact, the creation of our current Canadian Security Intelligence Service, CSIS, has its origins in this whole issue. As agents of the state, police and RCMP, in this case, illegally collected information on citizens during the 1970s. There was such an outcry, mainly from Quebec, that a number of task forces looked into it. They said the RCMP had too much centralized power, so we needed a separate security service, and that is why CSIS was established.

The problem in this case was that the RCMP overstepped its bounds and collected hundreds of hours of illegal wiretaps from Quebec citizens. Some were worthy, but others were to collect information about people at the whim of state agents, in this case the police. Records also show that this practice had been going on for quite some time, as well as outside the boundaries of Quebec. After quite an uproar across the country, CSIS was created. We have been wrestling with these issues and will always wrestle with where the boundaries lie between privacy and collecting necessary information. We need to take care that these past injustices, the misuse and maladministration of justice, do not happen again and that wiretapping only be used in legitimate circumstances and that the practice be as transparent as possible.

Returning to the text of Bill C-55, let me be clear that this bill is simply an updated version of previous Conservative-initiated wiretapping laws that the Supreme Court deemed unconstitutional. This is not a new initiative and, in fact, we are just cleaning up a bit of a mess. Due to this mess, the courts have established new parameters for the protection of privacy, and we need to ensure that this legislation meets these new requirements. We need to make sure the committee gets this right and that it is given ample time to ensure it gets it right this time.

New Democrats want to make sure the committee gets the time, especially when the government is crafting the post-committee version of this bill, because the Conservative record shows that Conservatives are prone to make mistakes in this area.

I want to talk about the whole idea of balancing the need to collect information from citizens to make policy, whether it is security, economic assessments or policy decisions in other areas, and the citizen's need for privacy and the right to protect private communications.

● (1720)

The government really needs to make sure it gets the balance right. We saw before that Bill C-30 was judged too intrusive. It went too far in terms of prying into the private lives of citizens. However, I want to talk about the other side, too, where the Conservatives have erred in terms of perhaps not being clear on what information is important to collect or what they are willing to do in terms of making proper policy decisions.

There are certain members of the Conservative Party, the libertarian wing, such as the member for Nepean—Carleton, who would say that the state has no business, at all, in the lives of citizens. We know that, in its pure form, cannot be true; otherwise that would be anarchy.

What we need to do is make sure we strike the right balance. I am afraid the Conservatives have got it wrong on a number of occasions. For example, the Conservatives have used the excuse of privacy to abolish the long form census. The effects of this action will be felt throughout Canada for years to come. Using the kind of smokescreen of protecting citizens' privacy, we have abolished a tool that has been in use not just in Canada but in almost all countries around the world to inform policy decisions.

Without the long form census, we still have the short form census, which is still mandatory; however it contains very little information. The long form census, which goes to a smaller proportion of the population, collects very valuable information. For example, being somebody who used to work in city planning, I know that cities need these things to plan properly: where to put a new school or what languages should be highlighted in that school. That information comes from the long form census.

Businesses looking to target a particular neighbourhood, wondering if the business will do well there or not, will not be able to target markets with any accuracy without this information. Without the long form census, policy makers will have to fly blind in many areas without these valuable statistics.

We are going to be feeling the ripple effects of not having the long form census for many years to come. Many community members felt very strongly about this, and in fact the head of Statistics Canada felt so strongly that he resigned when the long form census was abolished.

This is what I mean by balance. The Conservatives are keen to wiretap people and to really open that up and not have it be transparent. However, on the other side, Conservatives are not willing to allow the state to collect the information it needs to make proper planning decisions.

Some of my colleagues in this House have raised the spectre of the Conservatives abolishing other surveys with mandatory requirements. We have had the long form census abolished, and the reason given on the other side was that it had a mandatory reporting requirement.

For example, we have the labour force survey, which is mandatory. We have business surveys and agricultural surveys, which are also mandatory. My question for the Conservatives would be where they fall on these issues. Will the government use the name of privacy in vain in order to abolish these critical surveys, or will it cave in to its radical libertarian wing?

It is not just an imbalance between protecting privacy and the state gaining information it needs to make policy; it is also that it is a very inconsistent application. There is no single rule that the government is using in terms of making its policy decisions.

If we abolished the labour force survey, we would probably be kicked out of the OECD. This would not allow us to calculate our unemployment rate, and we would not be able to accurately report to international organizations with any accuracy.

Maybe when the Conservatives are asking questions when I finish my speech, we could have a bit of a debate about where they see the balance between protecting privacy and collecting proper information.

● (1725)

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I would like to thank my colleague for his speech, and especially for giving a very important perspective.

He is the official opposition science and technology critic, and has followed this issue very closely. When we talk about science, we are talking about facts and information, which enable us to make informed decisions here in Parliament.

In his conclusion, he wondered whether the bills that are currently before the House of Commons are balanced, or whether the government is still trying to introduce bills that are based on sensational reporting.

Does this bill strike a balance between public safety and the protection of privacy?

● (1730)

[*English*]

Mr. Kennedy Stewart: Mr. Speaker, I thank my colleague from LaSalle—Émard for her question and for her very good work on the industry committee and as our industry critic. She is doing fine work, and it is a pleasure to work with her.

In terms of balance, I do not think the Conservatives have this right. In fact, I worry about the base premise they use to design policy in this area at all. For example, many members on that side of the House find the Charter of Rights and Freedoms an inconvenience. If they had their way, they would probably abolish it if they had a chance. That way they would be able to pursue these lines of inquiry. They would intrude into people's privacy in the name of crime and punishment. I think that is a mistake. We have to be vigilant to make sure they are not allowed to do that.

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I have been following the debate all day, and I certainly know that the courts have established new parameters for the protection of privacy. We and all Canadians would expect the House to follow those parameters.

Most Canadians who were here for the debate on Bill C-30 have good reason to be concerned about the Conservatives' privacy legislation, and their record in this regard is far less than encouraging. The member started to talk about that in some detail, but for folks in my community of Hamilton Mountain that is probably the number one concern: How can we be assured that our privacy is protected, even though we understand there may be times when law enforcement officials need to be able to access some of that information? There has to be accountability. There has to be oversight. How can we make sure we are actually living within the spirit of what the courts are demanding of us?

I wonder if the member might want to take a couple more minutes, because I know his time here was brief, to talk about those issues in more detail.

Mr. Kennedy Stewart: Mr. Speaker, in all these matters the key word is "reasonableness". The state has to be reasonable. It is a democracy. We are elected to make the laws for Canada under guidance of the charter and our Constitution, as well as Supreme Court rulings, treaties and other things, but it is for us, as we sit here, to think how an average Canadian would think about these particular laws. Is this too intrusive? Is this getting the information we need?

I feel that on the other side of the House, members have not been reasonable in many cases. They have been pursuing an ideological line that is inconsistent. The two sides of their party are battling. The social Conservatives would like to intrude in all aspects of life, and then the libertarians would like the state to be non-existent. This causes them a lot of trouble on the other side of the House. Again, it is up to us to be vigilant to make sure we are reasonable in the laws we propose in this place.

[*Translation*]

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, I rise today to take part in the debate on Bill C-55, An Act to amend the Criminal Code, also known as the Response to the Supreme Court of Canada Decision in R. v. Tse Act.

Before I speak in more detail to Bill C-55, I would like to provide some background on the reasons for this bill.

In its ruling in R. v. Tse, the Supreme Court stated that section 184.4 of the Criminal Code, entitled "Interception in exceptional circumstances", which was enacted in 1993, was unconstitutional because it did not include any accountability measures. The court gave Parliament until April 13, 2013, to amend the provision and make it constitutional.

Parliament has until April 13, 2013. That leaves 19 days until the deadline imposed by the Supreme Court of Canada, 19 days during which Parliament will sit and can work on this bill. I will come back to that point, but it is important in terms of the context of this debate.

What is section 184.4 of the Criminal Code? What exactly does it cover? What is the problem? Here is what the section states:

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

In other words, section 184.4 of the Criminal Code allows a peace officer to intercept certain private communications without prior judicial authorization if the officer believes on reasonable grounds that the interception is immediately necessary to prevent an unlawful act that would cause serious harm, and provided that judicial authorization could not be obtained with reasonable diligence.

We are dealing with something that is pertinent, and we believe it is important. If a peace officer has—first—serious reasons for believing that—second—serious harm may occur and that waiting for authorization to intercept conversations could prevent the officer from intervening in time to prevent the harm, then we are dealing with something very important.

We agree that some peace officers must have this latitude in certain circumstances. However, Bill C-55 must strike a balance between, on the one hand, allowing peace officers to do their very important job, which is to protect society and the community, and, on the other hand, guaranteeing the right to privacy and not to be wiretapped without prior knowledge, or without knowing the reason. We doubt the bill can do so because no one can say whether or not a peace officer has reasonable cause for intercepting a communication.

That is the dilemma. How far can peace officers go in doing their job while protecting the individual's right to privacy?

The Conservatives' first response to this dilemma was Bill C-30. We have heard all about it because it caused an outcry from the public, the media, corporations, entrepreneurs and a number of public safety organizations. In short, there was a huge protest against the Conservatives' Bill C-30. They were forced to drop it because evidently it was very troubling and there was cause to be troubled.

● (1735)

The problem persisted. Section 184.4 violated a section of the Canadian Charter of Rights and Freedoms. This issue definitely needed to be addressed and a solution needed to be found.

I am going back a bit. Section 184.4 threatens the Canadian Charter of Rights and Freedoms because it does not provide for a monitoring mechanism and particularly because it does not require that notice be given to individuals whose private communications have been intercepted. Such a violation cannot be validated by the application of section 1 of the charter.

This is similar to what I was saying earlier: we are looking for that balance. Here, a section of the Canadian Charter of Rights and Freedoms, which is dear to the hearts of all Canadians, is being violated by a provision of the Criminal Code, and that cannot be allowed to continue.

That is how we have come to be debating Bill C-55. An excerpt of the bill reads as follows:

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

We have here a sort of regulation requiring reporting on any interceptions. The bill goes on to say:

> (*b*) provides that a person who has been the object of such an interception must be notified of the interception within a specified period...

The individual does not necessarily have to be notified the following day or the following week. This bill would once again regulate this potential surveillance by stating that it must be declared and that individuals under surveillance must be notified within a specified period.

> (*c*) narrows the class of individuals who can make such an interception;

This is also important. We must clearly define who may conduct such surveillance.

Lastly:

> (*d*) limits those interceptions to offences listed in section 183 of the *Criminal Code*.

This is another measure that regulates interceptions.

I will support Bill C-55 at second reading, for all the reasons I have mentioned, so that it can be examined in committee.

There is a problem. The Supreme Court of Canada has given Parliament a deadline to correct things. So let us get to it and carefully examine Bill C-55.

Earlier I spoke about Bill C-30, which became a scandal across Canada. I would like to say that Bill C-55 is nothing like Bill C-30. What we have before us is different, and that is encouraging.

This bill gives us, as parliamentarians, a better foundation to work with so we can fix the part of the Criminal Code that the Supreme Court of Canada has asked us to fix.

However, investigations must absolutely include oversight mechanisms and accountability measures. That is what the court said. I agree, as does my party, the NDP. We must ensure that Bill C-55 respects the rule of law, the Constitution and the Canadian Charter of Rights and Freedoms.

That is why we think it is necessary to carefully examine this bill in committee. We must ensure that Bill C-55 is not another Bill C-30 and that all of the provisions are addressed properly.

Earlier, the minister told us not to worry, that Bill C-55 respects the Canadian Charter of Rights and Freedoms and the Constitution. But he did not tell us how he verified that. I hope that he did not take the same measures he took for Bill C-30. We can take little comfort if he did.

Who was consulted? What measures were taken to ensure that Bill C-55 respects the Constitution and the Canadian Charter of Rights and Freedoms?

That is important, and not just hypothetically speaking. It is important because this would not be the first time the Conservatives have introduced a bill without listening to the experts and without following democratic processes and procedures. Such bills must then be dismantled, shelved, debated, reworked and re-introduced. It is a waste of time for parliamentarians and it is an inefficient way to work. The Conservatives introduce flawed bills that anger the people and sometimes scare them as well.

● (1740)

We need to examine Bill C-55 seriously and ensure that the work is done well, in the interest of all Canadians.

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I would like to thank my colleague for her speech.

She emphasized the fact that, while the bill before us today is not like Bill C-30, it must still be studied in committee so it can be amended and improved.

Does she think that this bill can benefit from the recommendations that will be made in committee?

● (1745)

Ms. Lysane Blanchette-Lamothe: Mr. Speaker, I thank my colleague for her question. Unfortunately, I did not have time to deal with that issue in my speech. I had hoped to have an opportunity to address it.

Certain words and aspects of the bill lead us to believe that teamwork in committee will improve it.

For example, clause 2 of the bill now defines "police officer" and appears to limit the scope of the powers under section 184.4. Is this sufficient? Is the terminology correct and specific? When an element in the Criminal Code is changed, we must be sure that the terms are specific and consult with experts to find out how the terms may or may not be interpreted.

This is one example of the elements that the committee must work on to ensure that the bill corresponds to the mandate that the Supreme Court of Canada has given parliamentarians.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, there is one other aspect we talked about earlier in the day, and that is the timing of the introduction of Bill C-55. The government had plenty of time to bring the bill forward. We asked why it waited so long before we had the opportunity to debate it. The government sat on it for almost a year. Today we are being asked to pass the bill not only to committee stage but to third reading and so forth before April 12.

Could the member provide some comment on how we are expected to expedite the passage of the bill?

[*Translation*]

Ms. Lysane Blanchette-Lamothe: Mr. Speaker, all opposition members are disappointed to find themselves faced with a bill of such importance that should have been brought before this House a long time ago. We find ourselves with 19 days in which to give the bill serious consideration and ensure it is correctly formulated and meets expectations.

Why was the bill introduced only 19 days before the deadline set by the Supreme Court of Canada? Perhaps if the Conservatives had not introduced an aberration like Bill C-30, we would not be here today with only 19 days left. This is an excellent example that shows that if we work well, if we listen to the experts, if we consult Canadians and if we transcend partisanship, we can perhaps bring in good bills that provide solutions to problems and that do not need to be drafted, redrafted, overturned and then introduced in the House only 19 days before the deadline.

Work that is well done is good for all parliamentarians and all Canadians.

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, I listened very carefully to my colleague's speech. She stated that Bill C-55 was different from Bill C-30, which, as we know, was a spectacular failure for the Conservatives. As my colleague just mentioned, this is proof that the Conservative government is a slow learner.

However, the Supreme Court of Canada asked the government one year ago to amend section 184.4 to make it constitutional. Unfortunately, we have only 19 days to do so. I would like to hear my colleague's comments on this matter.

Ms. Lysane Blanchette-Lamothe: Mr. Speaker, my reply will be short, but it will be very clear.

As I said earlier, work that is done thoughtfully and with respect for Parliament as an institution is better for everyone and will maximize our chances of getting positive results.

I hope the Conservative government has learned from its mistakes and will act more reasonably, intelligently and responsibly in the future. I could go on and on.

● (1750)

[*English*]

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I would like to thank my colleagues for that great round of applause as I start my speech.

I am very pleased to rise today to stand up and talk about our points relating Bill C-55, An Act to amend the Criminal Code in response to the Supreme Court of Canada's decision.

I know that we are coming to this with 19 days to go before it is supposed to be taken care of. As New Democrats, we recognize the importance of this and will be supporting it at second reading. We are in favour of sending this legislation to committee for review.

This enactment amends the Criminal Code to provide, in response to the Supreme Court's decision, safeguards related to authorization to intercept private communications without prior judicial authorization under section 184.4 of the act.

Notably, the enactment states that it:

> (a) requires the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interceptions of private communications made under section 184.4;
>
> (b) provides that a person who has been the object of such an interception must be notified of the interception within a specified period;

(c) narrows the class of individuals who can make such an interception; and

(d) limits those interceptions to offences listed in section 183 of the Criminal Code.

I was talking earlier about how this really has come down to 19 days. I believe my colleague from Winnipeg North asked this question repeatedly today. The Conservatives have had a year to act on this. Why now, in the eleventh hour, are we having to deal with this so quickly? If they are truly looking at what can make great legislation, it is the debate and involvement of all members of Parliament from all sides.

However, once again, we see the Conservatives bringing forward legislation at the eleventh hour so that we all have to come together very quickly to try to pass something that we, of course, want to give due diligence and a good once over. Unfortunately, we have seen from the Conservatives time and time again the lack of opportunity for debate.

How many times is it now that the Conservatives have used time allocation to shut down debate when it comes to important bills? I believe that we are up into the 20s if not the 30s. We have seen budget bills and other legislation affecting the services Canadians rely on shut down at every opportunity. It is unfortunate that we once again have to come to an eleventh hour conversation to ensure that we can get legislation to committee.

This new legislation is simply an updated version of the wiretapping provisions the Supreme Court deemed to be unconstitutional. The court has established new parameters for the protection of privacy, and we expect this legislation to be in compliance with those standards.

Canadians have a good reason to be concerned about the Conservatives' privacy legislation. Their record in this area is not very encouraging. We need to continue working for the public to uphold the rule of law, the Constitution and the Canadian Charter of Rights and Freedoms.

If we go back, not too long ago, we had the inception of Bill C-30. Back in February of 2012, the Conservative government tabled Bill C-30, which would give authorities the power to access the personal information of Canadians without a warrant. That bill raised serious concerns about personal privacy and fundamental rights and freedoms. Bill C-30 was a compilation of three bills that made up lawful access in the last parliamentary session: Bill C-50, Bill C-51 and Bill C-52. The Conservatives were then building on legislation first spearheaded to propose providing public safety authorities with surveillance powers over digital information in 1999. This led to a huge uproar from people from coast to coast to coast who were concerned about this legislation and how it would enable law enforcement to access a citizen's personal information without a warrant.

● (1755)

Right now, we have seen the Conservatives quickly change their tune in this new bill they have brought forward. With the government trying desperately to comply with the Supreme Court ruling within the prescribed time frame, which is April 13, 2013, the Supreme Court of Canada ruled that the authorization of the emergency power to intercept without authorization by the court in situations of imminent harm could be justified under the Canadian Charter of Rights and Freedoms.

The Supreme Court held that section 184.4 of the Criminal Code, interception in exceptional circumstances, enacted in 1993, was unconstitutional because it did not include any accountability measures. The court gave Parliament until April 13, 2013, to amend the provision and make it constitutional.

The Conservatives have proposed amendments that appear to be a direct response to that decision in that they add safeguards to constitute notification and reporting under section 184.4 of the Criminal Code. The legislation would require giving a person 90 days' notice, subject to an extension granted by a judge after his or her private communications had been intercepted in situations of imminent harm.

These amendments would limit the authority of the police to use this provision. All peace officers can avail themselves of it at present and would restrict its use to offences listed in section 183 of the Criminal Code. The proposed amendments appear to be a direct response to the court's instruction.

If we are to look at those in a little more detail, 184.4 outlines:

A peace officer may intercept, by means of any electro-magnetic, acoustic, mechanical or other device, a private communication where

(a) the peace officer believes on reasonable grounds—

Reasonable grounds is very important.

—that the urgency of the situation is such that an authorization could not, with reasonable diligence, be obtained under any other provision of this Part;

(b) the peace officer believes on reasonable grounds that such an interception is immediately necessary to prevent an unlawful act that would cause serious harm to any person or to property; and

(c) either the originator of the private communication or the person intended by the originator to receive it is the person who would perform the act that is likely to cause the harm or is the victim, or intended victim, of the harm.

If we look at R. v. Tse, this appeal concerned the constitutionality of the emergency wiretap provision in section 184.4 of the Criminal Code.

In this case, the police used section 184.4 to carry out unauthorized, warrantless interceptions of private communications when the daughter of an alleged kidnapping victim began receiving calls from her father, stating that he was being held for ransom. Approximately 24 hours later, the police obtained a judicial authorization for continued interceptions pursuant to Standing Order 186 of the code.

The trial judge found that section 184.4 contravened the right to be free from unreasonable search or seizure under section 8 of the charter and that it was not a reasonable limit under section 1. The Crown appealed the declaration of unconstitutionality directly to this court. The Supreme Court dismissed the appeal.

Section 184.4 permits a peace officer to intercept certain private communications without prior judicial authorization if the officer believes, on reasonable grounds, that the interception is immediately necessary to prevent an unlawful act that would cause serious harm, provided judicial authorization could not be obtained with reasonable diligence.

● (1800)

In principle, Parliament may craft such a narrow emergency wiretap authority for exigent circumstances. The more difficult question is whether the particular power enacted in section 184.4 strikes a reasonable balance between an individual's right to be free from unreasonable searches or seizures and society's interest in preventing serious harm. To the extent that the power to intercept private communications without judicial authorization would be available only in circumstances to prevent serious harm, this section strikes an appropriate balance. However, section 184.4 violates section 8 of the charter, as it does not provide a mechanism for oversight and, more particularly, notice to persons whose private communications have been intercepted. This breach cannot be saved under section 1 of the charter.

When we look at all of those details, what do we truly want as New Democrats? What should we all want as parliamentarians? To start off, we are in favour of the legislation as presented being sent to committee for review. It is essential that we play our role as members of Parliament. It is essential for us to investigate measures that include oversight and accountability, which is also the court's opinion, and we expect nothing less. We will work for the public to uphold the rule of law, the Constitution and the Canadian Charter of Rights and Freedoms.

Members do not have to take my or the NDP's word for it, as there are many others out there who validate it. Michael Geist in *OpenMedia* said:

> —Bill C-30 may be dead, but lawful access surely is not. On the same day the government put the bill out its misery, it introduced Bill C-55 on warrantless wiretapping. Although the bill is ostensibly a response to last year's R v. Tse decision from the Supreme Court of Canada, much of the bill is lifted directly from Bill C-30.

As I mentioned earlier, Bill C-30, an act to enact the investigating and preventing criminal electronic communications act and to amend the Criminal Code and other acts, which was also referred to as the protecting children from Internet predators act, did many things. There was a lot to be said from coast to coast to coast about many of things presented in that bill.

At the time, we supported making changes to ensure that the police would have powers to address the emerging threats posed by cybercrime, and we supported efforts to bring policing into the digital age. However, a number of that legislation's provisions unnecessarily eroded the privacy rights of ordinary citizens. We believed that we could aggressively go after criminals at the time of Bill C-30 and punish them to the full extent of the law without making false comparisons to child pornographers and treating law-abiding Canadians like criminals.

To reiterate, Mr. Geist has mentioned some of his concerns with Bill C-30 that are emerging again with Bill C-55. If people like Mr. Geist are thinking this, then of course we need to get Bill C-55 to committee to review all of the things that were previously in Bill C-30 and that may now be in Bill C-55 and that Canadians from coast to coast to coast may be upset with.

To mention others' views on Bill C-55, Chris Parsons from the blog “Technology, Thoughts, and Trinkets” states:

> —the Canadian government struggled to explain the legislation—and the need for all of its elements—to the public. In the face of public dispute over the legislation’s need the government sent the legislation to Committee before Second Reading. The Canadian Association of Chiefs of Police strongly supported the government, as did individual police chiefs from around the country. This extended to calls for examples of where the legislation would have helped to resolve criminal cases; to date, though, few substantive examples were found.

● (1805)

That sums it up right there.

Political pressure recently, in our opinion, led to the failure of Bill C-30. However, some of its measures have been reiterated in other federal legislative proposals. Civil libertarians have succeeded in their fight against lawful access, but it is important to note that some aspects of Bill C-30 were transferred outside the parliamentary process a few months ago, but the failure of Bill C-30 does not mean the non-parliamentary processes will be stopped as well.

Parliament is generally informed of the use of wiretapping so it can be aware of the frequency and the circumstances of its use. However, when 184.4 is invoked, there is no disclosure obligation. There is no need to let anyone know. The court stated that a requirement to keep records of the use of wiretapping, under 184.4, would also increase accountability, but would not be necessary if there was an obligation to provide prior notice.

In summary, we will support the bill at this time. We are in favour of the legislation getting to committee for review. However, it makes us want to ask some questions. It makes us wonder what precautions the government has taken to ensure the legislation is truly in compliance with the Supreme Court's ruling. We truly need more than 19 days to understand if this will be in compliance. Yes, we want to act quickly on this, but not at the eleventh hour.

Can the government explain how the Department of Justice's assessment of the legislation's compliance with the charter and the Constitution was carried out? Why has the government waited so long to address a relatively simple matter relating to freedom and public safety? We are pleased that the government listened to the public on Bill C-30 , and Bill C-55 seems to be a step in the right direction. However, why did the government dig its heels in for so long rather than admit it was wrong and work with the opposition to resolve the problem? As members of Parliament, we are here to work together to resolve problems. What measures from Bill C-30 has the government brought back and are now outside the scope of the House of Commons?

Those are some of the things we truly need to have addressed, now in this debate, the debate that we will carry on and the debate that we will have when the bill gets to the committee stage. Many of those questions will need to be answered. We hope we can get the answers from the government for those questions when we get to committee. Unfortunately, what we have seen time and time again is that is not the case. I can talk about committees that I have sat on where we have brought forward legitimate amendments, ideas and propositions and every one of them has been denied. The Conservatives do not accept amendments, they will not listen to reason and for some reason, they just do not get that we are all trying to do this together. We are in this together to try to make laws and legislation better from coast to coast to coast for Canadians.

At the end of the day, I hope this time—and we are always hoping that a glass is half full—that when it gets to committee, if we have amendments, if we recognize that something was missed in trying to deal in such a quick fashion on the Supreme Court's ruling, that we can work together to resolve it and get this done quickly.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, section 184.4 does allow for exceptional powers regarding warrantless access for personal information and we should all be concerned about ensuring safeguards are put into place. After all, these things are part of our Charter of Rights and our Constitution and which provide assurances to Canadians that their personal rights will be respected.

Bill C-55 will be going to committee. It is very important to recognize, given the lateness of the bill coming forward, that there will be a need for us to be open-minded at committee stage and hopefully see some possible changes that would deal with the concerns individuals might have with regard to the privacy issue.

One of the examples to which I made reference was a situation where an individual's phone line was tapped and a warrant was not required, that there needed to be notification time. The legislation suggests 90 days. That should be talked about, building on those safeguards. The member may want to comment on that.

● (1810)

Mr. Glenn Thibeault: Mr. Speaker, my hon. colleague brings forward a very valid point in his question. A lot of pieces of the legislation will need to be dealt with and talked about.

I agree that we need to be open-minded. I am sure those of us on this side of the House will be when we go to committee. When the members of Parliament who sit on the justice committee attend the justice committee hearings on this, we will be open-minded because we will have to try to resolve this very quickly.

I was talking to some of the validators earlier, like Michael Geist. There are some very serious concerns from stakeholders in the community that this bill may be bringing forward some of the issues and problems we had with Bill C-30.

We need to ensure that anything to do with Bill C-30 is done and this is addressing the Supreme Court decision. However, when we have 19 days before this has to be completed because of the Supreme Court decision, it makes us wonder why we are again debating something in the House at the eleventh hour.

I hope we do go to committee with an open mind to try to get a lot of the issues we are concerned about resolved.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, I am glad my colleague from Sudbury mentioned the concerns of Michael Geist because we have been aware of the public's concerns about wiretapping for some time.

That is why we wish to assess whether the legislation complies. As my colleague says, it is important to send the bill to committee because of the decision of the Supreme Court in R. v. Tse.

We have seen the government, over and over again, rush through legislation without any amendments, as he has mentioned before, saying that it is right and it needs to move the legislation really quickly.

The problem with moving legislation very quickly and not making any amendments based on what we have heard from testimony, really prevents us from having the *i*'s dotted and the *t*'s crossed. The next thing we know the government is before the courts again, which costs taxpayer dollars.

Maybe he could elaborate on the importance of dotting the *i*'s and crossing the *t*'s and being very sensitive to the changes that need to be done when they are recommended. As he said, over and over again at committee the government is more intent on pushing through legislation without making the necessary amendments that would prevent it from finding itself before the courts.

● (1815)

Mr. Glenn Thibeault: Mr. Speaker, I thank my colleague from Algoma—Manitoulin—Kapuskasing for her question and for being forthright about what we have been experiencing as opposition MPs at many of the committees we attend.

We have said all along, even before our late leader, Jack Layton, passed away, that yes, we are the official opposition, but we also want to be the party that brings forward propositions. When we go to committee, we are not going there just to oppose. We are two different parties, and we know we are going to oppose certain things. However, on many occasions we do try to bring forward amendments that we think will make the laws better for all Canadians, so why is it that every time we do so, they are shot down? They are shot down time and time again, and many times during routine proceedings we will have members from the Conservative Party stand up as chairs, very proud to present a report with no amendments. How can that be, when every other party in this House is bringing forward ideas and suggestions to make the laws better?

An hon. member: As are the witnesses.

Mr. Glenn Thibeault: As are the witnesses; that is a very good point from my colleague in front. The witnesses and stakeholders are also bringing forward recommendations, and we are utilizing some of those. However, right now we are seeing a continuation of deny, deny, deny and the Conservatives saying that everything they are doing is great, while we see perfect examples like Bill C-30, which was not a good piece of legislation. We need to continue to debate this in committee.

[*Translation*]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, as my colleague mentioned, Bill C-30 was a complete disaster. Canadians strongly opposed that bill. However, Bill C-55 appears to be a step in the right direction.

Can my colleague explain why we have only 19 days to debate this bill? Why is the government improvising on this?

[*English*]

Mr. Glenn Thibeault: Mr. Speaker, we beg to differ. Why does one wait for the eleventh hour; why wait 19 days when we knew this was coming? I was asked why I think the Conservatives waited so long. Let us just look at their history. Let us just look over the last couple of years. We have seen bill after bill being introduced, from budget bills to other types of legislation, changing and affecting the lives of Canadians, and time limits have been put on the debate in this House every single time. Here it is again, only this time it is just done in a different way. The time limit this time is done when they are introducing it. They are introducing it with 19 days to get it through.

The answer is very simple. Let us look at the Conservatives' past history and practices. They are stopping debate on their other areas and not allowing it to continue on when we need good, thorough debate to create good, solid laws for Canadians. Then, when they do not put time allocation on, they introduce bills with a deadline that we have to meet that is put forward by the Supreme Court, when we knew we could have done this a long time ago.

Their practice and their history have truly demonstrated why they are doing things like this and ensuring debate is quick in the House and in committee.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Deputy Speaker: I declare the motion carried.

(Motion agreed to, bill read the second time and referred to a committee)

● (1820)

Mr. Dave Van Kesteren: Mr. Speaker, I would ask that we see the clock as 6:30 p.m.

The Deputy Speaker: Is it agreed?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

EMPLOYMENT INSURANCE

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, once again, I believe that it is important to come back to a question that was asked in the House last fall with regard to the employment insurance reform.

A few weeks ago, I asked the Minister of Human Resources and Skills Development to listen to the public's criticisms of her reform and to understand that it does not make any sense. Since the employment insurance reform was announced at the beginning of the last budget, the government has been completely ignoring the opinions and warnings of experts in the field. Practically all of the stakeholders affected by this reform have spoken out against the changes imposed, as they now stand.

Can the minister explain to Canadians why her government decided to force the implementation of this reform without any consultation? Can the minister admit that the reason why the Conservatives did not want to consult anyone about this reform is that they knew that it would penalize thousands of Canadians and would literally steal from them the benefits to which they are entitled by virtue of the fact that they contributed to the program?

Can the minister tell us why no impact study was conducted and why no reliable scientific data was collected that would support this political decision? Can the minister simply admit that this reform is essentially based on an ideological choice designed to satisfy an electoral base?

When I asked my question last October, people across the country were already speaking out against the changes to employment insurance. Workers feel like they are being treated like criminals, the regions feel abandoned, and seasonal employers are afraid of losing skilled labour. The provinces, which will have to support all these people who will be on social assistance, were not even consulted.

Even now, does the minister not see that tension is rising? What does the government have to say to all these worried workers in the retail, construction, education, forestry, fisheries, agriculture and tourism sectors?

Protests are growing in Quebec, New Brunswick and the rest of the Maritimes. People in our regions are not fools. A simple press release to reassure the unemployed is useless when they have received their last pay cheque and are preparing to face the gap, because you have cut all support and they have nothing left to put on the table.

Will the minister promise to sit down with elected officials in the most affected regions? Will she promise to be open, to listen to what is happening in the regions and to find immediate solutions to help families in the regions?

[*English*]

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans and for the Asia-Pacific Gateway, CPC): Mr. Speaker, I can assure the hon. member that we have created programs that support the unemployed and that provide the assistance they need to return to the workforce. For Canadians who are unable to find work, EI will be there for them, as it always has been. We are committed to helping the unemployed return to the labour force quickly. Our government's top priority remains job creation and economic growth.

I can also assure the member opposite that the Minister of Human Resources and Skills Development, her hard-working parliamentary secretary and the Minister of State (Seniors) have held consultations in every region of the country on an ongoing basis. In their travels, they regularly meet with stakeholders, including individual citizens, employers, employer associations, labour groups and academics, to talk about important subjects such as employment insurance.

From coast to coast to coast, our government has heard that there is a skills gap that is preventing unemployed Canadians from finding work. That is why this government has invested unprecedented amounts in skills training. We have heard that the EI system can act as a barrier to accepting all available work. That is why we made changes to the working while on claim pilot project that would allow Canadians to earn more by working more.

Is it backtracking to create a new employment insurance benefit for parents of critically ill children? These are steps forward, and they are the direct result of listening to Canadians in many ways. Effective consultation happens in many locations, involves a wide range of stakeholders and is ongoing. In fact, that is how the new EI benefit for parents caring for a critically ill child came about. The government consulted with medical specialists and other stakeholders to find out how this benefit could support parents facing this difficult circumstance.

Consultations with Canadians provides valuable input into our decision-making process. As the Minister of Human Resources and Skills Development has said many times in this place, for Canadians who are unavailable to find work in their local areas, EI will continue to be there for them, as it always has been.

● (1825)

[*Translation*]

Mrs. Anne-Marie Day: Mr. Speaker, the NDP supported the bill so that parents will be able to receive employment insurance benefits to help children who are ill.

What are the programs the member is talking about? He should tell us what they are.

Five additional weeks of benefits for people who live in remote areas have been abolished. We have seen the introduction of the 100 km rule, and now it will be Service Canada employees who will decide what suitable employment is, rather than the person concerned. This is a big change for our workers.

Employment insurance has to start working again for workers. Workers do not want to be called lazy just because at some point in the year they have to resort to employment insurance. That is something they will no longer accept.

[*English*]

Mr. Randy Kamp: Mr. Speaker, to the member's general point, we know that to create programs that serve the needs of Canadians, we need to hear their views and concerns. That is why our government continues to consult with stakeholders about how to best address the growing skills and labour gap. Unfortunately, the opposition has not supported our low-tax plan for jobs and economic growth, a plan that has created over 900,000 net new jobs since the depth of the recession.

I think it is the opposition that needs to listen to Canadians, who elected this strong, stable, national majority government to manage our economy through these fragile economic times. I want to ask the member to resist the temptation to fearmonger and to instead reassure her constituents that for Canadians who are unable to find work, EI will be there for them, as it always has been.

[*Translation*]

SEARCH AND RESCUE

Ms. Annick Papillon (Québec, NPD): Mr. Speaker, in 2011, the Conservative government announced the closing of the Quebec City marine rescue sub-centre. The closing will lead to the transfer of more than 1,800 calls for assistance to the coordination centre in Halifax and the centre in Trenton, Ontario.

Shift personnel in these centres are still not bilingual, and we know that, since the announcement of the closing of the Quebec City marine rescue sub-centre, three staffing processes have not been successful in finding enough bilingual officers who could become marine SAR coordinators able to handle urgent requests in French.

No matter what the results of the forthcoming staffing actions are and no matter what the Minister of Fisheries and Oceans says, over the years it will be impossible to maintain the required level of bilingualism in these rescue centres.

The most logical solution, the simplest and least expensive solution, would be to keep the Quebec City sub-centre open. If the government does not quickly overturn this misguided decision, incidents involving francophones will be handled in centres where the language of work will still be English, and we will lose the geographical knowledge that is essential for quickly identifying the location of an incident, local resource capabilities and local crisis solutions. To date, no effort has been made to train staff in Halifax or Trenton on the specifics of the Quebec City area.

I think it is important to point out that, on January 9, 2013, Guillaume Gagné, a resident of Cap-Saint-Ignace, in the Montmagny area, found himself in difficulty when the ice pan on which his fishing hut stood broke off and began floating down the river with the tide as night was falling.

The man's life was in serious danger, because later that night violent winds destroyed the ice pan. It is important to recognize the work done by the Quebec City marine rescue sub-centre, the Canadian Coast Guard and the Lachance family, who joined forces and used local resources that were tailored to suit the circumstances.

Dominic Lachance, who saved the young fisherman, said that things could have gone very differently if the maritime search and rescue centre in Quebec City had been moved to Halifax, as the Conservative government is planning.

This is what Mr. Lachance had to say after the rescue:

> If the office were located outside, the connection would probably be slower… They are going to have to find a way of communicating and mobilizing the people on site, because otherwise I think some very unfortunate things could happen.

With that kind of example of effectiveness, and given the repeated statements by the Minister of Fisheries and Oceans, who says that the safety of Canadians is the government's priority, do we have reason to hope that the minister will order the Canadian Coast Guard to keep the maritime search and rescue centre in Quebec City in operation for good?

Can we count on this government to reconsider that decision instead of postponing the shutdown? The government has postponed it twice so far and will continue to do so because it is very clear that the decision makes no sense. What can the minister tell us today? Good news, I hope.

● (1830)

[*English*]

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans and for the Asia-Pacific Gateway, CPC): Mr. Speaker, I would like to take the opportunity to address again the issue raised by my hon. colleague, the member of Parliament for Québec. This is the issue of consolidation of the marine rescue sub-centre located in Quebec City with the joint rescue coordination centre located in Trenton.

In April 2012, we witnessed a similar, successful consolidation of the marine rescue sub-centre in St. John's into the joint rescue coordination centre in Halifax. Search and rescue coordination and response continues to be provided at the same level of service today as it was when the marine rescue sub-centre in St. John's was in place. This is proof that the consolidation of one centre into another can be done safely.

The Coast Guard continues to undertake all efforts to recruit qualified search and rescue mission coordinators at both joint rescue coordination centres. Currently, bilingual services are provided by two centres: Joint Rescue Coordination Centre Halifax and the marine rescue sub-centre in Quebec. The consolidation project will ensure that bilingual capacity is enhanced in both Halifax and Trenton before the Quebec centre is closed.

Significant progress has been made on this initiative. The joint rescue coordination centre in Halifax has undergone extensive renovations and now has a state of the art communications management system. Joint Rescue Coordination Centre Trenton will undergo a similar renovation in the near future. Both centres have recruited bilingual staff who have been trained and are now on the job. Additionally, search and rescue staff have been working with our emergency response partners to ensure that the transition will be seamless and that the current level of co-operation between partners will continue.

The government is fully aware that the provision of bilingual services is critical, particularly when it comes to the safety of mariners. As a result, the Coast Guard has increased the required level of language proficiency for the maritime search and rescue coordinators at the rescue coordination centres and developed language training and maintenance plans. These steps will ensure that we are meeting our official languages obligations in the most effective way.

These changes to search and rescue coordination service delivery would not be made if there were any evidence that they would negatively impact the safety of Canadians, whatever their official language of choice. As we have stated many times before, these changes do not affect the availability of search and rescue resources and the level of response during a distress incident. Coast Guard crews and the volunteers of the Coast Guard Auxiliary will continue to respond to emergencies as they have under the coordination of the joint rescue centres.

I can assure members that search and rescue coordination services will still be available 24 hours a day, seven days a week in both official languages.

Canada is an international leader in marine safety and the Canadian Coast Guard's search and rescue program is among the best in the world and will remain so. We will continue to ensure that timely and appropriate maritime search and rescue coordination and response services are available to all mariners.

I assure the member that the Quebec marine rescue sub-centre will only be closed when we are fully confident that the same level of services can be provided and public safety assured. The safety of Canadians remains this government's top priority. The excellent standard of maritime search and rescue that Canadians have come to expect, and indeed depend upon, will be maintained.

● (1835)

[*Translation*]

Ms. Annick Papillon: Mr. Speaker, first, the Quebec City centre is not a "sub-centre", it is a major search and rescue centre. It will not be as easy to close as other centres elsewhere in the country. It is a major centre, the only one in the country that is officially bilingual. I am not sure that it will be possible to provide the same high-quality services in French as before.

Expanding the Halifax centre and relocating the Trenton centre, as well as setting up two relay sites, will call for major spending that was not planned initially. They said they would scrimp here and there to save $1 million. But to date, we know it has cost at least three times more. The logistics cost so much that scrimping here and there makes no sense.

We have to realize that far too much money has been spent to date. To make sure that francophones are safe on our navigable waterways throughout Canada, the best thing is to keep the Coast Guard search and rescue centre in Quebec City open year-round, with no changes, for everyone's benefit. In Trenton and Halifax they do not find this funny.

[*English*]

Mr. Randy Kamp: Mr. Speaker, I will continue to stress to my colleague and fellow Canadians that marine safety remains a top priority for Fisheries and Oceans Canada. In spite of the member opposite's misgivings, the consolidation of the marine rescue sub-centre in Quebec will not impact public safety. Mariners will receive the same high-quality search and rescue coordination response they have in the past, in both official languages. The appropriate steps are being taken to ensure this.

Additionally, there have been no changes in the standard of search and rescue response as a result of this initiative. Services will continue to be provided by the highly capable Coast Guard crews in conjunction with the volunteers of the Coast Guard Auxiliary and our other emergency response partners. We want to reassure Canadians that bilingual marine search and rescue coordination services will always be available, 24 hours a day, seven days a week, in Canada.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:38 p.m.)

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