



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Wednesday, June 12, 2013**

—

**Speaker: The Honourable Andrew Scheer**

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# HOUSE OF COMMONS

Wednesday, June 12, 2013

The House met at 2 p.m.

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*Prayers*

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• (1405)

[English]

**The Speaker:** It being Wednesday, we will have the singing of our national anthem today led by the hon. member for Abitibi—Témiscamingue.

[Members sang the national anthem]

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## STATEMENTS BY MEMBERS

[Translation]

### UNIVERSITY OF GUELPH REGIONAL CAMPUS

**Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC):** Mr. Speaker, today I rise in the House to highlight the important work of Campus d'Alfred, a University of Guelph regional campus in my riding of Glengarry—Prescott—Russell.

The campus is the only francophone agricultural college in Ontario, and a leader in its field. It offers high-quality education, and makes an important contribution to agricultural and environmental research.

I recently had the honour of announcing over \$1 million in funding from CIDA. The campus will use this money towards its project to reduce poverty and increase food self-sufficiency in the Democratic Republic of Congo.

This a fine, tangible example of excellence in the field of French-language education, agriculture and international co-operation.

I would like to congratulate the campus on its success and wish it the best of luck on its new projects abroad.

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[English]

### FOOD PRICES IN THE NORTH

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, the Conservatives' nutrition north program, created by the Minister of Health, has done nothing but increase the cost of groceries across northern Canada.

From Labrador to the Yukon, people are paying outrageous prices for food: \$16.29 for a can of beef ravioli, \$13.39 for a box of spaghetti, \$14.49 for a bag of muffin dust, \$59.59 for a package of ground beef. Unlike the old food mail program which subsidized the cost of shipping food north, nutrition north subsidizes the cost of selling food, resulting in record profits for some northern grocery stores.

Northerners have taken to the streets to protest this failure, including a march by Inuit to Parliament Hill. However, there has been no action by the Conservatives. Now the legislatures of the Yukon, Northwest Territories and Nunavut have voted unanimously to have the Auditor General investigate this program.

When is the government going to listen to northerners and fix this boondoggle?

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### JOHN BERRY

**Hon. Laurie Hawn (Edmonton Centre, CPC):** Mr. Speaker, Edmonton lost a favourite son last Saturday, with the sad passing of John Berry after a long battle with cancer, at the much too young age of 62.

John's career in broadcasting spanned the country, from Ontario to B.C. He is best remembered as the entertaining weatherman and local events commentator on CFRN TV in the eighties and nineties. John left the world of journalism in 1996 and became a celebrity chef and private caterer, appearing at local restaurants, community charity events and soup kitchens around Edmonton.

John could never say no to any charity. He emceed Klondike Days, acted as a judge at many charitable events and became a fixture at any public event in our city. John was a big man with a bigger smile, an even bigger sense of humour and an enormous heart. He was a man who simply wanted to make things better.

John was a strong family man and a man of faith. He will be deeply missed by his wife Mirna and their three children.

"Instead of the wind-chill factor, all I have to worry about is rare, medium or well done, and that suits me just fine", John told the *Edmonton Journal* in 2005. "God led me here for a reason, and I'm here and I'm loving it".

We loved having John here too. Rest in peace, my friend.

*Statements by Members***PARTNERS IN RESEARCH**

**Mr. Ed Holder (London West, CPC):** Mr. Speaker, I rise to pay tribute to Partners in Research on its 25th anniversary. In 1988, a small group of academic leaders in my city of London joined together to create a group dedicated to enhancing public understanding of the importance of health research in conquering diseases and improving quality of life.

The methods that Partners in Research use to deliver its educational mandate have evolved, from schoolroom videotapes and annual research competitions, to active tutorial web videos, to its flagship program, virtual research on call. It uses state-of-the-art video conferencing to deliver leading scientists directly to the classroom. Last year, this program received a grant of almost \$1 million from FedDev Ontario to enhance the scope of its activities.

This past week we honoured several national scientists and researchers, including Western University's own Dr. Eliot Phillipson. Kudos to Ron Calhoun, whose vision it was to make Partners in Research the critically acclaimed research group that it is today. Thanks to executive director Kevin Cougler for his leadership, along with the volunteers, sponsors and patrons who matter to Canada's research-intensive community.

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**ASSOCIATION OF PROGRESSIVE MUSLIMS OF CANADA**

**Hon. John McCallum (Markham—Unionville, Lib.):** Mr. Speaker, for 15 years the Association of Progressive Muslims of Canada, led by Mr. Mobeen Khaja, has held a Canada Day gala on June 30. At the stroke of midnight, the group, representing all faiths and communities, cuts a cake and sings *O Canada* together.

The mission of the association is to build understanding among different communities and faith groups in Canada. This year, the association is honouring the mayor of Markham, Frank Scarpitti. I have had the privilege of working with Mayor Scarpitti in various capacities since my first election to this House in 2000. This year Markham was declared Canada's most multicultural community, and I am deeply proud of this accomplishment.

I would like to thank the Association of Progressive Muslims of Canada for its efforts to further multiculturalism, and I would also like to offer congratulations for its continued success in celebrating our great country.

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**INTERNATIONAL DEVELOPMENT**

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, today members of Engineers Without Borders will be meeting with parliamentarians to discuss ideas for improving Canada's development assistance. Engineers Without Borders is one example of a growing phenomenon in Canada: young Canadians demonstrating passion and leadership in international development.

In my own work on conflict minerals, I have been encouraged and inspired by the commitment of student and youth groups to this cause. Some are driven by environmental concerns and others by humanitarian motivations. They all believe in the possibility of a better world.

Today marks the anniversary of Nelson Mandela's imprisonment and the last Iranian election. These are two events that united global civil society in support of peace, democracy, and human rights. Today we are reminded of the role that civil society, including youth, can play in creating political change.

I hope that all members will join me in applauding their contributions.

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● (1410)

**CANCER SURVIVOR DAY**

**Mr. Jim Hillyer (Lethbridge, CPC):** Mr. Speaker, June 2 was Cancer Survivor Day. I am a cancer survivor, but rest assured that I am not here to pay tribute to myself. I am here to honour those unsung heroes in the lives of most who endure this terrible disease. I am talking about the loved ones, the mothers, fathers, siblings, and friends, who must pray and wait as they support us through our trial.

For many of us, there is that certain someone, our significant other, our husbands or wives, who suffer as we suffer but never leave our side. Though their love helps us more than they will ever know, sometimes they feel helpless but never hopeless. They never complain or think of themselves.

When we honour a victim or congratulate a survivor, please remember the loved ones who suffered with them.

On behalf of cancer survivors, we thank our loved ones, especially our spouses, in my case my darling wife, who in my darkest hour gave me every reason to live.

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[Translation]

**TOURISM WEEK IN CANADA**

**Mr. Blake Richards (Wild Rose, CPC):** Mr. Speaker, as chair of the parliamentary tourism caucus, I would like to invite all of the members of the House to join me in celebrating Tourism Week in Canada.

[English]

Canada's \$85-billion tourism industry is hard at work in communities from coast to coast to coast, fuelling nearly 615,000 jobs. Through initiatives like our government's federal tourism strategy, we will continue to grow this important industry.

Tourism Week in Canada also provides us with an opportunity to recognize the leaders who work tirelessly to promote our country. One of these leaders is the president and CEO of Banff Lake Louise Tourism, Julie Canning, who has been named one of the co-hosts of the 2013 tourism industry of Canada congress, to be held in December at the Château Laurier.

During this Tourism Week in Canada, I thank and applaud Julie for her service. She is certainly a wonderful ambassador for our country.

I encourage all Canadians and visitors from all over the world to see all that Canada has to offer.

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[Translation]

#### WORLD DAY AGAINST CHILD LABOUR

**Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP):** Mr. Speaker, Iqbal Masih, a Pakistani child labourer, was sold as a slave at the age of four and spent six years of his life chained to a loom.

In 1995, Iqbal was freed from horrible conditions of forced labour. He took action and spoke out against child labour. Iqbal Masih's efforts to stop child labour made him famous on the international stage but, sadly, he was killed in 1995 for standing up for children's rights.

In 2010, there were still 215 million children—that is one in seven—who were working. More than half of all those children are exposed to the worst kinds of child labour. They work in dangerous environments, as slaves or in illegal activities. Child labour robs them of their childhood, potential, dignity and basic rights.

Every year, on June 12, we mark World Day Against Child Labour.

I want to dedicate my speaking time to the memory of Iqbal Masih, to all young Canadians and to organizations that are involved in the daily fight against child labour.

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#### LEADER OF THE LIBERAL PARTY OF CANADA

**Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC):** Mr. Speaker, after weeks of defending the status quo in the Senate, the Liberal leader is now coming to the defence of a Liberal senator whom even the *Toronto Star* has called disgraced.

Speaking to *Global News* recently, the Liberal leader said he would absolutely welcome Senator Harb back to the Liberal caucus.

What is more, the Liberal leader continues to allow Liberal Senator Pana Merchant to sit in the Liberal caucus despite the questionable status of a \$1.7-million offshore bank account that, according to the media, she has not declared publicly, as required by Senate rules.

The Liberal leader's defence of Mac Harb and Pana Merchant is just more proof that the Liberal leader does not have enough judgment to be Prime Minister and is in over his head.

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#### WOMEN'S ORGANIZATION IN LACHUTE

**Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP):** Mr. Speaker, I would like to take a moment to recognize the work of Carrefour des femmes du Grand Lachute, an organization that is very important to me and that is celebrating its 30th anniversary this month.

#### Statements by Members

Carrefour des femmes du Grand Lachute opened in 1983 with the support of a federal grant. Its mission is to help women by informing them of their rights and advising them on how to improve their living conditions.

Over time and at the request of clients, its services and activities have expanded. As in the early days, women continue to come to the organization to break out of their isolation, obtain information and help other women.

They come to an awareness of their condition, develop confidence in themselves and their potential, and spread feminist thinking, thus helping to improve their lives and their community.

Congratulations and continued success to Carrefour des femmes du Grand Lachute.

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● (1415)

[English]

#### TAXATION

**Mr. LaVar Payne (Medicine Hat, CPC):** Mr. Speaker, it is apparent that in the House our Conservative government stands alone in the fight against tax evasion. The New Democrats knowingly appointed a tax delinquent to be their revenue critic, and the Liberals will not ask why one of their senators is reportedly a beneficiary of a multi-million-dollar offshore bank account. The leaders of the NDP and the Liberal Party should explain to Canadians why they continue to protect these members over hard-working, law-abiding Canadian taxpayers.

Paying taxes is a reasonable responsibility shouldered by all Canadians. Not paying their fair share is irresponsible, inconsiderate and un-Canadian. The New Democrats and Liberals should demonstrate to Canadians that they take tax evasion seriously by ejecting reported tax delinquents from the Liberal and NDP caucuses.

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#### THE ENVIRONMENT

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** Mr. Speaker, I rise today to recognize Bailey Tarrant, a grade nine student at Holy Name of Mary Academy in Lawn in my riding of Random—Burin—St. George's. Bailey recently won an essay contest by the Marine Institute in St. John's, earning her the opportunity to participate in the Arctic expedition as a member of the Students on Ice program. This program makes it possible for young people to visit Canada's north to learn about climate change and global warming and their effect on indigenous cultures.

Bailey is not new to the environmental cause. Since fourth grade, she has been active in the school's eco-kids program. This group of dedicated youth has led the way in their hometown of Lawn, encouraging family and friends to make lifestyle changes that will help the environment. In 2011, they were awarded a Marine Institute Eco-Champ Award and were recently presented with a \$25,000 computer lab by Staples Canada.

*Oral Questions*

I ask all members to join me in recognizing Bailey Tarrant and all members of Eco-Kids for their efforts in making a difference not only in their community but in the world.

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**LEADER OF THE LIBERAL PARTY OF CANADA**

**Mr. Ryan Leef (Yukon, CPC):** Mr. Speaker, the leader of the Liberal Party is in away over his head. Every statement he makes about the Senate is more outrageous than the last.

To summarize, for those who may not already know, the Liberal leader started out by completely ignoring Senator Pana Merchant's reported \$1.7-million offshore account, and the Liberal senator is still part of the Liberal caucus to this day.

Then the Liberal leader forgets that when we speak to one region in the country, modern technology ensures that the rest of the country will hear what we say. To the shock of all Canadians, he said that he "believes the Senate should stay exactly the way it is because it benefits us", while talking to Quebec reporters.

Finally, media are now reporting that Liberal senator, Mac Harb, owes up to \$200,000 in ineligible housing claims. The Liberal leader however thinks that Mac Harb should absolutely be part of the Liberal caucus.

When it comes to the Senate and his reaction, the Liberal leader is in over his head.

\* \* \*

[Translation]

**CONSERVATIVE PARTY OF CANADA**

**Ms. Ève Pécelet (La Pointe-de-l'Île, NDP):** Mr. Speaker, the member for Edmonton—St. Albert decided to quit the Conservative caucus because the Conservatives betrayed their Conservative values and because he was tired of being a trained seal for the Prime Minister's Office.

They have not learned their lesson, though—far from it. They stubbornly refuse to be transparent, and there are plenty of examples of that. They refuse to answer questions in the House, they try to divert attention, and the Prime Minister holds a 3-minute and 57-second scrum.

Then they release a video of the Prime Minister showing off his comic skills in 2011. That will calm people down. They must think Canadians are fools.

We will not be taken for fools anymore. The Conservatives are in possession of a copy of the cheque Nigel Wright gave to Mike Duffy, but the Parliamentary Secretary to the Minister of National Defence said that it was not in the interests of average Canadians for them to disclose it, since they would not understand.

While he and his colleague from Nepean are busy contradicting themselves, Canadians are getting an idea of what happened and are realizing that they deserve better. They deserve an ethical option that will not abandon its values along the way. That option is the NDP in 2015.

● (1420)

[English]

**PHILIPPINE INDEPENDENCE DAY**

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Mr. Speaker, today Canadians of Filipino heritage celebrate an important date in the history of their community. It was 115 years ago that the Filipino people, under the leadership of Emilio Aguinaldo, proclaimed independence from Spanish colonial rule.

Today, Canada is proud to be home to one of the largest Filipino communities in the world. Last year, Canada welcomed a record number of immigrants, visitors and students from the Philippines, with the number of immigrants increasing 146% since 2004. Canadians of Filipino heritage have made enormous contributions toward building our country. In 2012, our Prime Minister travelled to the Philippines and met with President Benigno Aquino, an historic moment in the relationship between our two countries.

Today and in the coming weeks, Filipinos across the country will celebrate independence day with family and friends, including on Parliament Hill and in my city of Mississauga.

On behalf of the Conservative caucus, I invite all Canadians to join in wishing all Filipino Canadians a happy Philippine independence day.

*Mabuhay.***ORAL QUESTIONS**

[Translation]

**ETHICS**

**Hon. Thomas Mulcair (Leader of the Opposition, NDP):** Mr. Speaker, yesterday, the Minister of Canadian Heritage said that the Conservatives did "not have access to a personal cheque by Nigel Wright". However, today, we learned that the Prime Minister, who is in Europe, said that he did in fact have access to the cheque but that he refused to make it public. How do the Conservatives explain this contradiction?

Does the PMO have access to the \$90,000 cheque or not?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, the simple answer is no. That is not what the Prime Minister said while in Europe. What he did say was that independent investigations are under way and that the Ethics Commissioner, the RCMP and the Auditor General are reviewing the case. If they want the relevant documentation, then they can certainly have access to it. The process is very clear and independent. No, we do not have access to a personal cheque written by Mr. Wright.

*Oral Questions*

[English]

**Hon. Thomas Mulcair (Leader of the Opposition, NDP):** Mr. Speaker, what is now clear is that the Conservatives actually do have access to a cheque. The Prime Minister stood in the House and said, “there is no cheque from the Prime Minister’s Office”. He said that he only knew that Nigel Wright used a personal cheque because it was a “matter of public record” and because “that’s what Mr. Wright told him”.

It does not add up. It is well past time for some straight answers. If the Prime Minister does not have a copy of the cheque, why will he not say so clearly himself? Why is the Prime Minister dodging this question? What is he hiding?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, I just said it very clearly. We do not have access to a private personal cheque by Nigel Wright. We do not have access to it. That is just the reality.

What the Prime Minister said was that there was an independent process that had access to any documents that it required in order to answer the questions the public had about this matter.

I have been very clear, as has the Prime Minister.

\* \* \*

• (1425)

**PARLIAMENTARY BUDGET OFFICER**

**Hon. Thomas Mulcair (Leader of the Opposition, NDP):** Mr. Speaker, the Prime Minister likes doing imitations. Why does he not try imitating an accountable prime minister?

On another subject, the—

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

**Hon. Jason Kenney:** Get angry, get angry.

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

**The Speaker:** Order, please. The hon. Leader of the Opposition has the floor. If members wish to answer the question, they can feel free to answer, but I would like them to hold off until the leader is finished putting the question.

The hon. Leader of the Opposition.

**Hon. Thomas Mulcair:** Mr. Speaker, we know why the Conservatives find it so difficult. There are no Conservative role models of an accountable prime minister to imitate.

The parliamentary budget officer is there to provide non-partisan information to all parliamentarians. The law states that the selection process has to be independent.

We have just found out that another Conservative Party hatchet-man, the chief of staff to the government House leader, has been named to the committee to choose the next PBO who will finally be acceptable to the Conservative Party. Does he really think Canadians will put up with that?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the hon. member is quite wrong. The process that has been followed is exactly the same process that was followed before. In fact, it is a process that is set out in law in

the Parliament of Canada Act. It requires that the selection committee be formed and chaired by the parliamentary librarian. That is the requirement of the law.

Our government put in place the position of parliamentary budget officer and we look forward to the appointment of an objective parliamentary budget officer to provide the advice to parliamentarians on the legislation that is before us so we can make reasoned decisions on the proposals with which we are dealing.

[Translation]

**Ms. Peggy Nash (Parkdale—High Park, NDP):** Mr. Speaker, let us continue to speak about the botched process for replacing the parliamentary budget officer.

When the chief of staff of the Conservative government’s House leader is part of a hiring committee, it automatically politicizes the selection process. Kevin Page said that the process should start over. Why not start again with the help of a committee made up of truly independent members?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the process is the same one that was used to select the first parliamentary budget officer.

[English]

The statute actually sets out exactly what the process is. It is subsection 79.1(3) and it reads as follows:

The Governor in Council may select the Parliamentary Budget Officer from a list of three names submitted in confidence, through the Leader of the Government in the House of Commons, by a committee formed and chaired by the Parliamentary Librarian.

The Parliamentary Librarian has followed the statute. It is the same process as before. We look forward to the appointment of the new Parliamentary Budget Officer.

**Ms. Peggy Nash (Parkdale—High Park, NDP):** Mr. Speaker, at the request of the NDP, the parliamentary budget officer started drafting a report about the impact of budget cuts on the programs and services that Canadians rely on, but this has been stonewalled by the government. Previously, Conservatives supported this bill to strengthen the PBO. In a few minutes, the House will vote on this.

Will the Conservatives support the bill, or will they flip-flop and vote against the NDP’s attempts to improve fiscal transparency?

**Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, let me say a couple of things. First of all, this government continues to provide the interim PBO with the information she requires to do her job according to the statute.

The second thing I would say is that we on this side are not going to vote for a bill that gives the Senate more power. Here is a leader of the opposition who says that he wants to abolish the Senate, but the first thing he would do in his private member’s bill is give the Senate more power.

We stand opposed.

*Oral Questions***ETHICS**

**Mr. Justin Trudeau (Papineau, Lib.):** Mr. Speaker, when the House rises, the government will have deliberately left crucial questions answered on the \$90,000 cheque—

The government will have left unanswered questions on the \$90,000 cheque in the—

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

**The Speaker:** Order, please. The hon. member for Papineau has the floor.

**Mr. Justin Trudeau:** Mr. Speaker, the unanswered questions are as follows. What was the secret agreement? Will they release the correspondence? When did the PMO tell Mike Duffy not to cooperate with the Deloitte audit and, most of all, why?

What real reason did Nigel Wright give the Prime Minister for cutting that \$90,000 cheque to Mike Duffy?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, of course, I agree with the first half of the first rendition of his question, where he said our government has indeed answered these questions.

What is also important to note is that when the House does rise, our government will be very proud not only of the questions we have answered, but the actions we have delivered for Canadians. Just yesterday, we passed Bill S-2 to provide aboriginal women with equal rights to non-aboriginal women in this country. That was reported equally last week. That is great news for all Canadians. It was reported last week by Statistics Canada that the Canadian economy has created over a million new jobs since the recession.

On all these questions and on all these answers, we are proud to go into summer standing up as—

• (1430)

**The Speaker:** The hon. member for Papineau.

**Mr. Justin Trudeau (Papineau, Lib.):** Mr. Speaker, there is more spin, bluster and blunder, but not answers. No answers to those or to these.

How could the PMO put out a statement on May 14, about the deal, when on May 15, the Prime Minister still said he did not know about the cheque? Secondly, why did the PM give Nigel Wright his full confidence, instead of firing him on the spot? When will the government release a copy of the cheque? Most of all, why? The excuse of wanting to repay the taxpayers does not jive. What real reason did Nigel Wright give for writing that cheque?

**The Speaker:** Order, please. There is still far too much noise while members are putting forward their questions and ministers are answering. Members have to come to order.

The hon. Minister of Canadian Heritage and Official Languages.

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, first of all, the real question is can I have the last 30 seconds of my life back?

The leader of the Liberal Party puts forward a number of questions. Indeed, those questions have been answered by the Prime Minister directly and by me. We have our own questions for the leader of the Liberal Party.

Does he still believe, for example, that Canadians who do not speak both of Canada's official languages are lazy? Does the Liberal Party leader still believe that the Senate should not be reformed because it benefits the province of Quebec? Does the leader of the Liberal Party still believe that it is okay for Liberal Senator Mac Harb to owe \$50,000 in payments that he took from taxpayers and be welcomed back as a Liberal member of their caucus?

[*Translation*]

**Mr. Justin Trudeau (Papineau, Lib.):** Mr. Speaker, yet again, we are not getting an answer. The real question remains: why? No one is buying the pitiful excuse from the chief of staff that he wrote a \$90,000 cheque to a parliamentarian to supposedly save taxpayers money. There were other ways of doing that.

What real reason did Nigel Wright give the Prime Minister for writing Mike Duffy a cheque for \$90,000?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, we have already answered that question very clearly.

There are other very simple questions that we as parliamentarians want answers to.

[*English*]

The House leader of the NDP has put forward a motion.

We are very curious for the leader of the Liberal Party to answer his own questions on his expenses on the taxpayer's dime. Did taxpayers foot the bill for the cost of him travelling to his speaking events and his private speaking business while he was a member of Parliament? Did he bill taxpayers for the cost of his speaking tours while having the worst voting attendance record of any leader in the House?

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I want to apologize for comments I made yesterday comparing certain Liberal and Conservative senators to Caligula's horse. To be fair, the horse was a resident of Rome.

Yesterday, Bruce Carson showed up. He said he was surprised that the Prime Minister did not know about the cheque. This convicted fraudster swears this payoff would never have happened on his watch. It is pretty bad when even the jailbirds are not buying the story.

Why will the Conservatives not just come clean and show us the cheque?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, I have been clear on this, as has the Prime Minister. We do not have access to a personal cheque of Nigel Wright. That is just a simple fact of the matter.

If the member opposite wants to talk about showing us the cheque, could those NDP members of Parliament who are not paying their taxes show taxpayers their cheques?

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, the member has to have a lot of practice for 2015 when he will be asking questions all the time, if he keeps his seat.



*Oral Questions*

The Conservatives cannot get their stories straight. The parliamentary secretary claimed that the secret Conservative Party fund was carefully scrutinized by Elections Canada. This is what he said, “There are absolutely rules.... Elections Canada has very meticulous, very detailed rules.” That is not true. Former Elections Canada head Jean-Pierre Kingsley said there are no rules of any kind.

Why are the Conservatives refusing to turn over the information about what that fund does?

• (1435)

**Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC):** Mr. Speaker, there is a Conservative Party of Canada fund. It pays for all Conservative Party of Canada expenses. It is filed with Elections Canada every single year and it is also audited annually.

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, the Senate subcommittee that is reviewing expenses has known for a year and a half about problems with Pamela Wallin's travel claims, yet the Conservatives and Liberals ganged up to keep it a secret. Only now is Senator Wallin being fully audited.

If the Senate first learned about these suspicious claims at the end of 2011, when did the Prime Minister or anyone in his office first learn about problems with Senator Wallin's expenses?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, the NDP and we in the Conservative Party agree that there should have been an independent audit of the Senate and that is, in fact, what is happening. The Auditor General is looking into this matter as is the Ethics Commissioner.

On all of these questions of expenses, our government and the senators on the government side in the Senate have put forward 11 measures to ensure that taxpayers' money is protected.

On the questions of Senator Wallin and Senator Duffy, these questions will be answered by an independent process that the opposition called for and that we agreed with and led on.

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, senators knew for a year and a half but no one thought to tell the boss. Seriously?

Senator Tkachuk knew there was an issue with Pamela Wallin's expenses at the end of 2011, but Senator Stewart Olsen knew there was an issue in the fall of 2012. But it took until the spring of 2013 for an audit to finally be conducted.

Senior Conservative senators knew about these problems. Why did they cover them up? Why did they not say anything?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, as I just finished saying, of course we have put in place those measures on expenses that taxpayers have been asking for, and there is an independent audit that is going forward.

I know my colleague opposite shared the sentiment when she mentioned Senator Tkachuk. Nothing has been said about him in this House, but all in this House agree on this important sentiment: we do

indeed wish him all the best as he fights cancer, and we wish him a speedy recovery.

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Mr. Speaker, it is just too little, too late.

[*Translation*]

Eighteen months ago, Liberal and Conservative senators were informed about Wallin's questionable expenses. The leaders of both caucuses were therefore aware of the expenses, but they chose to cover up the information to protect their cronies.

The Prime Minister had to run off to Europe to tell us that he will not disclose the \$90,000 cheque.

The member for Ajax—Pickering also said that it would not be in the public interest to produce it. Their position shows disrespect for Canadians, does not make sense, and only fuels people's doubts.

When will they listen to reason and show us the damn cheque?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, as I said in both English and French, that is not at all what the Prime Minister said recently in Europe.

He stated very clearly that it was a personal cheque written by Mr. Wright. Those are the facts. We do not have access to personal cheques written by individuals.

With respect to the Auditor General's ongoing action, what Canadian taxpayers deserve are real answers and real action. We took action by introducing 11 measures to protect taxpayers' interests.

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Mr. Speaker, the member stands here in the House contradicting his own Prime Minister, and I am not sure the Prime Minister will appreciate that.

What the Prime Minister said in Europe was that he had decided not to show us the cheque. That means he has access to the cheque and knows where it is.

Once and for all, does the Prime Minister or someone on his staff have a copy of the cheque or not?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, for the fifth time, my answer is a clear “no”.

\* \* \*

[*English*]

**ELECTIONS CANADA**

**Mr. Craig Scott (Toronto—Danforth, NDP):** Mr. Speaker, today is day 457 of the government's inaction on amendments to the Canada Elections Act. After announcing back in April he was finally about to table the bill, the minister then did an about-face hours after meeting with the Conservative caucus.

What happened at that Conservative caucus meeting to cause the minister to put this bill on ice? Will he finally table the bill before we rise this summer, yes or no?

*Oral Questions*

•(1440)

**Hon. Tim Uppal (Minister of State (Democratic Reform), CPC):** Mr. Speaker, our government takes election reform very seriously. That is why we are taking the time to ensure that we get it right.

We committed to introducing legislation in this regard, and we will.

[*Translation*]

**Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP):** Mr. Speaker, the minister says they want to take the time to do things properly, but that is not good enough. The legislation has to be introduced soon if we want the rules to be in effect by the time the next election rolls around.

On Tuesday, April 16, 2013, 57 days ago, the Minister of State for Democratic Reform stated that, “our government is pleased to announce that it will introduce comprehensive legislation on Thursday”.

Eight Thursdays have passed since then. I am guessing that pigs will fly before we see even a hint of a bill.

Will the minister stop stalling, stop beating around the bush, and introduce a bill before the House rises for the summer?

[*English*]

**Hon. Tim Uppal (Minister of State (Democratic Reform), CPC):** Mr. Speaker, as we have committed, we will introduce legislation on election reform.

\* \* \*

[*Translation*]

**ETHICS**

**Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP):** Mr. Speaker, this is getting more ridiculous every day.

The Conservatives are dragging their feet on electoral reform, just as they are dragging their feet on Senate reform. They are making things up as they go, to try to divert attention away from their scandals.

The Prime Minister says one thing, while the Minister of Canadian Heritage says another. The Parliamentary Secretary to the Minister of Transport and the Parliamentary Secretary to the Minister of National Defence contradict each other in public.

If they would just tell the truth, it would be much easier for them to get their stories straight.

Why do the Conservatives find it so difficult to be transparent and tell the truth?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, I gave very clear answers to the questions from the leader of the NDP and other members of the opposition.

If the NDP wants immediate reforms, then our bills on Senate reform could pass unanimously today. Move the motion and it will be adopted.

[*English*]

**41ST GENERAL ELECTION**

**Mr. Scott Andrews (Avalon, Lib.):** Mr. Speaker, election laws are in place to ensure that Canada's elections are clean, transparent and fair, but the Conservative Party does not seem to care if it breaks every election law in the books, from the overspending by the Conservative MPs from St. Boniface and Selkirk—Interlake, to the member for Mississauga—Brampton South and her troubles with her expenses.

Can the government tell us if there is any other Conservative MP under investigation by Elections Canada?

**Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC):** Mr. Speaker, the member likes to grandstand his use of the word “transparency”, when his leader went around the country taking money away from charities to do the job that all of us in this room are already paid to do. People across this chamber, from all parties, are paid as parliamentarians to speak to charitable groups and community associations as part of our job as parliamentarians. The leader of the Liberal Party double-dipped and took a second payment while he was recording one of the worst attendance records on the floor of the House of Commons. That is not transparency.

**Mr. Scott Andrews (Avalon, Lib.):** Mr. Speaker, there is a pattern here, when the parliamentary secretary—

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

**The Speaker:** Order, please.

The hon. member for Avalon.

**Mr. Scott Andrews:** We go from the Conservatives' highly illegal accounting schemes during the in-and-out scandal to “Peter the cheater” Penashue's illegal campaign returns.

It has been one year since the member for Peterborough dared to show up to an ethics committee because of his unethical and illegal returns, but he is still the Parliamentary Secretary to the Prime Minister.

Why is he still the right-hand man to the Prime Minister, when the Prime Minister's chief of staff had to resign?

**Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC):** Mr. Speaker, the Parliamentary Secretary to the Prime Minister shows up and works hard and delivers for his constituents. That is in stark contrast to the Liberal leader, who has one of the very worst attendance records on the floor of the House of Commons. He does not show up for work here, even though he is paid to do so. He takes paid salary time to go and take money from charities and other organizations that Canadians expect parliamentarians to reach out to as part of their jobs.

On this side of the House, we serve the public. On that side, they serve themselves.

*Oral Questions*

● (1445)

*[Translation]***INTERGOVERNMENTAL RELATIONS**

**Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.):** Mr. Speaker, you can hear how scared they are of the new Liberal leader.

My question is for the Minister of Intergovernmental Affairs.

The free trade negotiations with Europe seem to be entering their final sprint and have an impact on buying locally and the cost of drugs. Under our Constitution, once a treaty is ratified it cannot be implemented in provincial jurisdictions without the consent of the provinces. Is the minister making sure that the provinces are being kept abreast of these last-minute negotiations, or will he allow the government to run roughshod over the provinces yet again?

*[English]*

**Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, for the Atlantic Canada Opportunities Agency and for the Atlantic Gateway, CPC):** Mr. Speaker, the provinces and municipalities have been involved in the negotiations since the beginning. They continue to be involved. They are at the table, and they are briefed regularly.

\* \* \*

**RAIL TRANSPORTATION**

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Speaker, three people lost their lives in the VIA crash in Burlington. Yesterday, I asked the Conservatives to stop ignoring the Transportation Safety Board's recommendations and take action to put safety first. I did not get an answer, so today I am giving the Conservatives another chance.

Yesterday, I submitted a motion to the House to immediately mandate that automatic braking systems be installed on all trains. Will the minister support this motion? Yes or no.

**Hon. Steven Fletcher (Minister of State (Transport), CPC):** Mr. Speaker, naturally our thoughts and prayers go to the families who have had loved ones lose their lives in that tragic derailment.

The minister has tasked the advisory council on rail safety to look at what can be done. He is taking the advice of the council, and we are going to suggest bringing in recording devices so that we will know how these locomotives operate.

I wish the member would not politicize this.

*[Translation]*

**Mr. Robert Aubin (Trois-Rivières, NDP):** Mr. Speaker, I think the Minister of State for Transport misspoke yesterday when he answered my question.

First he said that he had read the Transportation Safety Board's recommendations and then he said that his department was encouraging the stakeholders to install recording devices. Encouraging does not go far enough. This is a public safety requirement.

The other thing he got wrong was his response to a question about automatic braking systems. He said there were stricter penalties for those who break the rules.

Is preventing accidents not one of the minister's responsibilities? When will there be mandatory rail safety requirements?

**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, first of all, our thoughts and prayers go out to the families of the victims of this tragedy.

The technology the hon. member is referring to is currently being implemented in the United States. Applying this technology presents some problems. We are monitoring the situation with much interest.

Here in Canada, VIA Rail is going to install recorders on all its trains. The work is expected to be completed in 2014. We have also put in place whistleblower protection so that accidents can be prevented in the future.

\* \* \*

**HEALTH**

**Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP):** Mr. Speaker, I would like to talk about another matter.

The Wait Time Alliance's report clearly indicates that the Conservative government's health strategy is not working. Our military personnel, veterans and aboriginal peoples are not receiving the care they need and to which they are entitled within acceptable timeframes.

Will the minister take her responsibilities seriously and work with the provinces in order to put in place an effective plan to reduce wait times?

*[English]*

**Hon. Leona Aglukkaq (Minister of Health, Minister of the Canadian Northern Economic Development Agency and Minister for the Arctic Council, CPC):** Mr. Speaker, we respect the provinces' and the territories' jurisdiction in the area of health care. To help the provinces and territories, we have issued funding of \$6.5 billion. Our government also invested \$30 million for research in community-based primary care that will help improve access to care and reduce costs for the provinces and territories. We are also providing long-term stable funding arrangements that will see transfers increase up to \$40 billion.

Under the previous government, we all saw cuts to health care in the provinces and territories. Our government will continue to work with the provinces and territories in addressing this issue.

● (1450)

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, apparently the minister is completely ignoring this report. The fact is, Conservatives came to power on a promise to reduce wait times for medical care. Now, seven years later, Canadians are waiting just as long, if not longer. Lack of long-term care, home care and affordable prescriptions are all contributing factors, as noted in the report.

*Oral Questions*

Can the minister explain why the Conservatives have failed to reduce wait times, and what are they going to do now to fix this broken promise they made to Canadians?

**Hon. Leona Aglukkaq (Minister of Health, Minister of the Canadian Northern Economic Development Agency and Minister for the Arctic Council, CPC):** Mr. Speaker, our government is making record investments in health care, including new e-health initiatives I announced some time ago.

It is Canadians who pay those taxes. When members of the NDP caucus do not pay their taxes, it takes money away from services Canadians value, like health care. It is bad enough that they vote against health care investments, but now we know that some members of their caucus are not even paying their fair share of taxes.

\* \* \*

**ABORIGINAL AFFAIRS**

**Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC):** Mr. Speaker, in a remote aboriginal community, when it is the middle of the night and it is 30 degrees below zero, and a woman has been violently assaulted, it is absolutely necessary that she receive the same protection as all other Canadians. That is exactly why our government introduced Bill S-2, which will allow enforcement emergency protection orders, but yesterday, the Liberal leader shamefully whipped his caucus to vote against it.

Can the Minister for Status of Women please update this House on the difference between our government's position and the Liberals'?

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, the truth is that women in the Liberal Party and the NDP would never give up these rights themselves that in the same breath they are denying to aboriginal women.

My question is this: Why are they entitled to these rights and aboriginal women are not?

On this side of the House, we stand with aboriginal women, and we will make sure that they receive the same rights and same protections as all other Canadians.

\* \* \*

[Translation]

**INTERNATIONAL TRADE**

**Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP):** Mr. Speaker, the Prime Minister is desperate for good news so that people will stop talking about the scandals that are plaguing the Conservative government. He believes that signing a trade agreement with Europe would be welcome news. He is starting to make concessions to achieve that end. Yesterday, we learned that he has given in on the issue of the threshold for reviewing investments leading to foreign takeovers of Canadian companies. Negotiating when desperate is never a good idea.

What other concessions is the Prime Minister willing to make in the trade deal with Europe?

[English]

**Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, for the Atlantic Canada Opportunities**

**Agency and for the Atlantic Gateway, CPC):** Mr. Speaker, any suggestion that the free trade negotiations are over is patently false. The reality is that we continue to get closer, both the European Union in their demands and Canada in our demands. We continue to get closer to negotiating an agreement, but we are not there yet.

We are after an agreement that will be high quality. We will judge this agreement on the quality of the agreement, not on a timetable.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, on this side of the House, we will judge that deal based on competence. All we are seeing from the government is incompetence on the trade file.

We want to see a trade deal with Europe, but in any negotiations, desperation is a bad adviser, and the Conservatives' bargaining stance reeks of it. We are hearing reports from the Prime Minister in Europe, right now, that he is offering concessions left, right and centre.

Is the Prime Minister bargaining to get a good deal for Canada, or is he offering the EU whatever it wants, just so we can get a deal?

**Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, for the Atlantic Canada Opportunities Agency and for the Atlantic Gateway, CPC):** Mr. Speaker, it is always great to welcome the NDP back to the trade file. We know it is anti-trade. Its position has been pretty consistent in that. It seldom veers from that. However, we welcome the NDP back.

The reality is that we are negotiating a high-quality, 21st-century agreement. We are only going to settle an agreement if it is in the best interests of Canada.

\* \* \*

● (1455)

**LIBRARY AND ARCHIVES CANADA**

**Mr. Andrew Cash (Davenport, NDP):** Mr. Speaker, this week, Canadians learned of the Conservative plan to contract out the digitization of content at Library and Archives Canada. This follows layoffs of employees who were responsible for digitizing content. Then there is the online portal, where Canadians will now have to pay to access the archives.

The archives belong to all Canadians. Will the minister now confirm whether or not Canadians will be charged to access our national archives?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, I do not believe that individual Canadians should have to pay to access our archives. I agree with the member opposite in that regard.

What is interesting is that the member opposite is against the digitization of the library and archives, because frankly, it may mean that the union of employees at Library and Archives might actually get smaller.

*Oral Questions*

Our job is to ensure that Canadians have access to Library and Archives, when and where they live and in the digital format they want it to be in. It is about serving Canadians, not serving the unions. The digitization of our archives is important for all Canadians so Canadians can better understand their personal and our collective history.

[*Translation*]

**Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP):** Well, Mr. Speaker, he certainly skated around that question.

There is a project in the works that will result in double-billing for access to the archives, and all the minister can say is that he will wait until the new chief archivist is appointed before taking action. It would have been fun had he done this as a history lesson.

The Conservatives told us that the solution for Library and Archives Canada was to digitize its contents. However, half of the employees laid off recently were assigned to digitization. Now that there are not enough employees, the Conservatives suddenly want to contract out the creation of a paid portal to Canadians.

Will Canadians have to pay in order to access content that already belongs to them, yes or no?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** I have already answered the question in English, and the answer is the same in French.

We are very proud of our approach, our policies, our commitments and our investments that will protect and promote Canada's history. Yesterday, I announced nine steps and nine specific investments to celebrate, promote and protect Canada's history. We must continually move forward in that direction with Library and Archives Canada and the new Canadian museum of history because Canada's 150th anniversary is fast approaching. We have a great deal to celebrate as Canadians.

\* \* \*

**PRIVACY**

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, the fact that the CSE has been monitoring Canadians' personal communications raises a lot of questions. How much monitoring is acceptable? Who has access to that information within Canada and abroad? When should that information be automatically destroyed? Who is watching the watchers?

Canadians' privacy is at risk. When will Parliament examine this important issue?

[*English*]

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, let me answer the hon. member's question on who is watching the watchers: the CSE Commissioner, the Privacy Commissioner, the Auditor General. All of them have given CSE a clean bill of health.

I would refer my hon. friend to the report tabled in Parliament, which speaks to the practices and process that are followed by this important organization. Let us not lose sight of what it does. What it does is protect Canadians. It does so in accordance with the law; it does so when it comes to the gathering of foreign intelligence which is actually a threat to this country.

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Mr. Speaker, the Conservative government has absolutely no regard for the privacy rights of Canadians. It has no answers for the biggest loss of personal information in Canadian history. It has been found violating the privacy of first nations children's advocate Cindy Blackstock, and now we have learned that Canada's electronic eavesdropping agency has been tracking ordinary Canadians' emails and phone calls.

Why is the government violating the privacy of Canadians instead of protecting it?

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, let me repeat for the hon. member and members present that CSEC is in fact prohibited by law from directing its activities at Canadians anywhere in the world or any person in Canada.

I again refer the member to the same report, wherein the commissioner of CSEC says, "I found the new policies and procedures to be comprehensive, containing satisfactory measures to protect the privacy of Canadians". This same commissioner is meeting with the Privacy Commissioner tomorrow. The report is there. It is tabled annually in Parliament. I invite the member to take the time to read it.

\* \* \*

[*Translation*]

**THE ENVIRONMENT**

**Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP):** Mr. Speaker, although the Réseau d'observation de mammifères marins has an agreement with Environment Canada, it is still waiting for a simple signature from the Minister of the Environment to keep its operations going this summer.

It is mid-June, and staff could be laid off in a few days. The lack of environmental monitors on the river could cause difficulties for tourist operators who are required to demonstrate that their activities are not causing harm to the whales. Both the tourism industry and the environment in the Lower St. Lawrence region are at risk.

Will the minister sign off on this funding immediately or will he wait until there are no more whales in the river before he does his job?

● (1500)

**Hon. Maxime Bernier (Minister of State (Small Business and Tourism), CPC):** Mr. Speaker, I agree with my colleague that the tourism industry is very important. That is why we will continue to invest in the Canadian Tourism Commission.

With regard to the specific case raised by my colleague, we know that attracting tourists from all across Canada must be done a certain way. It involves promoting the tourism industry through the Canadian Tourism Commission. That is what we are doing. I would like my colleague to support us in that.

**Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP):** Mr. Speaker, that does not make any sense. The Conservatives are not content to simply gut environmental protections and assessments. If they can, they will also undermine the activities of environmental organizations.

### Oral Questions

Because the government has stalled on giving the Réseau d'observation de mammifères marins its funding, it has become almost impossible for the organization to recruit the employees it needs to monitor the species at risk.

The Conservatives seem to think that if we simply do not monitor species at risk, then we will not have to worry about whether they go extinct.

Will the minister do something about this unacceptable administrative delay or will he stand idly by while these species go extinct? [English]

**Hon. Peter Kent (Minister of the Environment, CPC):** Mr. Speaker, we consider many hundreds of grant and contribution applications under our habitat stewardship program. I am not familiar with the status of this particular application at the moment, but I will endeavour to get the details and deliver them to my colleagues across the House.

\* \* \*

### INTERNATIONAL CO-OPERATION

**Mr. Joe Daniel (Don Valley East, CPC):** Mr. Speaker, our government is focused on economic growth because we know it is critical to reducing poverty around the world. Yesterday, World Bank President Dr. Jim Yong Kim called for the end of extreme global poverty by 2030. He said, "We cannot reach our goal without the private sector".

Can the Minister of International Cooperation please update the House on what Canada is doing to help encourage private sector-led development?

**Hon. Julian Fantino (Minister of International Cooperation, CPC):** Mr. Speaker, our government has announced three new initiatives to encourage private sector-led growth, including support for a World Bank facility that would provide insurance for projects that help support economic growth and reduce poverty. Canadians can be very proud of these initiatives and investments. In fact, World Bank President Dr. Jim Yong Kim said that these investments will "help rebuild fragile economies, which creates good jobs and helps people lift themselves out of poverty". He also said, "We are very grateful to our Canadian partners..."

While the NDP protests the value and worth of engaging the private sector, we will continue to help create jobs and growth for those who are most in need in impoverished countries.

\* \* \*

### HEALTH

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Mr. Speaker, the Supreme Court was clear that InSite saves lives. It ordered the federal government to keep it open and to allow for new sites across Canada. In response, the Minister of Health tabled legislation making it nearly impossible to create new sites. The Conservative Party sent a fundraising letter to communities, fearmongering and asking them to block sites.

Now, the Parliamentary Secretary to the Minister of Transport tells us that the Prime Minister is head of the Conservative Party. Does

the Prime Minister condone this letter? And will he admit his bill is a sham?

**Hon. Leona Aglukkaq (Minister of Health, Minister of the Canadian Northern Economic Development Agency and Minister for the Arctic Council, CPC):** Mr. Speaker, our government members believe it is important that local voices be heard before decisions are made to put supervised drug consumption sites where illegal drugs are used in neighbourhoods. That is why I was proud to announce that we have introduced a respect for communities act which would ensure that local voices are heard. We do not think a supervised drug consumption site should be created in a residential neighbourhood without the input of the residents.

\* \* \*

### FOREIGN AFFAIRS

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, earlier today we heard the disturbing news that CBC reporters Derek Stoffel and Sasa Petricic were detained in Istanbul. I wonder if the government can update us on their status, what is happening and what the government is doing to help them.

• (1505)

**Hon. Diane Ablonczy (Minister of State of Foreign Affairs (Americas and Consular Affairs), CPC):** Mr. Speaker, I appreciate the member raising this important matter.

The Minister of Foreign Affairs has spoken personally with the Turkish ambassador to express his concern about the arrest of these two journalists and also about the ongoing situation in Turkey. Canadian officials are in touch with the CBC and have met with the two detained journalists. The Turkish ambassador has assured us that the two journalists are safe and well treated. We will continue to liaise at the highest levels until this matter is resolved.

\* \* \*

### ABORIGINAL AFFAIRS

**Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC):** Mr. Speaker, since 2009, over one million net new jobs have been created under our government's strong economic action plan. Our commitment to jobs and growth does not stop at the door of aboriginal communities. When it comes to finding and keeping a good job, we all agree that first nations youth should have the same opportunities as all Canadians.

Can the Parliamentary Secretary to the Minister of Aboriginal Affairs please tell the House about the government's income assistance reform for first nations communities?

**Mr. Greg Rickford (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, for the Canadian Northern Economic Development Agency and for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, I appreciate the hon. member's question, his hard work on the standing committee and his commitment to this issue.

We know that aboriginals, and youth in particular, represent a tremendous opportunity to address some of Canada's labour needs. That is why we are taking action to equip first nations youth with personalized job skills and career coaching for real jobs that are in demand. We are not stopping there. We will provide these youth with on-the-job supports that they need to keep their jobs and stay employed.

Unfortunately, the leader of the NDP continues to oppose these measures. Despite his anti-job socialist agenda, we will continue to create jobs for aboriginal Canadians.

\* \* \*

[Translation]

### INFRASTRUCTURE

**Mr. Réjean Genest (Shefford, NDP):** Mr. Speaker, floods have recently hit Granby, in my riding. The damage is extensive and the city may not have sufficient funding to repair its infrastructure. The recent budget cuts to municipal infrastructure made by the Conservatives further complicate things.

I have a simple question. Will the Conservative government commit to providing assistance to the city of Granby, yes or no?

**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, there are currently very good federal programs in place that provide funding for infrastructure in communities across Canada. If the hon. member has a particular project in mind, I would urge him to talk to us and tell us about it. We are always available to help Canadians in need.

\* \* \*

### INTERGOVERNMENTAL RELATIONS

**Mr. Jean-François Fortin (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ):** Mr. Speaker, the day before his announcement, the Minister of Canadian Heritage promised that new programs promoting history would not interfere with education in Quebec. However, by offering awards to teachers and students “who show an interest in celebrating Canadian history”, the minister is flouting the Quebec school curriculum, and clearly wants to change the focus of history classes. He wants it to be a celebration, instead of education with critical analysis.

If the minister really wants to encourage people to learn history, why is he not helping Quebec improve its classes by restoring education transfers to 1994 indexed levels?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, first of all, we have already increased education transfers to the provinces. Second, we fully respect provincial jurisdiction over education. There is no doubt about that.

My colleague ought to know that there are already awards for science teachers and students in Canada. Of course we are going to promote and celebrate Canadian heritage as well as our teachers and youth who want to write and know more about our country's history.

### Private Members' Business

To be honest, I am happy that the Bloc member opposes this, because it proves that it is good for Quebec and Canada.

[English]

**The Speaker:** That concludes question period for today.

The hon. member for Toronto Centre is rising on a point order.

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### POINTS OF ORDER

#### CANADIAN BROADCASTING CORPORATION

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, I think that if you seek it, you would find unanimous consent for the following motion.

I move:

That this House condemns the arrest and detention of two CBC journalists, Sasa Petricic and Derek Stoffel, in Turkey, and calls on the Turkish authorities to release them immediately.

• (1510)

**The Speaker:** Does the hon. member have the unanimous consent of the House to propose the 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)

**Ms. Elizabeth May:** Mr. Speaker, I rise on a point of order.

Following on yesterday's wonderful display of solidarity on behalf of Canadian taxpayers in adopting the motion of the opposition House leader, if you seek it, I believe you would find unanimous consent for the following motion.

I move that the Board of Internal Economy investigate members' possible use of the travel points system for the purpose of participating in by-election campaigns during or immediately preceding the writ period.

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

**Some hon. members:** No.

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### PRIVATE MEMBERS' BUSINESS

[English]

#### OLD AGE SECURITY ACT

The House resumed from June 7 consideration of the motion that Bill C-480, An Act to amend the Old Age Security Act (funeral arrangements), be read the second time and referred to a committee.

**The Speaker:** Pursuant to order made on Wednesday, May 22, the House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-480 under private members' business.

*Private Members' Business*

Call in the members.

● (1515)

(The House divided on the motion, which was negated on the following division:)

(Division No. 750)

## YEAS

## Members

Allen (Welland)	Andrews
Angus	Ashton
Atamanenko	Aubin
Ayala	Bélanger
Bellavance	Bennett
Benskin	Bevington
Blanchette	Blanchette-Lamothe
Boulerice	Boutin-Sweet
Brosseau	Caron
Casey	Cash
Charlton	Chicoine
Chisholm	Choquette
Chow	Christopherson
Cleary	Comartin
Côté	Cotler
Crowder	Cullen
Cuzner	Davies (Vancouver Kingsway)
Davies (Vancouver East)	Day
Dewar	Dion
Dionne Labelle	Donnelly
Doré Lefebvre	Dubé
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)
Dusseault	Easter
Eyking	Footé
Fortin	Freeman
Fry	Gameau
Garrison	Genest
Genest-Jourdain	Giguère
Godin	Goodale
Gravelle	Grogulé
Harris (Scarborough Southwest)	Harris (St. John's East)
Hsu	Hughes
Hyer	Jacob
Jones	Julian
Karygiannis	Kellway
Lamoureux	Lapointe
Larose	Latendresse
Laverdière	LeBlanc (Beauséjour)
Leslie	Liu
MacAulay	Mai
Marston	Martin
Mathysen	May
McCallum	McGuinty
McKay (Scarborough—Guildwood)	Michaud
Moore (Abitibi—Témiscamingue)	Morin (Chicoutimi—Le Fjord)
Morin (Notre-Dame-de-Grâce—Lachine)	Morin (Laurentides—Labelle)
Mourani	Mulcair
Nantel	Nash
Nicholls	Nunez-Melo
Pacetti	Papillon
Patry	Péclet
Perreault	Pilon
Plamondon	Quach
Rae	Rafferty
Rankin	Ravignat
Raynault	Regan
Rousseau	Saganash
Sandhu	Scarpaleggia
Scott	Sellah
Sgro	Simms (Bonavista—Gander—Grand Falls—Windsor)
Sims (Newton—North Delta)	Sitsabaiesan
St-Denis	Stewart
Sullivan	Thibeault
Tremblay	Trudeau
Turmel	Valeriote— 130

## NAYS

## Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Alexander	Allen (Tobique—Mactaquac)
Allison	Ambler
Ambrose	Anders
Anderson	Armstrong
Aspin	Bateman
Benoit	Bergen
Bernier	Bezan
Blaney	Block
Boughen	Braid
Breitkreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Butt	Calandra
Calkins	Cannan
Carmichael	Carrie
Chisu	Chong
Clarke	Clement
Crockatt	Daniel
Davidson	Dechert
Del Mastro	Devolin
Dreeshen	Duncan (Vancouver Island North)
Dykstra	Fantino
Findlay (Delta—Richmond East)	Flaherty
Fletcher	Galipeau
Gallant	Gill
Goguen	Goldring
Gosal	Gourde
Grewal	Harris (Cariboo—Prince George)
Hawn	Hayes
Hiebert	Hillyer
Hoback	Holder
James	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Kent
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Lauzon	Lebel
Leaf	Leitch
Lemieux	Leung
Lizon	Lobb
Lunney	MacKay (Central Nova)
MacKenzie	Mayes
McColeman	McLeod
Menegakis	Menzies
Merrifield	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
Obhrai	O'Connor
O'Neill Gordon	Opitz
O'Toole	Paradis
Payne	Poillievre
Preston	Raitt
Rajotte	Rathgeber
Reid	Rempel
Richards	Rickford
Saxton	Schellenberger
Seeback	Shea
Shipley	Shory
Sopuck	Stanton
Storseth	Strahl
Sweet	Toet
Toews	Trost
Trottier	Truppe
Tweed	Uppal
Van Kesteren	Van Loan
Vellacott	Wallace
Warawa	Warkentin
Watson	Weston (West Vancouver—Sunshine Coast—Sea to
Sky Country)	
Weston (Saint John)	Wilks
Williamson	Wong
Woodworth	Yelich
Young (Oakville)	Young (Vancouver South)
Zimmer — 149	

## PAIRED

Nil



**The Speaker:** I declare the motion defeated.

• (1520)

**Mr. Gary Schellenberger:** Mr. Speaker, I think I was counted as Mr. Sorenson in the first vote. I know I look a lot younger than I really am, but Mr. Sorenson is not here.

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

**Mr. Gary Schellenberger:** Oh, I cannot say that.

**The Speaker:** I can assure the hon. member that accuracy will be reflected.

\* \* \*

### PARLIAMENTARY BUDGET OFFICER ACT

The House resumed from June 10 consideration of the motion that Bill C-476, An Act to amend the Parliament of Canada Act (Parliamentary Budget Officer), be read the second time and referred to a committee.

**The Speaker:** The House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-476.

• (1525)

(The House divided on the motion, which was negated on the following division:)

*(Division No. 751)*

#### YEAS

##### Members

Allen (Welland)	Andrews
Angus	Ashton
Atamanenko	Aubin
Ayala	Bélangier
Bellavance	Bennett
Benskin	Bevington
Blanchette	Blanchette-Lamothe
Boulerice	Boutin-Sweet
Brousseau	Caron
Casey	Cash
Charlton	Chicoine
Chisholm	Choquette
Chow	Christopherson
Cleary	Comartin
Côté	Cotler
Crowder	Cullen
Cuzner	Davies (Vancouver Kingsway)
Davies (Vancouver East)	Day
Dewar	Dion
Dionne Labelle	Donnelly
Doré Lefebvre	Dubé
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)
Dusseau	Easter
Eyking	Foote
Fortin	Freeman
Fry	Gameau
Garrison	Genest
Genest-Jourdain	Giguère
Godin	Goodale
Gravelle	Groguhé
Harris (Scarborough Southwest)	Harris (St. John's East)
Hsu	Hughes
Hyer	Jacob
Jones	Julian
Karygiannis	Kellway
Lamoureux	Lapointe
Larose	Latendresse
Laverdière	LeBlanc (Beauséjour)
Leslie	Liu
MacAulay	Mai
Marston	Martin

Mathysen	May
McCallum	McGuinty
McKay (Scarborough—Guildwood)	Michaud
Moore (Abitibi—Témiscamingue)	Morin (Chicoutimi—Le Fjord)
Morin (Notre-Dame-de-Grâce—Lachine)	Morin (Laurentides—Labelle)
Mourani	Mulcair
Nantel	Nash
Nicholls	Nunez-Melo
Pacetti	Papillon
Patry	Péclet
Perreault	Pilon
Plamondon	Quach
Rae	Rafferty
Rankin	Rathgeber
Ravignat	Raynault
Regan	Rousseau
Saganash	Sandhu
Scarpaleggia	Scott
Sellah	Sgro
Simms (Bonavista—Gander—Grand Falls—Windsor)	
Sims (Newton—North Delta)	
Sitsabaiesan	St-Denis
Stewart	Sullivan
Thibeault	Tremblay
Trudeau	Turmel
Valeriote— 131	

### Private Members' Business

#### NAYS

##### Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Alexander	Allen (Tobique—Mactaquac)
Allison	Ambler
Ambrose	Anders
Anderson	Armstrong
Aspin	Bateman
Benoit	Bergen
Bernier	Bezan
Blaney	Block
Boughen	Braid
Breitkreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Butt	Calandra
Calkins	Cannan
Carmichael	Carrie
Chisu	Chong
Clarke	Clement
Crockatt	Daniel
Davidson	Dechert
Del Mastro	Devolin
Dreeshen	Duncan (Vancouver Island North)
Dykstra	Fantino
Findlay (Delta—Richmond East)	Flaherty
Fletcher	Galipeau
Gallant	Gill
Goguen	Goldring
Gosal	Gourde
Grewal	Harris (Cariboo—Prince George)
Hawn	Hayes
Hiebert	Hillyer
Hoback	Holder
James	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kennedy (Calgary Southeast)	Kent
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Lauzon	Lebel
Leaf	Leitch
Lemieux	Leung
Lizon	Lobb
Lunney	MacKay (Central Nova)
MacKenzie	Mayer
McColeman	McLeod
Menegakis	Menzies
Merrifield	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
Obhrai	O'Connor
O'Neill Gordon	Opitz
O'Toole	Paradis

*Private Members' Business*

Payne	Poilievre
Preston	Raïtt
Rajotte	Reid
Rempel	Richards
Rickford	Saxton
Schellenberger	Seeback
Shea	Shiple
Shory	Sopuck
Stanton	Storseth
Strahl	Sweet
Toet	Toews
Trost	Trottier
Truppe	Tweed
Uppal	Van Kesteren
Van Loan	Vellacott
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wilks	Williamson
Wong	Woodworth
Yelich	Young (Oakville)
Young (Vancouver South)	Zimmer — 148

## PAIRED

Nil

**The Speaker:** I declare the motion defeated.

\* \* \*

## POPE JOHN PAUL II DAY ACT

The House resumed from June 11 consideration of the motion that Bill C-266, An Act to establish Pope John Paul II Day, be read the third time and passed.

**The Speaker:** The House will now proceed to the taking of the deferred recorded division on the motion at third reading stage of Bill C-266.

● (1535)

(The House divided on the motion, which was agreed to on the following division:)

*(Division No. 752)*

## YEAS

## Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Alexander	Allen (Welland)
Allen (Tobique—Mactaquac)	Allison
Ambler	Ambrose
Anders	Anderson
Andrews	Angus
Armstrong	Aspin
Atamanenko	Bateman
Bellavance	Benoit
Bergen	Bernier
Bezan	Blanchette
Blaney	Block
Boughen	Braid
Breitkreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Butt	Calandra
Calkins	Cannan
Carmichael	Caron
Carrie	Casey
Cash	Charlton
Chisu	Chong
Christopherson	Clarke
Clement	Comartin
Cotler	Crockatt
Cuzner	Daniel
Davidson	Davies (Vancouver Kingsway)
Day	Dechert
Del Mastro	Devolin

Doré Lefebvre	Dreeshen
Duncan (Vancouver Island North)	Duncan (Etobicoke North)
Duncan (Edmonton—Strathcona)	Dykstra
Easter	Eyking
Fantino	Findlay (Delta—Richmond East)
Flaherty	Fletcher
Foote	Fortin
Galipeau	Gallant
Genest	Gill
Godin	Goguen
Goldring	Goodale
Gosal	Gourde
Gravelle	Grewal
Harris (Scarborough Southwest)	Harris (Cariboo—Prince George)
Hawn	Hayes
Hiebert	Hillyer
Hoback	Holder
Hsu	Hughes
Jacob	James
Jean	Jones
Julian	Kamp (Pitt Meadows—Maple Ridge—Mission)
Karygiannis	Kenney (Calgary Southeast)
Kent	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lamoureux
Lapointe	Larose
Latendresse	Lauzon
Lebel	LeBlanc (Beauséjour)
Leaf	Leitch
Lemieux	Leung
Lizon	Lobb
Lunney	MacAulay
MacKay (Central Nova)	MacKenzie
Marston	Mathysen
May	Mayes
McCallum	McColeman
McGuinity	McKay (Scarborough—Guildwood)
McLeod	Menegakis
Menzies	Merrifield
Miller	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Morin (Chicoutimi—Le Fjord)
Morin (Notre-Dame-de-Grâce—Lachine)	Mourani
Nash	Nicholson
Norlock	Nunez-Melo
Obhrai	O'Connor
O'Neill Gordon	Opitz
O'Toole	Pacetti
Papillon	Paradis
Patry	Payne
Perreault	Plamondon
Poilievre	Preston
Rae	Rafferty
Raïtt	Rajotte
Rankin	Rathgeber
Regan	Reid
Rempel	Richards
Rickford	Saxton
Scarpaleggia	Schellenberger
Seeback	Sgro
Shea	Shipley
Shory	Simms (Bonavista—Gander—Grand Falls—Wind-
sor)	
Sitsabaiesan	Sopuck
Stanton	Storseth
Strahl	Sullivan
Sweet	Thibeault
Toet	Toews
Trost	Trottier
Trudeau	Truppe
Turnel	Tweed
Uppal	Valeriote
Van Kesteren	Van Loan
Vellacott	Wallace
Warawa	Warkentin
Watson	Weston (West Vancouver—Sunshine Coast—Sea to
Sky Country)	
Weston (Saint John)	Wilks
Williamson	Wong
Woodworth	Yelich
Young (Oakville)	Young (Vancouver South)
Zimmer — 217	

*Government Orders*

## NAYS

## Members

Ashton	Aubin
Benskin	Bevington
Blanchette-Lamothe	Boulerice
Boutin-Sweet	Brousseau
Cash	Chicoine
Chisholm	Cleary
Côté	Crowder
Cullen	Davies (Vancouver East)
Dubé	Dusseau
Freeman	Garrison
Genest-Jourdain	Giguère
Groguhé	Kellway
Leslie	Liu
Mai	Michaud
Moore (Abitibi—Témiscamingue)	Mulcair
Nantel	Pécllet
Pilon	Quach
Ravignat	Raynault
Rousseau	Sandhu
Scott	Sims (Newton—North Delta)
Stewart	Tremblay — 42

## PAIRED

Nil

**The Speaker:** I declare the motion carried.

(Bill read the third time and passed)

## GOVERNMENT ORDERS

*[English]*

## PROHIBITING CLUSTER MUNITIONS ACT

The House resumed from June 11 consideration of the motion that Bill S-10, An Act to implement the Convention on Cluster Munitions, be read the second time and referred to a committee.

**The Speaker:** The House will now proceed to the deferred recorded division on the motion at second reading stage of Bill S-10.

• (1540)

(The House divided on the motion, which was agreed to on the following division:)

*(Division No. 753)*

## YEAS

## Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Alexander	Allen (Tobique—Mactaquac)
Allison	Ambler
Ambrose	Anderson
Andrews	Armstrong
Aspin	Bateman
Bélangier	Bellavance
Bennett	Benoit
Bergen	Bernier
Bezan	Blaney
Block	Boughen
Braid	Breitkreuz
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Butt
Calandra	Calkins
Cannan	Carmichael
Carrie	Casey
Chisu	Chong
Clarke	Clement
Cotler	Crockatt
Cuzner	Daniel

Davidson	Dechert
Del Mastro	Devolin
Dion	Dreeshen
Duncan (Vancouver Island North)	Duncan (Etobicoke North)
Dykstra	Easter
Eyking	Fantino
Findlay (Delta—Richmond East)	Flaherty
Fletcher	Foote
Fortin	Fry
Galipeau	Gallant
Garneau	Gill
Goguen	Goldring
Goodale	Gosal
Gourde	Grewal
Harris (Cariboo—Prince George)	Hawn
Hayes	Hiebert
Hillyer	Hoback
Holder	Hsu
Hyer	James
Jean	Jones
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karygiannis
Keddy (South Shore—St. Margaret's)	Kenney (Calgary Southeast)
Kent	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lamoureux
Lauzon	Lebel
LeBlanc (Beauséjour)	Leaf
Leitch	Lemieux
Leung	Lizon
Lobb	Lunney
MacAulay	MacKay (Central Nova)
MacKenzie	May
Mayes	McCallum
McColeman	McGuinty
McKay (Scarborough—Guildwood)	McLeod
Menegakis	Menzies
Merrifield	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	Nicholson
Mourani	Obhrai
Norlock	O'Neill Gordon
O'Connor	O'Toole
Opitz	Paradis
Pacetti	Payne
Patry	Poillievre
Plamondon	Rae
Preston	Rajotte
Rai	Regan
Rathgeber	Rempel
Reid	Rickford
Richards	Scarpaleggia
Saxton	Seeback
Schellenberger	Shipley
Shea	Simms (Bonavista—Gander—Grand Falls—Wind-
Shory	
Stanton	
Sopuck	Storseth
St-Denis	Sweet
Strahl	Toews
Toet	Trottier
Trost	Truppe
Trudeau	Uppal
Tweed	Van Kesteren
Valeriote	Vellacott
Van Loan	Warawa
Wallace	Watson
Warkentin	
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	Williamson
Wilks	Woodworth
Wong	Young (Oakville)
Yelich	Zimmer — 186
Young (Vancouver South)	

## NAYS

## Members

Angus
Atamanenko
Ayala
Bevington
Blanchette-Lamothe
Boutin-Sweet

*Routine Proceedings*

Brosseau	Caron
Cash	Charlton
Chicoine	Chisholm
Choquette	Chow
Christopherson	Cleary
Comartin	Côté
Crowder	Cullen
Davies (Vancouver Kingsway)	Davies (Vancouver East)
Day	Dewar
Dionne Labelle	Donnelly
Doré Lefebvre	Dubé
Duncan (Edmonton—Strathcona)	Dusseault
Freeman	Garrison
Genest	Genest-Jourdain
Giguère	Godin
Gravelle	Groguhé
Harris (Scarborough Southwest)	Harris (St. John's East)
Hughes	Jacob
Julian	Kellway
Lapointe	Larose
Latendresse	Laverdière
Leslie	Liu
Mai	Marston
Martin	Mathysen
Michaud	Moore (Abitibi—Témiscamingue)
Morin (Chicoutimi—Le Fjord)	Morin (Notre-Dame-de-Grâce—Lachine)
Morin (Laurentides—Labelle)	Mulcair
Nantel	Nash
Nicholls	Nunez-Melo
Papillon	Péclot
Perreault	Pilon
Quach	Rafferty
Rankin	Ravignat
Raynault	Rousseau
Saganash	Sandhu
Scott	Sellah
Sims (Newton—North Delta)	Sitsabaiesan
Stewart	Sullivan
Thibeault	Tremblay
Turmel— 91	

## PAIRED

Nil

**The Speaker:** I declare the motion carried.

(Bill read the second time and referred to the Standing Committee on Foreign Affairs and International Development.)

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**ROUTINE PROCEEDINGS**

• (1545)

[English]

**COMMISSIONER OF LOBBYING**

**The Speaker:** I have the honour, pursuant to section 11 of the Lobbying Act, to lay upon the table the report of the Commissioner of Lobbying for the fiscal year ending March 31, 2013.

\* \* \*

[Translation]

**CONFLICT OF INTEREST AND ETHICS COMMISSIONER**

**The Speaker:** Pursuant to paragraph 90(1)(b) of the Parliament of Canada Act, it is my duty to present to the House the annual report of the Conflict of Interest and Ethics Commissioner in relation to the Conflict of Interest Act for the fiscal year ending March 31, 2013.

[English]

**CONFLICT OF INTEREST AND ETHICS COMMISSIONER**

**The Speaker:** Pursuant to paragraph 91(a) of the Parliament of Canada Act, it is my duty to present to the House the annual report of the Conflict of Interest and Ethics Commissioner in relation to the Conflict of Interest Code for members of the House of Commons for the fiscal year ended March 31, 2013.

[Translation]

Pursuant to Standing Order 108(3)(a), this document is deemed permanently referred to the Standing Committee on Procedure and House Affairs.

\* \* \*

[English]

**FOREIGN AFFAIRS**

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, in 1996, Canada signed the WIPO treaties in order to join the intellectual property movement to protect Canada's copyright holders across this country. Pursuant to Standing Order 32(2), I am very pleased and honoured to table, in both official languages, treaties entitled the World Intellectual Property Organization Copyright Treaty, done in Geneva on December 20, 1996; and the World Intellectual Property Organization Performances and Phonograms Treaty, done at Geneva on December 20, 1996.

There is an explanatory memorandum included with each treaty. I know that those who have fought long and hard to ensure that Canada's copyright holders have their protection in law are very pleased, because today is a very important day. Canada has now finally implemented the WIPO treaties that were signed in 1996. It is a great day for Canadian creators.

\* \* \*

**FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME**

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, pursuant to Standing Order 32(2), not 32(3), but 32(2), I have the honour to table, in both official languages, the 2011-12 annual report of the Federal Ombudsman for Victims of Crime as well as the Government of Canada's response to the report.

## FOREIGN AFFAIRS

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, pursuant to Standing Order 32(2), I have the honour to table, in both official languages, the treaties entitled Agreement on Social Security between Canada and the Republic of Serbia, done at Belgrade on April 12, 2013; Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, done at Tokyo on February 24, 2012; Extradition Treaty between the Government of Canada and the Government of the Hellenic Republic, done at Ottawa on November 3, 1999; and Agreement Between the Government of Canada and the Government of the United Republic of Tanzania for the Promotion and Reciprocal Protection of Investments, done at Dar es Salaam on May 16, 2013.

An exploratory memorandum is included with each treaty.

\* \* \*

## GOVERNMENT RESPONSE TO PETITIONS

**Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC):** Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to four petitions.

\* \* \*

## INTERPARLIAMENTARY DELEGATIONS

**Mr. Joe Preston (Elgin—Middlesex—London, CPC):** Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present, in both official languages, the report of the Canadian branch of the Commonwealth Parliamentary Association respecting its participation in the 58th Commonwealth Parliamentary Conference, held in Colombo, Sri Lanka, from September 7-15, 2012.

**Mr. Randy Hoback (Prince Albert, CPC):** Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present, in both official languages, the following reports on the Canadian Section of ParlAmericas representing its participation at the 30th meeting of the board of directors in Medellin, Colombia, from February 20 to February 22, 2013, and a revised copy of the bilateral visit to Guatemala City, Guatemala, and San Salvador, El Salvador, from January 19 to January 26, 2013.

\* \* \*

[Translation]

## COMMITTEES OF THE HOUSE

## AGRICULTURE AND AGRI-FOOD

**Mr. Merv Tweed (Brandon—Souris, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the 10th report of the Standing Committee on Agriculture and Agri-Food.

•(1550)

[English]

“Toward a Common Goal: Canada's Food Supply Chain—Part 1”.

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

## Routine Proceedings

## HEALTH

**Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the 14th report of the Standing Committee on Health, entitled “Technological Innovation and Health Care”.

[Translation]

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

[English]

## PROCEDURE AND HOUSE AFFAIRS

**Mr. Joe Preston (Elgin—Middlesex—London, CPC):** Mr. Speaker, if you will indulge me a little, for more than six months, our committee has been looking at the electoral boundaries from coast to coast. I would like to thank the committee for its hard work and its teamwork on this project.

I would like to thank our clerk, Marie-France. She is the best. Michel and Andre, our analysts, got the report right and in as good a form as we possibly could. I would also like to thank our junior analyst, Charles, who was there for one day. All of the other committee supports and translations have been superb throughout the whole long process.

I would like to thank the more than 100 MPs who presented to our committee, and I would also like to thank the members of the committee, the members for Louis-Saint-Laurent, Hull—Aylmer, Skeena—Bulkley Valley, Toronto—Danforth, Saint-Laurent—Cartierville, Oxford, Regina—Lumsden—Lake Centre, Lanark—Frontenac—Lennox and Addington, Brampton—Springdale, Richmond Hill and Cumberland—Colchester—Musquodoboit Valley. They are a heck of a team, and they got it done well.

I have the honour to present, in both official languages, the 61st report of the Standing Committee on Procedure and House Affairs in relation to the report on the Federal Electoral Boundaries Commission for Ontario.

\* \* \*

## PUBLIC TRANSIT OPERATORS PROTECTION ACT

**Mr. John Rafferty (Thunder Bay—Rainy River, NDP)** moved for leave to introduce Bill C-531, An Act to amend the Criminal Code (public transit operators).

He said: Mr. Speaker, recently in Thunder Bay we have had some violent incidents. Two transit drivers from Local 966 of the Amalgamated Transit Union have become victims of assault while carrying out their duties on our behalf.

Harassment and assault against those who have dedicated their lives to the service of the public is completely unacceptable to the people of Thunder Bay—Rainy River and indeed Canadians coast to coast.

*Routine Proceedings*

Because of the nature of their work and their inherent inability to defend themselves against aggressive acts while carrying out their primary duties, transit drivers face a number of unusual and unpredictable threats in their workplace that most Canadians do not.

I hope this bill will act as a deterrent to such violent incidents upon transit drivers in our communities and complement what I hope will be more vigorous efforts by provincial and local governments to offer greater physical protections to transit operators while they are on the job and serving the public.

This bill has been drafted in consultation with my New Democrat colleagues from across Canada, and I would like to thank them for sharing their thoughts and support for putting this bill forward. I would also like to thank the newly independent member of Parliament for Edmonton—St. Albert, who tabled a similar bill in the last Parliament and consulted with me on the drafting of this bill, and who indeed supports this bill.

In closing, I would like to assure members of the Amalgamated Transit Union and other transit operators across Canada who devote themselves to providing a very high level of public service that New Democrats and Canadians stand with them and are committed to making their workplace as safe as possible.

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

\* \* \*

**NAVIGABLE WATERS PROTECTION ACT**

**Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP)** moved for leave to introduce Bill C-532, An Act to amend the Navigable Waters Protection Act (Rouge River).

She said: Mr. Speaker, I am proud to rise today to introduce the bill, an act to amend the Navigable Waters Protection Act in relation to the Rouge River. Our lakes and rivers deserve the utmost environmental protection, and this bill would ensure that the Rouge River is listed in the act.

The Rouge River is a beautiful component of Scarborough—Rouge River and Scarborough itself. It runs through our local gem, Rouge Park, and it is visited and enjoyed by residents across the GTA. Moreover, it is a vital component of the ecological integrity and biodiversity of Scarborough and eastern Toronto.

Under the Conservative changes, fewer than 2% of our lakes and rivers are left protected. Certainly Rouge River, which runs through what will be Canada's first urban national park, should be among these protected waterways.

Environmental protection is a priority of mine, as it is for the NDP and Canadians across the country. I am proud to introduce a bill that upholds this Canadian value.

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

• (1555)

**PROTECTING CANADA'S PUBLIC TRANSPORTATION WORKERS ACT**

**Hon. Ralph Goodale (Wascana, Lib.)** moved for leave to introduce Bill C-533, An Act to amend the Criminal Code (protecting public transportation workers).

He said: Mr. Speaker, I am pleased to have the opportunity to present this private member's bill, providing an alternative approach to the one that was tabled earlier by the member for Thunder Bay—Rainy River. I look forward to all members of the House having an opportunity to collaborate as these pieces of legislation move forward.

More than 2,000 Canadian bus drivers are assaulted annually in the course of their duties. They may be spat upon or punched or attacked with a knife or even sexually assaulted as they perform their jobs of providing open, inclusive service to the general public in all places and at all hours of the day and night.

While courts sometimes make a point of taking the public service and the vulnerability of bus drivers into account when sentencing those who are convicted of offences against transit operators, this is not a comprehensive legal requirement.

The bill that I am proposing would change that. Section 718.2 of the Criminal Code sets out the overarching rules that deal with sentencing; this bill would insert the specific requirement that courts shall, when imposing a sentence for any offence, take into consideration as an aggravating circumstance the fact that the victim was a public transportation employee on duty.

This would provide a higher degree of protection for bus drivers, especially when coupled with a vigorous public communications campaign to warn potential offenders that attacking a transit employee will expose them to more severe criminal penalties.

I am glad to have the support of the Canadian Council of the Amalgamated Transit Union in my hometown of Regina and across the country. I hope that all hon. members will see the merit in this particular approach.

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

\* \* \*

**PETITIONS****GENETICALLY MODIFIED ALFALFA**

**Mr. Merv Tweed (Brandon—Souris, CPC):** Mr. Speaker, I have the privilege of presenting two petitions calling on Parliament to impose a moratorium on the release of genetically modified alfalfa in order to allow proper review of the impact on farmers in Canada.

**AGRICULTURE AND AGRI-FOOD**

**Mr. Malcolm Allen (Welland, NDP):** Mr. Speaker, I have the honour to present a petition on behalf of many prairie landowners and folks in the Prairies around what is quite commonly called the prairie shelterbelt program, which has literally inundated the Prairies with trees over the many years. The petitioners are calling on the government to restore funding to ensure that those millions of seedlings can be planted annually going forward and to re-establish that program.

*Routine Proceedings*

## THE ENVIRONMENT

**Hon. John McCallum (Markham—Unionville, Lib.):** Mr. Speaker, I am happy to rise today to present a petition signed by hundreds of residents of the eastern GTA regarding the Rouge national park. The petitioners are calling on the government to protect the 100 square kilometre public land assembly surrounding the Rouge River and Duffins Creek watersheds and to conduct a rational, scientific and transparent planning process that will ensure a healthy, sustainable Rouge national park for all Canadians to enjoy.

## CANADA POST

**Mrs. Tilly O'Neill Gordon (Miramichi, CPC):** Mr. Speaker, I stand in the House to present these petitions from Canada Post workers in the Miramichi area concerning postal services.

## ANIMAL WELFARE

**Mr. Alex Atamanenko (British Columbia Southern Interior, NDP):** Mr. Speaker, I have here over 700 names from B.C. and Ontario, including a petition for Justice for Captain, of people who want stronger animal cruelty legislation. They call upon the House of Commons to work with the provinces to ensure that federal and provincial laws are constructed and enforced and to ensure that those responsible for abusing, neglecting, torturing or otherwise harming animals are held appropriately accountable.

• (1600)

## HEALTH OF ANIMALS AND MEAT INSPECTION

**Mr. Alex Atamanenko (British Columbia Southern Interior, NDP):** Mr. Speaker, I have another petition in support of my Bill C-322, which calls upon the House of Commons to amend the Health of Animals Act and the Meat Inspection Act, thus prohibiting the importation or exportation of horses for slaughter for human consumption, as well as horse meat products for human consumption.

## SEARCH AND RESCUE

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Mr. Speaker, I rise to table yet another set of petitions from the citizens of Vancouver, who wish the government to rescind the closure of Kitsilano Coast Guard base in that it will put many lives at risk.

## HEALTH

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Mr. Speaker, I also want to table another petition from people in Vancouver, who would like to see a royal commission on the environment and health set up because they argue that there are thousands of new cancer-causing agents and industrial processes that are harming the lives of Canadians.

## VENEZUELA

**Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC):** Mr. Speaker, it is an honour to table a petition on behalf of Ontarians, many of them Venezuelan Canadians. They would like to bring the attention of the House to the fact that since the last presidential election in Venezuela, the human, electoral and civil rights of the Venezuelan people have been shamefully violated. They are asking our government to take a strong position regarding this matter and to call for a peaceful and democratic resolution to the current crisis in Venezuela.

## GASOLINE PRICES

**Mr. Glenn Thibeault (Sudbury, NDP):** Mr. Speaker, I am very pleased to rise today to present petitions signed by hundreds of members of my great riding of Sudbury, who are asking the government to protect consumers from gas price gouging. The cost of gasoline is continuing to fluctuate erratically. Prices are prone to wide variations between communities and sharp spikes in anticipation of higher demand. The petitioners want the federal government to take action to ensure that gas prices are fair and competitive, despite the fact that there have been numerous complaints from citizens and watchdogs.

The undersigned are calling on the Minister of Industry to present legislation on behalf of the government to protect consumers from price gouging by gasoline retailers.

## SEX SELECTION

**Mr. Stephen Woodworth (Kitchener Centre, CPC):** Mr. Speaker, I have two petitions to present today from the residents of Kitchener and Waterloo, totalling about 100 signatures, over 85% of whom are women. The petitioners request that sex selection be condemned by Parliament, pointing out that 92% of Canadians, an overwhelming majority, believe that sex-selective pregnancy termination should be illegal.

## GENETICALLY MODIFIED ALFALFA

**Mr. Craig Scott (Toronto—Danforth, NDP):** Mr. Speaker, I am pleased to present a petition today signed by over 1,000 people, many from my riding of Toronto—Danforth and others from all over the GTA. The petitioners wish to draw attention to the House that unwanted contamination from genetically modified alfalfa is inevitable, and that this contamination threatens both export markets and organic farming.

The petitioners call on Parliament to impose a moratorium on the release of genetically modified alfalfa in order to allow proper review of the impact on farmers in Canada and to protect family farms.

Finally, I would like to thank the people at the Big Carrot Natural Food Market in Toronto—Danforth for all their work on this issue and this petition, and for their constant service to, and the example that they set in, our community.

[*Translation*]

## DEVELOPMENT AND PEACE

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, today it is my pleasure to present a petition signed by some of my constituents about funding for Development and Peace.

The petitioners are asking the government to reinstate funding for Development and Peace in the amount of nearly \$50 million over the next five years. They are also asking the government to fund publicly supported NGOs whose funding was slashed by CIDA. They also want the government to allocate 0.7% of GDP to international aid, as promised in 2005. As we all know, the federal government is currently contributing barely 0.35% to international aid.

*Routine Proceedings*

[English]

## CLUSTER MUNITIONS

**Mr. Peter Braid (Kitchener—Waterloo, CPC):** Mr. Speaker, I have one petition to table today. It is signed by constituents from my riding of Kitchener—Waterloo. The petition deals with the issue of cluster munitions.

[Translation]

## CYBERBULLYING

**Mr. François Choquette (Drummond, NDP):** Mr. Speaker, it is my pleasure to present a petition signed by students from Collège Saint-Bernard in my riding. They want the government to strengthen its commitment to fighting the cyberbullying epidemic, and are calling on the government to introduce measures to prevent cyberbullying.

I think this is a great initiative, and I would like to congratulate the students and their teachers.

●(1605)

[English]

## CLUSTER MUNITIONS

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I have two petitions to present today. The first one is signed by hundreds of people from my own riding in Winnipeg Centre. They largely draw the attention of the House of Commons to the fact that cluster munitions are morally and ethically reprehensible. They criticize Bill S-10, saying that it contains language that results in loopholes and exceptions, which run counter to the object and purpose of the treaty and undermine its spirit and intent.

Therefore, these petitioners call upon Parliament to amend Bill S-10 to close the loopholes and make it clear that no Canadian should ever be involved in any use of cluster munitions for any reasons, anytime, anywhere, for anyone.

## ASBESTOS

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, the second petition I have has been signed by literally tens of thousands of Canadians who call upon the House of Commons to take note that asbestos is the greatest industrial killer that the world has ever known. They point out further that more Canadians now die from asbestos than all other industrial causes combined, and they call upon Canada to ban asbestos in all of its forms and to stop blocking international health and safety conventions designed to protect workers from asbestos, such as the Rotterdam Convention.

[Translation]

## DEVELOPMENT AND PEACE

**Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP):** Mr. Speaker, today it is my pleasure to present a petition signed by hundreds of people from the riding of Alfred-Pellan in Laval, mainly from the Saint-François-de-Sales and Saint-Noël-Chabanel communities.

The petitioners are asking the government to reinstate funding for Development and Peace. They are also asking the government to prioritize funding for NGOs that Canadians support but whose funding was slashed by CIDA. They also want the government to

demonstrate international solidarity by reinstating the full \$49.2 million over five years that Development and Peace has requested.

[English]

## FISHERIES AND OCEANS

**Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.):** Mr. Speaker, I have two sets of petitions today.

The first is from residents from Thunder Bay and across Ontario protesting the closure of the Thunder Bay Marine Communication and Traffic Services centre, which is crucial to the safety of boaters all the way from Lake Winnipeg to Lake Huron, with Lake Superior in the middle.

The petitioners ask that the House reverse the government's decision on this matter.

## EXPERIMENTAL LAKES AREA

**Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.):** Mr. Speaker, I continue to receive petitions regarding the Experimental Lakes Area. The petitioners would like the government to reconsider its decision in this matter to close the Experimental Lakes Area, sell it off and not fund it. They would like the funding to continue.

I would also like to give congratulations to Diane Orihel who has worked long and hard persistently to raise this issue across Canada.

\* \* \*

## QUESTIONS PASSED AS ORDERS FOR RETURNS

**Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC):** Mr. Speaker, if questions nos. 1326, 1327, 1328, 1329, 1330 and 1331 could be made orders for return, these returns would be tabled immediately.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.



*Routine Proceedings*

[Text]

**Question No. 1326—Ms. Kirsty Duncan:**

With regard to homicides and attempted homicides among Somali-Canadian males in Canada since 2006: (a) what are the dates of each death, listed chronologically, and for each death, what is (i) the location where the death occurred, (ii) the Canadian home location if not the location of the death, (iii) the cause of death, (iv) whether the homicide was solved or not, and if unsolved, for how many years the death has remained unsolved, and how the time period compares with the average time to resolve homicides for the Canadian population as a whole, (v) whether a reward to solve the homicide was offered or not, and if a reward was offered, how much was offered, if the reward was ever claimed, (vi) whether in any given homicide case there is any on-going investigation, (vii) if this information cannot be provided, why not; (b) what are the dates of each attempted homicide, listed chronologically, and for each, what is (i) the location where the attempt occurred, (ii) the Canadian place of origin if not the location of the attempt, (iii) whether the attempted homicide was solved or not, and if unsolved, for how many years the attempt has remained unsolved, and how the time period compares with the average time to resolve homicides for the Canadian population as a whole, (iv) whether a reward was offered or not, and if a reward was offered, how much was offered, and if the reward was ever claimed, (v) whether in any given case there is any on-going investigation, (vi) if this information cannot be provided, why not; (c) for each year, what is the number of Somali-Canadian homicides that occurred by Canadian city, (i) what percentage did Somali-Canadian homicides comprise of the total homicides in the identified city by year, (ii) what percentage of Somali-Canadian homicides by city by year went unsolved compared with that of the general Canadian population, (iii) what percentage does the Somali-Canadian population comprise for each identified city, and how does this percentage compare with the percentage of Somali-Canadian homicides for the city for each year, (iv) if this information cannot be provided, why not; (d) for each year, what is the number of Somali-Canadian attempted homicides that occurred by Canadian city, (i) what percentage did Somali-Canadian attempted homicides comprise of the total attempted homicides in the identified city by year, (ii) what percentage of Somali-Canadian attempted homicides by city went unsolved compared with that of the general Canadian population in the identified city by year, (iii) what percentage does the Somali-Canadian population comprise for each identified city, and how does this percentage compare with the percentage of Somali-Canadian attempted homicides for the city, (iv) if this information cannot be provided, why not; (e) what research and investment has the government undertaken to explore these homicides and attempted homicides, and if any, what are the studies, dates, and monetary investment, and specifically (i) the total actual number of deaths and whether or not the violence is increasing, (ii) from what Canadian cities are the victims, (iii) what are the causes of the violence, and can they be reduced, (iv) what are solutions to stem the violence; (f) what, if any, research or investment has been given to consider whether (i) a federal judicial task force should investigate why so many Somali-Canadians are killed in Canada, many without corresponding charges or arrests, (ii) the Standing Committee on Public Safety and National Security or a special committee should investigate these deaths, and make recommendations to reduce the violence; (g) what research or investment has been given to consider whether a provincial-federal employment and opportunity program supporting Somali-Canadians might help reduce the violence, and if any, what are the studies, dates, and actual investment; (h) what research or investment has been given to support Somali-Canadians in accessing employment opportunities with the RCMP and the Ontario Provincial Police, and if any, what are the studies, dates, and actual investment; (i) what research or investment has been given to strengthening the witness protection program to encourage more witnesses to come forward, and if any, what are the studies, dates, and actual investment; (j) what research or investment has been given to reducing homicides and attempted homicides among the Somali-Canadian population and, if any, what are the studies, dates, and actual investment, and any recommendations to reduce the violence; and (k) what, if any, research or investment has been given to estimating (i) the direct and indirect health care costs of each attempted homicide, (ii) the costs to the mental health care and social care system to support the victim and family, (iii) how these costs compare with any federal inquiry or study by the Standing Committee on Public Safety and National Security or a special committee to study the issue and provide preventive recommendations, and what are studies, dates, and actual investment?

(Return tabled)

**Question No. 1327—Mr. Sean Casey:**

With respect to the Community Volunteer Income Tax Program (CVITP) in Charlottetown, Prince Edward Island: (a) what is the level of support the CVITP has

received from Canada Revenue Agency (CRA) over the past five years, broken down by fiscal year, including (i) the nature of the support offered each year, (ii) the cost to CRA to provide this support; and (b) does CRA have plans to reduce, eliminate, increase, or restore support to the CVITP in Charlottetown?

(Return tabled)

**Question No. 1328—Mr. Sean Casey:**

With respect to correspondence from Parliamentarians addressed to the Minister of National Revenue, for the period September 1, 2010 to the present: (a) what is the amount of correspondence, initiated by Parliamentarians (MPs and Senators), that has gone unanswered (i) after three months, (ii) after six months; (b) what percentage of correspondence not answered after three months was from (i) Conservative MPs and Senators, (ii) Liberal MPs and Senators, (iii) NDP MPs, (iv) other MPs and Senators; (c) what percentage of correspondence not answered after six months was from (i) Conservative MPs and Senators, (ii) Liberal MPs and Senators, (iii) NDP MPs, (iv) other MPs and Senators; and (d) what is the average response time for correspondence received from (i) Conservative MPs or Senators, (ii) Liberal MPs or Senators, (iii) NDP MPs, (iv) other MPs or Senators?

(Return tabled)

**Question No. 1329—Ms. Niki Ashton:**

With regard to government funding specifically dedicated to ending violence against women, what was the total amount of funding, broken down by fiscal year, from fiscal year 2006-2007 up to and including fiscal year 2011-2012, broken down by (i) the department or agency responsible for the funding, (ii) the program or initiative from which the funding came, (iii) the project name, (iv) the total value of the project, (v) description of the project, (vi) entity responsible for delivering the project, (vii) length of the project, (viii) geographic target of the project, if applicable, by province and federal riding?

(Return tabled)

**Question No. 1330—Mr. Francis Scarpaleggia:**

With regard to the impact of Pierre Elliott Trudeau International Airport on the Bouchard Stream, in the City of Dorval, Quebec, that flows into Lac Saint-Louis: (a) does the government have data, obtained either through reporting to the National Pollutant Release Inventory, or by any other means, on (i) the quantity of the de-icing agent glycol used by the airport on an annual basis, (ii) the quantity of glycol that is recycled on an annual basis, (iii) the quantity that escapes into the surrounding environment near, or at, Bouchard Stream on an annual basis; (b) if the quantities in (a) are known, what are these quantities, by year, for every year since 2000; (c) does any department or agency monitor the quality of the water in the Bouchard Stream to ascertain whether it might contain deleterious substances harmful to fish that could originate from the operations of the airport or from surrounding industries; and (d) does the government work with provincial and municipal authorities in the City of Dorval and the City of Montreal to ensure that the Bouchard Stream and Lac Saint-Louis are not being polluted by deleterious substances harmful to fish?

(Return tabled)

**Question No. 1331—Mr. Francis Scarpaleggia:**

With regard to offenders admitted to the Correctional Service of Canada institutions since 2000: (a) by institution, how many offenders have been admitted each year; (b) by institution, how many offenders admitted each year had previously served a sentence in that, or another, federal institution; and (c) by institution, how many offenders admitted each year had previously served a sentence in a provincial correctional facility?

(Return tabled)

[English]

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

**The Speaker:** Is that agreed?**Some hon. members:** Agreed.

*Privilege***MOTIONS FOR PAPERS**

**Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC):** Mr. Speaker, I ask that all notices of motions for the production of papers be allowed to stand.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

**The Speaker:** 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:

[*Translation*]

The hon. member for Haute-Gaspésie—La Mitis—Matane—Matapédia, the Supreme Court; the hon. member for Charlesbourg—Haute-Saint-Charles, Employment Insurance; the hon. member for Québec, Taxation.

[*English*]

The Chair has notice of a question of privilege from the hon. member for Kingston and the Islands.

\* \* \*

**PRIVILEGE**

DATA USED BY GOVERNMENT WITH RESPECT TO BILL C-54

**Mr. Ted Hsu (Kingston and the Islands, Lib.):** Mr. Speaker, I rise on a question of privilege in relation to Bill C-54, the not criminally responsible reform act. In particular, I rise to address certain data offered by the Minister of Justice and the Minister of Natural Resources in support of the bill that I believe violates my privileges as a member, and the privileges of all members of this place.

As O'Brien and Bosc note, on page 86 of *House of Commons Procedure and Practice*, second edition, privileges may be infringed by "the provision of deliberately misleading information to the House by a Minister".

The case at issue involves a report prepared for the justice department by a research team led by Dr. Anne Crocker of McGill University, entitled "Description and processing of individuals found Not Criminally Responsible on Account of Mental Disorder accused of serious violent offences". This report has been central to the discussions of the Standing Committee on Justice and Human Rights on this legislation. It was important in the House, as well, during second reading debate. In fact, if we look at the blues from last Wednesday's justice committee meeting alone, we will find Dr. Crocker mentioned by name 10 times.

As one of the few scientists in the House today, I especially value and need correct numbers to properly do my work as an MP; otherwise my work would be impeded.

One thing people have learned over the last few centuries is the value of observation and measurement: the success of empiricism. That is how we have made advances in science and technology. It gives us the ability to have smart government policies, to understand the people and the country they have entrusted us to govern.

I found Dr. Crocker's report helpful in formulating my own thinking on Bill C-54.

As a news story by Laura Stone of *Global News* reported yesterday afternoon, and thus I am raising this question at the first opportunity, the Department of Justice was provided with the initial version of the report that I mentioned in November of last year. Some of the data in this report was incorrect as the result of a coding error. This is not something for which I would find fault with the government or researchers. Tabulation errors are bound to happen here and there, and in my work as a scientist I have made such mistakes and have had to fix them. In fact, that is how good scientists work. Mistakes are discovered, acknowledged and fixed, and our understanding advances.

What is shocking is that the government was provided with a corrected version of the report from this past March, and despite having the new report, continued to cite from the old report, misleading Parliament and Canadians. The government even went so far as to table the old report in this place after being informed of the corrected report, a report it has yet to table.

Moreover, the government now takes issue with the researchers whom it commissioned to prepare the report, saying their corrections raise questions about the quality of the work, calling it "unreliable", even though science actually makes progress through a process involving a continual recognition of errors and their corrections. The researchers did the right thing here, and they know what the right numbers are.

While I could go on at length about the need for evidence-based policy-making and how we should not be legislating if we do not have facts to support our propositions, I will confine myself now to the privilege question before us.

*House of Commons Procedure and Practice*, second edition, includes, at page 83, a list of items found by the United Kingdom Joint Committee on Parliamentary Privilege to be types of contempt. Specifically included on this list is "deliberately attempting to mislead the House or a committee (by way of statement, evidence, or petition)". As well, and again I quote, "deliberately altering, suppressing, concealing or destroying a paper required to be produced for the House or a committee".

Mr. Patrick Baillie of the Advisory Council of the Mental Health Commission of Canada testified before the justice committee this past Monday in response to a question from the member for Brossard—La Prairie, and said:

Regarding the recidivism statistic, there was an unfortunate error that occurred in the initial draft of the report that was provided to the Department of Justice in November of 2012. [...] That error was discovered on March 14th and immediately communicated to the Minister's office, and a revised report was provided on March 18th with that data corrected.

● (1610)

My colleague, the member for Mount Royal, followed this with a clarifying question, to which Mr. Baillie responded:

We became aware of the error on March 14 and communicated that to the minister's office that day. The amended report was then provided to the research division on March 18 with an acknowledgement seeking clarification of what was the nature of the coding error. So the office was aware of that in March.

As Mr. Baillie further testified, and with this I would agree:

*Privilege*

I think that it is important on such a serious issue for the committee to have accurate and up-to-date information, and I hope that the report that was provided to the office in March can be made available to the members of this committee for their deliberations on this topic.

It should be clear that reliance on the old report prejudices members of all parties. Indeed, the news article in question quotes the Conservative MP for Cumberland—Colchester—Musquodoboit Valley as saying, “If it was tabled in the House of Commons, I assumed it was accurate”.

The initial draft of the report was tabled as part of an order for return in response to question 1169 on the order paper standing in the name of my colleague from Mount Royal. That order for return included the report as an annex with a note stating, “A significantly amended version of this report was provided to the Department of Justice on March 18, 2013...”.

This statement is important because it confirms that the department was made aware of it on the 18th. It is also important because the order for return bears the minister's signature.

Where it gets interesting is that the old report itself was included in response to part of the order paper question asking about sources relied upon by the government in developing Bill C-54. This makes sense because the government can only rely on the evidence it had at the time. However, the question also asked the government separately for several particular pieces of information, including which people who were found NCR released had been convicted of a subsequent offence and what was the nature of the subsequent offence. The government's response was “see annex 1”, which was the old report.

If the government is asked a question and gives an answer, we will assume it is referring to the most up-to-date information that it has. Members would easily conclude that the correct information was included in response to the question and thus the corrected report. As we found out only this week, that was not the case.

While I take issue with the government's choice to table the old report when it had the new corrected report, as a matter of principle, I also take issue with it as a matter of privilege. Simply put, the government should seek to be forthright with Canadians, providing them and their elected representatives with accurate information in a timely fashion as a matter of course. The government has an obligation to do so as per the rules of the House.

On Monday, May 27, the Minister of Natural Resources stood in this place and said the following during debate on Bill C-54:

It is very important that when we talk about what the risk to the public is, we try to get as close as we can to the facts. The facts are: 27.3% of not criminally responsible accused have a past finding of NCR; 38.1% of NCR accused of a sexual offence had at least one prior...Those facts have to be brought into the analytical picture so we get a more objective understanding of what is in fact going on.

That was May 27, yet the minister cited from the old report.

To illustrate the problem with but one example in his intervention, the scary sounding statistic that 38.1% of NCR accused of a sexual offence had at least one prior NCR finding is in fact incorrect. In reality, the number is only 9.5%. The government knew of this fact two months before the statement of the minister.

It is not surprising that in the same debate the leader of the Green Party stated, “I was baffled by the statistics used earlier in the debate by the Minister of Natural Resources...”.

I think many watching that debate were also.

• (1615)

However, where it gets more baffling is the response from the member for Etobicoke—Lakeshore, wherein he stated:

the Minister of Natural Resources cited a few recidivism statistics, and whether it is 27.3% of NCR accused who have had past findings of NCR, or 4% or 7% as the member stated, what is important in this legislation is that prosecutors would have some additional tools....

What is important is that parliamentarians are provided with the facts. What is important is that this House is not misled.

I submit that the Minister of Natural Resources misled the House in his interventions on May 27, citing crucial statistics that the government previously acknowledged had been since revised. Moreover, I submit that the Minister of Justice misled the House on May 27, as well, when in response to a question from the leader of the Green Party about the Crocker report in particular, he stated:

Mr. Speaker, we have actually commissioned a couple of reports and I referred to some of the statistics in the final report that was given to us in November 2012.

By the Minister's own signature on the order for return on May 27, he acknowledged that an amended report was given to the justice department on March 18. Therefore, he misled the House, by stating on May 27 that the “final” report was “given to us in November 2012”.

Mr. Speaker, in your ruling on March 18 of this year, and found on page 14854 of the *Debates*, you reiterated that:

Our parliamentary practice sets a very high threshold for the Speaker to make a prima facie finding of privilege.

Citing a previous ruling from last year, you reiterated the three findings you must make regarding misleading statements. I will quote from your ruling, Mr. Speaker:

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, [it must be proven] that in making the statement, the member intended to mislead the House.

Briefly going through each element, the Minister of Justice calling the November 2012 report final was misleading when there was a corrected March report. By his own pen, he acknowledged the March report's existence in May. The question he was asked was about the Crocker report in particular, and it was the minister who volunteered the qualifying adjective “final”. I therefore submit that this misled the House, as did the reliance on the old report on the same day in debate by the Minister of Natural Resources.

On that last point, Mr. Speaker, you quoted Speaker Milliken's ruling of April 21, 2005, found at page 5412 of *Debates*, wherein the former Speaker reminded the House of a key element to consider when finding a prima facie instance of privilege. Specifically, he said:

...whether the minister's responses in any way impeded members in the performance of their parliamentary duties and whether the remarks were intentionally misleading.

*Privilege*

Mr. Speaker, members are impeded in their functions when they are denied evidence and facts used in crucial arguments for or against legislation. Various members have raised concerns over the statistics involved in this file. It is clear that the member who asked the question to the Minister of Justice that elicited the “final report” answer was upset that she could not further question the Minister of Natural Resources about his statistics from said report, and remarked in this place, “I wish I could have gotten a question to him”.

Those statements of May 27 were right before the bill went to committee, and as I understand it members will be beginning clause-by-clause examination this evening. They have thus been operating with incorrect data before them, an issue raised by witnesses this past Monday. Again, this is something that prejudices all members, regardless of party.

On this point, I refer you to an intervention from the Conservative member for Prince Albert on Bill C-54, when he said:

There has been a limited amount of data on the rates of reoffending by NCR accused persons.

and then:

These reforms will provide the data we consider necessary....

I think that member would be pleased to learn that there is such data and that the government is in possession of it, though whether or not he reaches the same conclusion upon its review is a different story.

• (1620)

As I draw to a close, I return to the issue of the report. I submit that the corrected version was required of this government in its answer to Question No. 1169 to the extent it cited such a report as a source of current, correct data.

Moreover, as the *Debates* of March 1, before the corrected report was brought to the government's attention, illustrate that the government undertook to provide members with data. In particular, the Minister of Justice cited statistics and said in response to a question, “There are statistics, and I would be glad to share the report with the hon. member”, later again repeating, “Those are statistics and findings that have been researched. I would be pleased, of course, to share this with the hon. member in more detail”.

I do not believe the House or committee sought more information from the minister of the government because we took the minister at his word to provide the data he and his department had. I believe the government undertook this obligation of its own accord and therefore created an impression in the minds of members that it would be forthright with the data. As we now know, it was not.

Mr. Speaker, while I realize such matters, if found by you to be prima facie breaches of privilege, are referred to the Standing Committee on Procedure and House Affairs, there are other avenues here that may be more helpful. While I do believe you should find that the House and committee have been misled by the minister cited, I am more concerned about the remedy.

While I doubt the government would be willing to put Bill C-54 on hold until it had data it considered reliable and accurate with regard to persons found non-criminally responsible, I would accept this. Moreover, I would even consider abandoning this privilege

claim if the government were to table the new report in the House and explain why it did not choose to do so when it was first made aware of the correction. While I realize other members affected by this situation may have a different approach and wish to see this at the Procedure and House Affairs committee, I simply need to have the correct numbers placed before the House.

In closing, all members of this place, regardless of party, benefit from having facts and data before them when legislating and, indeed, I would argue we all have a right to know. The government knew, but kept members in the dark and, by its own admission, made an effort to conceal.

This is something that ought to be sanctioned as, if left uncorrected, remains a standing affront to the privileges of all members of this place.

• (1625)

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I expect someone from our side will return to provide a response on this at a later point.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, we will also be looking to seek to comment on the intervention by my friend for Kingston and the Islands.

At first blush, the essence of the member's argument about the government either intentionally or unintentionally using data that fits an argument rather than allow facts to stand alone and support the proper course of action is a troubling trend we have seen from the Conservative government before. It is something that concerns us, particularly when it comes to crime and punishment.

In taking an opinion, an ideology, and then working backward from there and inventing facts along the way to allow the government to justify its actions and policies, as my friend said, is policy-based evidence, which is not a good way for any government of any political stripe.

However, we will return to this and I am sure our justice critic will have some things to say. I ask you, Mr. Speaker, to suspend any consideration of ruling on this until we have been able to respond to my friend from Kingston.

**The Speaker:** I will await further submissions and will get back to the House in due course.

I wish to inform the House that because of the deferred recorded divisions, government orders will be extended by 32 minutes.

## GOVERNMENT ORDERS

[*Translation*]

### COMBATING COUNTERFEIT PRODUCTS ACT

BILL C-56—TIME ALLOCATION MOTION

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC)** moved:

That, in relation to Bill C-56, An Act to amend the Copyright Act and the Trade-marks Act and to make consequential amendments to other Acts, not more than one further sitting day shall be allotted to the consideration at second reading stage of the bill;

and that, 15 minutes before the expiry of the time provided for government orders on the day allotted to the consideration at second reading stage of the said bill, any proceedings before the House shall be interrupted, if required for the purpose of this order, and, in turn, every question necessary for the disposal of the said stage of the bill shall be put forthwith and successively, without further debate or amendment.

[*English*]

**The Speaker:** Pursuant to Standing Order 67.1 there will now be a 30-minute question period.

• (1630)

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, sadly, it is not a surprise that the Conservatives have, yet again, moved to shut down debate in the House of Commons, even before the debate has started.

What is of mild surprise to me is that the Government House Leader has not memorized this Standing Order. He uses it so often, on so many pieces of legislation, that he should have it by rote now.

What is unfortunately at the heart of this is that we as the official opposition have a couple essential jobs that we must do on behalf of Canadians, and that is to hold the government to account and to check that the government's spending, which is done on behalf of Canadians, is done properly and accurately.

On spending, clearly the government has run roughshod over its original principles of actually minding the taxpayer dollar, from the F-35 to the scandals in the Senate.

On the aspect of legislation, which is the process before us yet again, the government is breaking, even further, all records in Canadian history for shutting down debate in Parliament. We attempted to work with the government on this legislation. We offered up certainty as to how many speakers and when so the bill could move forward with some progress. In that offer, the government has refused all reasonable requests, moves time allocation, shutting down debate again, which ironically enough takes longer than the offer we gave to the government, suggesting that the New Democrats are stonewalling or that the House cannot proceed.

What part of “yes” does the government not understand? What part of “Let's work together on legislation” does the government not understand?

My friend says that we should take their word. He should be careful about what he is suggesting. He is suggesting somehow that when the New Democrats make an offer, a public offer or a private offer, to the government on behalf of the legislative body in this

### *Government Orders*

place, it is presented in a dishonourable or dishonest manner. I am sure my friend across the way did not mean to insinuate that because it would certainly be unparliamentary.

However, at what point does the government want to be reasonable and be a government of competence rather than a government of arrogance and ideology, ramming legislation through with no consideration at all for the purpose of this place, which is to have debate, have discussion and make this a better country?

[*Translation*]

**Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC):** Mr. Speaker, I am very pleased to rise in the House to once again extol the virtues of Bill C-56.

[*English*]

As we know, in recent years, evidence has suggested an upward trend in global trade in goods. Two House of Commons committees have published detailed reports confirming the growing threat posed by these goods, not only to the Canadian economy but also to health and safety.

Furthermore, counterfeiting has become a priority for Canada's key trading partners and other G8 countries, many of which have taken steps to strengthen their respective intellectual property rights enforcement regimes. That demonstrates how important this bill is.

There are some very concerning numbers in terms of this problem. Just let me quote the fact that the RCMP has identified the value of counterfeit products has increased about five times from what it was back in 2005. Back in 2005, it was about \$7.6 million and in 2012 it was about \$30 million. We cannot close our eyes to this problem. This is a serious threat.

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Mr. Speaker, the Prime Minister's attitude toward democracy has really come up short. Every day it seems the government is trying to bring in time allocation, limiting a member's ability to contribute to debate. No prime minister in the history of Canada has used that tool as often as the current Prime Minister has.

We have noticed a huge difference since the government acquired that majority attitude. It is really most unfortunate and it does not matter whether it is time allocation in regard to our wheat board, which offended 20,000-plus Prairie farmers, or the budget, which has had a profound negative impact on Canada's middle class. Time after time, the Prime Minister has denied members of Parliament the opportunity to stand in their place, represent their constituents and provide due diligence on legislation.

My question is for the Government House Leader who refuses to stand and answer this question time after time. Why has the Prime Minister taken such a negative attitude toward democracy in the House of Commons in the last two years?

• (1635)

**Hon. Christian Paradis:** Mr. Speaker, on the contrary, the bill that we are talking about is very crucial. Under the leadership of the Prime Minister, we want to tackle this issue. We are addressing concerns about the health and safety of Canadians. We are talking about combatting organized crime. We are putting in place a prohibition of counterfeit labels.

*Government Orders*

Let me just quote some supportive groups.

The Food and Consumer Products of Canada said, “Counterfeit products pose a danger to Canadians. Congrats to the government on taking this positive step”.

The Canadian Chamber of Commerce said, “We welcome new legislation aimed at tackling counterfeit and pirated products”.

This is what the stakeholders think. This is what Canadians think. They expect their government to take care of their health and safety.

**Mr. Glenn Thibeault (Sudbury, NDP):** Mr. Speaker, like many on this side of the House, I am appalled at once again having to go through time allocation and having our time limited on such an important subject. I do agree with the minister that Bill C-56 is an important bill that we need to address.

In 2009, recommendations were made by the industry committee to do exactly what the minister talked about. Why is it taking so long for the government to act when we can protect consumers and Canadians a lot sooner?

At the industry committee, we heard from businesses that said cuts to the CBSA would impact and harm Canadian consumers.

Here we are again, having an opportunity to debate a bill, but time is being cut. We can bring forward good amendments to make the bill stronger, to protect Canadians, but we cannot do it when the Conservatives keep pulling the rug from underneath us.

**Hon. Christian Paradis:** Mr. Speaker, on the contrary, we have to act on this issue. There are stakeholders supporting this. They have put a lot of pressure on the House of Commons to get this through. It is ironic. On one hand, the opposition says we are going too fast. On the other hand, it says that we are dragging our feet.

I think we all agree on the principle, and the numbers are there. The value of these counterfeit goods was \$7.6 million in 2005 compared to \$38 million in 2012. We cannot afford to just close our eyes and say that everything is good.

There were two House of Commons committees that worked on this matter. It is time for us to move on. We are ready to go with sound and solid legislation, taking care of the health and safety of Canadians, combatting organized crime and prohibiting fake labels.

This is also good for the economy. We have innovators who struggle to invent new products, but when there are people who trick Canadians like that, it just jeopardizes all of their work, their time, their energy and the resources and the capital they put into their projects.

We have to demonstrate leadership and say enough is enough, that this kind of practice is no longer tolerated in our country. No one will argue against that. This is just good common sense.

[*Translation*]

**Mr. Royal Galipeau (Ottawa—Orléans, CPC):** Mr. Speaker, since we are all aware that time in the House is precious, I will not spend too much time on a preamble. I have two quick questions for the minister.

First, what does he think of the member for Winnipeg North who is always complaining about not having enough time to debate, and yet he takes up so much time that 55 other MPs could have spoken?

Second, what the government is talking about today, is it a surprise or is this something that we have already debated in the past?

• (1640)

**Hon. Christian Paradis:** Mr. Speaker, I thank my colleague from Ottawa—Orléans for his very good question.

As far as the member for Winnipeg North is concerned, he is grandstanding, saying that basic principles are being undermined, when this bill is very important and has been thoroughly debated.

Hon. members know what Canadians think about this. I hope no one will have the audacity to say that it is no big deal if the amount of counterfeit goods has jumped from \$7 million worth in 2005 to \$38 million worth in 2012. We must do something about this. There is pressure to do so and we must keep that in mind.

As far as my colleague's second question is concerned, this is far from being a surprise. Two House committees have studied this in the past. Members of the House have spoken to this issue and they are well aware of the scope of the bill.

We should be pleased today. This is about Canadians' health and safety. It is about fighting organized crime and clamping down on cheaters who put fake labels on products. Canadian innovators are working hard, investing all their energy, resources, capital and time in order to contribute to the economy, and they have to deal with cheaters.

The primary duty of a responsible government is to put an end to all this because this situation is absurd. It is time to say enough is enough. Many groups in Canada support this measure regarding the economy.

[*English*]

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, is this the 46th time allocation, is it the 47th, is it the 45th? It almost sounds like a farm auction. Will it be 47? Will it be 48? Will it be 50? When are the Conservatives going to hit 50?

This the most secretive, debate-reluctant government that the country has ever seen. We could have a little contest here. We could all make offers and bets on what day and what hour they hit 50. It is getting pretty close. Yesterday was 44 and 45, I believe. This one is 46.

This is not only about what is happening in this chamber. Because of the votes on time allocation, the committee that I sit on, which is the international trade committee, has had its meetings cancelled five or six times, so it is shutting down. There are other issues that need to be dealt with, and the way the current government operates prevents us from dealing with real issues at committee. That is a serious issue, because the Conservatives are such an undemocratic bunch.

*Government Orders*

I had a motion today that I wanted to give notice on at committee. It was to ask the government to table the human rights report under the Canada-Colombia trade agreement, which is an obligation on the government and which it has not tabled as yet, and now I cannot debate that motion at committee. No doubt the committee would have gone in camera anyway, into more secrecy, and an open debate would not have been allowed.

My point is this: the government is not only preventing business and debate in this chamber, but its actions and the way it is handling closure are hurting the ability of committees to do their work.

**Hon. Christian Paradis:** Mr. Speaker, the answer is quite simple. I must remind the House that in 2007 the draft of the bill received all-party support at committee. These are the facts of the matter. I have to remind the member that since our government came to office, we took steps to create an effective and balanced enforcement regime for intellectual properties.

Let us remember the corporate law situation. This has been stalled for years, especially under the previous government. We had to update this law. We finally did that, and this is the logical consequence. We want to go further to make sure that down the road Canadians will know we are talking about real things. We do not play any games here.

In 2007, all of the parties agreed, so I do not know why my colleague is complaining. He should be happy. We are now putting forward a law that will protect Canadians' health and safety, combat organized crime and prohibit people from putting fake labels on products. These people jeopardize our economy at the same time that innovators are making efforts to make sure they can drive the economy and increase their exports to create wealth here in this country.

• (1645)

**Mr. Dan Harris (Scarborough Southwest, NDP):** Mr. Speaker, it is nice to finally see the minister up on his feet on this bill, even though it did not actually happen until after time allocation was introduced.

I would think the minister would have cared enough about the bill to be the one to introduce it, but so far we have only had about 10 minutes of debate on the bill. As well, the speech given by the member for Simcoe—Grey was, frankly, disgraceful. She could not stop laughing during her speech, and it happened after midnight. We did not get very much information, and the minister has yet to actually give a proper speech in the House of Commons defending this bill and explaining why it is important for the government to pass it.

Several parts of the bill deal with the anti-counterfeiting trade agreement, which raises serious concerns. Europe has said no to that, but the government is implementing some of those measures in this bill. The numbers the minister mentioned in terms of going from \$7 billion to \$38 billion are, of course, anecdotal. We have been calling for years for stronger reporting measures to accurately capture how much is being lost to counterfeiting; the government has not yet taken any action on that issue, nor has it put anything into the bill to strengthen the data that we are going to receive.

Why did the minister not feel the bill was important enough to merit a full speech on it before time allocation was brought in?

**Hon. Christian Paradis:** Mr. Speaker, first of all, I must remind my colleague that our government's bill is a made-in-Canada solution that draws from international best practices. What he raises from Europe is just not relevant here. We addressed the issue here; he knows the concerns that were raised in Europe are not part of this bill.

As I said, all of the parties supported the bill at committee in 2007. I do not know why the member tries to slow things down when we know that this measure is desperately needed.

I am very happy that the member for Simcoe—Grey stood in the House, given her knowledge and her skills, and said that we have to take care of the health and safety of Canadians. It is shameful that the member tries to disqualify the member. She had a good speech, and the words that he used are just shameful.

We have to make sure that we take care of the health and safety of Canadians, and we will not make excuses for that.

**Mr. Erin O'Toole (Durham, CPC):** Mr. Speaker, I would like to thank the minister for his remarks here today.

I am in the fortunate position that some years ago I worked as a lawyer on anti-counterfeiting operations for a company that was experiencing millions of dollars of losses from counterfeiting of branded products, some of those products made in Canada. Those products lead to jobs, and if the member for Scarborough Southwest is looking for a good speech on this, he can come and join me at 10 o'clock this evening and I will entertain him with private sector anecdotes about how important the bill is for our economy.

Reports from the Retail Council of Canada and the Chamber of Commerce have shown that organized crime is generally behind a large portion of counterfeiting operations in North America and around the world. Not only is this a public safety issue, but it could represent a reduction in the proceeds going to organized crime. I wonder if the minister would like to comment on that positive aspect of the bill.

**Hon. Christian Paradis:** Mr. Speaker, absolutely, and I thank my colleague for his good question, because indeed this is what we are talking about here. We are talking about people tricking Canadians, and organized crime is behind it, big time.

It is harmful for Canadians. It jeopardizes health and safety. It also jeopardizes the economy when honest people try to innovate, create new products, find export markets and create wealth, and then have to fight against cheaters like that. It is simply not acceptable.

I am a lawyer by training, and I know exactly what my colleague is talking about. When customers come to the office and they are trying to compete against cheaters, of course we have to ensure that the law can address these issues.

*Government Orders*

That is what this bill would do. It would give border officers the authority to detain suspected commercial shipments and contact the rights holders. It would allow Canadian businesses to fill a request for assistance with the Canada Border Services Agency, in turn enabling border officers to share information with rights holders regarding suspicious shipments; provide new criminal offences for the commercial possession, manufacture or trafficking of counterfeit trademark goods; provide legitimate owners with new tools to protect their rights and take civil action against infringers; create new offences for trademark counterfeiting; and provide better tools to investigate commercial counterfeiting.

This is what Canadians expect. These are real tools. We will be able to address this problem better and hopefully combat organized crime more efficiently.

• (1650)

[*Translation*]

**Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP):** Mr. Speaker, this bill is very interesting. This is obviously a critical issue for Canada. Just imagine the horrible impact that counterfeit drugs can have on the health of many Canadians. Imagine if thermostats caused fires. We need a law to address this problem.

The problem is that this bill is like so many others. It is not merely an act; it is an act of faith. People seem to think it was divinely inspired and therefore cannot be changed. That attitude makes it hard to debate the issue. The problem is that the minister seems to be saying that this bill is important and we have to pass it quickly.

If this bill is so important and so pressing, why on earth did they wait three months to introduce it in the House? They are introducing it at the end of June, and they expect us to vote on it right away.

Did it not occur to them to introduce it two or three months ago so that we could have had a positive, useful debate on it?

**Hon. Christian Paradis:** Mr. Speaker, how nice to hear a New Democratic colleague acknowledge the virtues of this bill. This bill is good, and other bills are good too. We implemented an economic action plan in 2008-09 to tackle the global recession, and we continued that work in 2010-11. Now we have to curb spending and continue to implement positive economic measures.

I would like to remind my colleague that all parties supported the first version of this bill in 2007. There is nothing new here. Things progress; things happen. We were not trying to surprise anyone with this bill. On the contrary, the time has come to take a look at this problem.

According to the RCMP, the value of counterfeit goods rose from \$7.6 million in 2005 to \$38 million in 2012. What more does the member want? We cannot afford to wait and keep saying that we will debate this issue eventually.

The parties all supported the first version of this bill, so now it is time to move forward. We must be able to tell Canadians that they finally have the tools to take aim at cheaters. These tools will protect Canadians' health and safety.

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, we want to clarify something on this side of the House, as we have done for several other bills in recent weeks. What we

want to tell this government is that some bills introduced many years ago have been delayed for reasons that are quite clear.

For example, in September 2008, the Prime Minister decided to call an election. At that time, no one was expecting an election. Obviously when this happened, everything slowed down and we were forced to start from scratch.

I will use the example of Bill S-2, which was first introduced as Bill C-47. The Conservatives were forced to reintroduce it as Bill C-8. What happened to Bill C-8? In December 2009, Parliament was prorogued, so we had to start again.

These are the kinds of delays caused by this government. This bill was then replaced by Bill S-4, and the Conservatives sat on their hands for seven months. In May 2011 it was reintroduced as Bill S-2. Two years went by while the Conservatives did nothing. Suddenly, in June 2013 it became absolutely urgent to pass this bill because it had been on the order paper for so long.

The fact is that this situation is a direct result of their delays—

• (1655)

**The Acting Speaker (Mr. Bruce Stanton):** The hon. Minister of Industry.

**Hon. Christian Paradis:** Mr. Speaker, it is incongruous to hear my colleague complaining about the delays. I would also add that, in 2007, the draft bill received the consent of all parties and should have been passed.

With regard to 2008, it is obvious that Parliament was dysfunctional. The Liberal Party was not talking at all about the economy, and the NDP was talking about hurting the economy, as we know, when we were facing a potential major economic crisis. We took measures to get through the crisis. We launched the economic action plan. Fortunately, there was a prorogation because the opposition parties were talking about forming an undemocratic coalition in order to implement measures that would have been disastrous for the economy.

We were the last country to go into the recession and the first to come out of it. We have created one million net jobs since the recession. That is a real economic record.

I believe that the principle has not changed. My understanding is that the opposition parties still approve of the draft bill. Then why not adopt it right now? We would finally be able to tell Canadians that health and safety are protected, that we are fighting organized crime, that we are prohibiting fake labels and that we are providing the tools to fight traffickers. What more could we ask for?

[*English*]

**Mr. Glenn Thibeault (Sudbury, NDP):** Mr. Speaker, I would like to ask the minister a question.



*Government Orders*

In 2007, which he has been talking about, yes, there was first-party support for this bill. Things have changed in six years. Technology has changed. The industry committee has been studying this bill and hearing from witnesses. To all of a sudden bring this bill forward without any debate makes one start questioning whether the minister has even spoken to the other minister about public safety.

They have cut the budget of the border security agency. There are fewer border guards to do the things the minister is saying they are able to do. There are fewer people looking at this stuff, but the government wants to increase their workload. How are they going to be able to do this? We need to come up with a conclusion that works for Canadians.

This bill has been long awaited on this side of the House. We have been talking about it. The government is saying that something happened in 2007, but the BlackBerry has even changed since that time.

We needed time to debate this in the House, but once again, the Conservatives are blind. It is about ideology rather than about making this a good bill to protect Canadians. It is again Conservative hypocrisy and mismanagement on a file that has been going on for too long.

**Hon. Christian Paradis:** Mr. Speaker, first of all, in 2007, this bill's draft received the support of the party, so I do not know where my colleague is trying to go. It is a technical change.

If we follow this logic for copyright, for example, this is exactly what he tried to say. Copyright was not changed. It was stalled. It was harmful for the economy. It was harmful for the creators. We took the leadership to get this thing ahead. The principles are there. We have a balanced approach in terms of intellectual property.

Let us talk about hypocrisy. On the copyright law, they proposed an iPod tax. This is totally irresponsible. They continued after that with their carbon tax of \$21 billion on the backs of Canadians, but they do not care about that.

They are anti-trade. They are anti-commerce. They are anti-economy. We have here a sound and solid bill that would take care of Canadians. The big stakeholders, such as the Chamber of Commerce and the Canadian food producers, all agree with it.

We have to combat organized crime. We have to take care of Canadians' health and safety, and we will not apologize for that.

● (1700)

**The Acting Speaker (Mr. Bruce Stanton):** We will bring the 30-minute period of debate to a close.

[*Translation*]

It is my duty to interrupt the proceedings and put forthwith the question necessary to dispose of the motion now before the House.

The question is on the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And five or more members having risen:*

**The Acting Speaker (Mr. Bruce Stanton):** Call in the members.

● (1740)

[*English*]

(The House divided on the motion, which was agreed to on the following division:)

(*Division No. 754*)

## YEAS

## Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Alexander	Allen (Tobique—Mactaquac)
Allison	Ambler
Ambrose	Anders
Anderson	Armstrong
Aspin	Bateman
Benoit	Bergen
Bemier	Bezan
Block	Boughen
Braid	Breitkreuz
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Butt
Calandra	Calkins
Cannan	Carmichael
Carrie	Chisu
Chong	Clarke
Clement	Crockett
Daniel	Davidson
Dechert	Del Mastro
Devolin	Dreeshen
Duncan (Vancouver Island North)	Dykstra
Fantino	Findlay (Delta—Richmond East)
Flaherty	Fletcher
Galipeau	Gallant
Gill	Goguen
Goldring	Gosal
Gourde	Grewal
Harris (Cariboo—Prince George)	Hawn
Hayes	Hiebert
Hillyer	Hoback
Holder	James
Jean	Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)	Kenney (Calgary Southeast)
Kent	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Lebel	Leef
Leitch	Lemieux
Leung	Lizon
Lobb	Lunney
MacKay (Central Nova)	MacKenzie
Mayes	McColeman
McLeod	Menegakis
Menzies	Merrifield
Miller	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Nicholson
Norlock	Ohrai
O'Connor	O'Neill Gordon
Opitz	O'Toole

*Private Members' Business*

Paradis	Payne
Poilievre	Preston
Raitt	Rajotte
Reid	Rempel
Richards	Rickford
Saxton	Schellenberger
Seeback	Shea
Shipley	Shory
Sopuck	Storseth
Strahl	Sweet
Toet	Toews
Trost	Trottier
Truppe	Tweed
Uppal	Van Kesteren
Van Loan	Wallace
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wilks	Williamson
Wong	Woodworth
Yelich	Young (Oakville)
Young (Vancouver South)	Zimmer— 144

## NAYS

## Members

Allen (Welland)	Andrews
Angus	Ashton
Atamanenko	Aubin
Ayala	Bélangier
Bellavance	Bennett
Benskin	Bevington
Blanchette	Blanchette-Lamothe
Boulerice	Boutin-Sweet
Brosseau	Caron
Casey	Cash
Charlton	Chicoine
Chisholm	Choquette
Chow	Christopherson
Cleary	Comartin
Côté	Cotler
Crowder	Cullen
Cuzner	Davies (Vancouver Kingsway)
Davies (Vancouver East)	Day
Dewar	Dion
Dionne Labelle	Donnelly
Doré Lefebvre	Dubé
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)
Dusseau	Easter
Eyking	Foote
Fortin	Freeman
Fry	Gameau
Garrison	Genest-Jourdain
Giguère	Goodale
Gravelle	Grogue
Harris (Scarborough Southwest)	Harris (St. John's East)
Hsu	Hughes
Hyer	Jacob
Jones	Julian
Karygiannis	Kellway
Lamoureux	Lapointe
Larose	Laverdière
LeBlanc (Beauséjour)	Leslie
Liu	MacAulay
Mai	Martin
Mathysen	May
McCallum	McGuinty
McKay (Scarborough—Guildwood)	Michaud
Moore (Abitibi—Témiscamingue)	Morin (Chicoutimi—Le Fjord)
Morin (Notre-Dame-de-Grâce—Lachine)	Morin (Laurentides—Labelle)
Mourani	Mulcair
Nantel	Nash
Nicholls	Nunez-Melo
Pacetti	Papillon
Patry	Pilon
Plamondon	Quach
Rae	Rafferty
Rankin	Ravignat
Raynault	Regan
Rousseau	Saganash
Sandhu	Scarpaleggia
Scott	Sellah

Simms (Bonavista—Gander—Grand Falls—Windsor)	
Sims (Newton—North Delta)	
Sitsabaiesan	St-Denis
Stewart	Stoffer
Thibeault	Tremblay
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## PAIRED

Nil

**The Acting Speaker (Mr. Bruce Stanton):** I declare the motion carried.

**PRIVATE MEMBERS' BUSINESS**

● (1745)

[English]

**ELECTRONIC PETITIONS**

**Mr. Kennedy Stewart (Burnaby—Douglas, NDP)** moved:

That the Standing Committee on Procedure and House Affairs be instructed to recommend changes to the Standing Orders and other conventions governing petitions so as to establish an electronic petitioning system that would enhance the current paper-based petitions system by allowing Canadians to sign petitions electronically, and to consider, among other things, (i) the possibility to trigger a debate in the House of Commons outside of current sitting hours when a certain threshold of signatures is reached, (ii) the necessity for no fewer than five Members of Parliament to sponsor the e-petition and to table it in the House once a time limit to collect signatures is reached, (iii) the study made in the 38th Parliament regarding e-petitions, and that the Committee report its findings to the House, with proposed changes to the Standing Orders and other conventions governing petitions, within 12 months of the adoption of this order.

He said: Mr. Speaker, I rise this evening to begin the debate on my private member's motion, Motion No. 428 that would bring electronic petitions to the House of Commons.

I will cover three points in my remarks this evening. First, why we need e-petitioning in Canada. Second, what a system for e-petitioning should look like. Third, who supports this initiative.

Before I begin, I would like to say that my motion is inspired by three political scientists: my wife, Jeanette Ashe, who teaches at Douglas College in British Columbia and originally suggested this idea to me; my mentor, Professor Patrick Smith, who teaches at Simon Fraser University and got me started on my democratic journey many years ago; and of course the late Jack Layton, whose phrase, “no opposition without proposition”, guides all my work in this place.

I should not need to tell the hon. members in this chamber that this is a very dark hour for Canadian democracy. Voter turnout continues to plummet in federal, provincial and municipal elections. Less than 60% of those eligible to vote did so in the 2011 federal election, and less than 40% of eligible youth voted in 2011.

Second, citizens are virtually shut out of the policy-making process between elections. Canadians can look and watch, but they cannot really touch nor affect what we do here in Ottawa as there are no mechanisms in place empowering them to do so.

*Private Members' Business*

Tragically, people now deeply distrust their own democratic institutions more and more each year. According to a recent Environics polling, less than 20% of Canadians place a lot of trust in Parliament or the office of the Prime Minister, and only 10% give a strong vote of confidence to political parties.

Now, while there is plenty of spirited debate in this place on large-scale changes to improving our democracy, whether it is reforming the electoral system or the unaccountable Senate, I feel there are also small changes or reforms that would go some way to alleviate our democratic malaise.

Finding practical ways to make Parliament more accessible for our constituents is a worthy goal we should all share. I am hoping members from all sides of the House will set aside partisan differences and work together to enhance citizen participation in our democracy through e-petitions.

Democratic engagement is a topic of particular importance to me because I have been fortunate to study it for over 20 years. I have written and taught about democracy and democratic reform, as well as advised governments on how they might improve democracy both here and abroad. In addition, I have been in the trenches, helping citizens both participate in and reform their political institutions.

Motion No. 428 instructs the Standing Committee on Procedure and House Affairs to undertake a study of the petitioning process and develop recommendations for how we might improve this process with electronic petitions.

Currently, Canadians can only circulate, collect signatures, and submit paper-based petitions. If they collect 25 names and find an MP to represent their written petitions in Parliament, the government has to respond to the petition in writing within 45 days. Meanwhile, online petitions that might gather thousands or hundreds of signatures of Canadians go unanswered under the current system, as they are not deemed official.

My motion calls on the Standing Committee on Procedure and House Affairs to report back to the House with recommendations as to how we could enhance our current petitioning system and bring it into the 21st century by allowing citizens to post and sign certified petitions online. A study would allow us to hear from civil society groups and privacy experts and other jurisdictions where e-petitions are used, as best practices for implementing an e-petitioning system that is fair, efficient and responsive.

In addition to calling for a comprehensive study, my motion goes further and suggests that we increase the impact of petitions. It proposes that electronic petitions should trigger a short debate in the House, similar to a take note debate, if they receive a certain minimum number of signatures, for example 50,000 or 100,000, and are sponsored by no fewer than 5 MPs. Not only would citizens be able to post and sign official petitions online, but their views and concerns would also be debated at the highest level by their elected representatives.

This is far from a novel idea. The core of this proposal is borrowed from other jurisdictions. For example, residents of the province of Quebec, who are often ahead of the rest of the country when it comes to democratic reform, can already submit and sign petitions online. In the United Kingdom, the Conservative govern-

ment has brought in rules that not only allow for e-petitions but those receiving at least 100,000 signatures can trigger a short debate in their House of Commons. The same is true in the United States, where online petitions meeting a certain threshold of support from the public receive an official response from the White House and President Obama.

• (1750)

My motion also builds on strong populist traditions found in my home province of British Columbia, where residents have the ability to initiate referendums and to recall politicians they do not think are up to the job of governing.

As members can see, we here in this place are behind the rest of the world when it comes to realizing the ideals of direct democracy.

My motion represents a modest but vital opportunity for us to build upon the long-standing practice of our constituents petitioning their elected representatives. Before moving on to those who already support my motion, it is important to clarify a few points about this proposal.

First, Motion No. 428 would supplement, but not replace, the current paper petitioning system. For example, e-petitions that do not reach a minimum threshold of signatures to trigger a debate would still be submitted to the House and receive an official government response. Second, there is a concern that this system would allow frivolous or trivial issues to be raised in Parliament. I suggest that this would not occur if the committee follows my idea not only to require 50,000 or 100,000 signatures before the debate is triggered, but also the added provision that at least five MPs sponsor the petition before it moves forward for debate.

To use a recent example, and a somewhat infamous one, under these provisions it is unlikely that any MP, let alone five, would risk their personal reputations to forward a petition suggesting we change the name of certain politicians to Doris Day even if the petition was signed by tens of thousands of Canadians.

It is also important to remember that the suggestion here is that any debate triggered would be similar to a take note debate, which is not subject to a vote and therefore could not be used to pass bills or motions.

The third and final section of my speech concerns support for Motion No. 428 both inside and outside of Ottawa.

My motion has been jointly seconded by 20 sitting members of Parliament, including two from the Conservative caucus. The member for Saskatoon—Humboldt generously seconded my motion, as did the member for Edmonton—St. Albert, although the latter member has since left the Conservative caucus to sit as an independent. This is an important point. Even at this early stage, there seems to be cross-party support to allow my proposal to move to committee. I look forward to continuing to work with committee members and other like-minded MPs to make this happen, because strengthening our democratic institutions is a value that must go beyond party affiliation.

Support for Motion No. 428 does not stop in Parliament. Former NDP leader, Ed Broadbent, says:

*Private Members' Business*

Bringing electronic petitioning to the House of Commons is a 21st-century idea and one I fully endorse. Empowering Canadians to come together and help set the parliamentary agenda will breathe fresh air into our democracy.

I could not agree more.

It may surprise members on the other side of the House that former Reform Party leader, Preston Manning, also endorses my motion:

To be able to petition one's elected representatives, and to have such petitions addressed, is one of the oldest and most basic of democratic rights.... Affirming and re-establishing this right in the 21st century through electronic petitioning is an idea well worth pursuing.

I thank both Mr. Manning and Mr. Broadbent for their endorsement.

My motion has also been endorsed by civil society organizations from across the political spectrum that share the common goal of promoting democratic participation.

First, the Canadian Taxpayers Federation:

...applauds this worthy initiative...to kick-start Parliament on accepting electronic signatures on petitions. When taxpayers get the opportunity to go online and sign an official petition to Parliament, they'll be able to get the attention of Ottawa politicians in a hurry.... This would help restore some grassroots democracy and accountability on Parliament Hill.

In addition, Egale Canada, an organization dedicated to equality for LGBTQ Canadians, states that it:

...strongly supports [this] initiative to further bridge the communication between citizens and their democratically elected leaders. Working with and on behalf of marginalized populations, Egale Canada believes every effort should be taken to make our voices heard in the simplest ways possible."

● (1755)

Finally, the online advocacy organization, Leadnow says:

We fully support bringing e-petitions to parliament as it will help strengthen the voices of Canadians and enable them to reach decision makers more effectively.

Yesterday I launched betterpetitions.ca, a new website that includes a full list of endorsements and an online petition, where Canadians can show their support for my motion. We have not only two leading elders of our community who have been fighting for democracy for quite a long time who directly support this motion but a large number of civil society groups that think this is a good idea, and importantly, they are from right across the political spectrum.

From the evidence, it is fair to surmise that the Rt. Hon. Prime Minister might also endorse bringing e-petitions to Parliament. In 1994, the member for Calgary Southwest said:

As Reformers we propose that we get back to the roots of liberal democracy, that we reaffirm the principles of democracy in a modern age and manifest political equality through institutional reform.

In 2003, when he was the leader of the Canadian Alliance, he added:

We have stood to bring about in this country an effective system of direct democracy to enhance the voice of average Canadians, not once every four years, but all the time.

I could not agree with that sentiment more. That is what we are here to do.

As e-petitions have the potential to impact all Canadians, I wanted to get an initial idea of how the country feels about my motion. To

do so, I commissioned Angus Reid to conduct a national poll asking two questions.

The first question asked:

Do you support or oppose allowing Canadians to use electronic petitions to present their request to the federal government?

I am happy to say that over 80% of those surveyed support or strongly support this idea, with only 11% opposed. There is overwhelming support among Canadians for this motion.

The second question was on the idea of thresholds and what would be needed to trigger debate. The question asked was:

What should be the minimum number of signatures a petition would need in order to be debated in a Canadian House of Commons?

When offered a range of options, the most popular threshold was 25,000 signatures, a very low threshold, followed closely by a threshold of 100,000 signatures. I would be more than happy to make this poll available to the committee if we move forward with this idea.

To recap, first, Canadian democracy is in great need of constructive action and practical reform. We have experienced decades of decline, and our institutions are in need of a refresh, especially now that we are firmly in the digital age. Second, the mechanics of my motion are simple. I am asking the procedure and House affairs committee to report back some time over the next year, within 12 months, with recommendations on how to best implement an e-petitioning system that would empower Canadians to have their say and set the debate in Parliament. Third, I hope I have demonstrated that this motion has support on both sides of the House, among elders, from organizations from across the political spectrum, and most importantly, among Canadians.

We need to make this happen so that before the next election, citizens from across Canada can have at least a touch more control of the political agenda in Ottawa. It is my hope that this initiative will increase citizen participation in democracy, lead to more Canadians being engaged with politics between elections, and perhaps most importantly, renew trust in our democratic institutions.

As we stand in the House, this historic place, witness to many national defining moments, this place of business where legislation that impacts the lives of Canadians is debated and voted upon, we ultimately remember that the House belongs to the people. We have all been privileged to be the voice of our constituents here in Ottawa, and as such, it is our responsibility to ensure that the voices are heard here in the chamber. Through my motion to revitalize Canadian democracy through e-petitioning, we can open the doors of Parliament to the robust debate happening now across the country, and we can stand up to empower the voices of Canadians.

*Private Members' Business*

• (1800)

**Mr. Dave MacKenzie (Oxford, CPC):** Mr. Speaker, I listened to my friend across the aisle, and I understand his passion for this, but I have a question. The Standing Committee on Procedure and House Affairs, which is established by Standing Orders of the House of Commons, is responsible for procedural and administrative matters, including the review of the Standing Orders. This motion appears to lift the matter of the tabling of petitions away from the context of the rest of the Standing Orders, which the committee reviews, and is very prescriptive in how the committee should study the matter of an e-petition system.

Why is the motion so prescriptive as opposed to respecting the independence and expertise of the committee to review the Standing Orders as it sees fit and to explore all evidence and possibilities that may be relevant?

**Mr. Kennedy Stewart:** Mr. Speaker, I can assure the member that if he reads the motion, he will see that the details I have added to the motion are only suggestions for study.

I have asked that the committee pursue a broad mandate to look at merely supplementing the current paper-based petitioning system with electronic petitions. I do not see how that would in any way circumscribe what the committee can look at. If this does make it to committee, the members would call witnesses. I would just ask that they consider these other measures.

**Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.):** Mr. Speaker, I just want to say that it is the first time I have heard that to respect a committee, we cannot accept good ideas in this House.

I would like to ask my colleague why, in his scheme, electronic petitions would lead to a debate while traditional petitions would lead to a response from the government.

**Mr. Kennedy Stewart:** Mr. Speaker, I thank my colleague for his kind words. That is a good question. This is exactly what the committee should be looking at. This is why we need the committee to look at the current petitioning system to see how these two things could interact.

What I would say is that if they can do this in the United Kingdom, if they can do this in the province of Quebec and they can do this in the U.S., what is it we cannot do here? What is it we cannot figure out? I am sure we can find a way to make both paper-based and electronic petitions interact, and of course, bring us into the 21st century and bring more trust to our institutions.

[*Translation*]

**Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP):** Mr. Speaker, I want to thank my colleague for his speech.

He began by saying that this is a very dark hour for Canadian democracy.

Young people are becoming more and more cynical and are voting less and less. There are a number of reasons for this cynicism, but if you ask them, they say that Canada's Parliament does not really represent them.

This is the computer age. Young people are born with computers and gadgets in their hands. This motion is a good opportunity to give them more access to Parliament.

I would like to give my colleague the opportunity to share his comments on the positive impact that this bill might have on young people's involvement in politics.

[*English*]

**Mr. Kennedy Stewart:** Mr. Speaker, I thank my colleague for her question and for all her work in this area. She works very hard to bring the voice of youth to Parliament. I think that is very helpful. This is something my motion would also try to do: connect with younger people and update our institutions to better engage folks who are not engaging with our traditional forms of democracy. That is one advantage of moving to electronic petitions. I do not see why anybody on the other side of the House would be threatened by that.

There would be no votes after debate. It would just be an hour debate. If we went forward with the full spectrum of changes in the House, it would just be an hour of debate on issues that are important to members on both sides of the House, I would hope.

**Mr. Dave MacKenzie (Oxford, CPC):** Mr. Speaker, it is an honour for me to take part in today's debate on Motion No. 428 on electronic petitions, sponsored by the member for Burnaby—Douglas.

Petitions play a fundamental and important role in our parliamentary system. Each day, members table petitions on behalf of citizens from across the country. In total, over 2,000 petitions are tabled each year on issues that concern Canadians. Motion No. 428 would require the procedure and House affairs committee to study and recommend changes to the Standing Orders to implement a new system of electronic petitions. Some jurisdictions in Canada and abroad have recently taken this step, and I will focus my remarks on the lessons from their experiences.

Before doing so, I want to take issue with a particular aspect of Motion No. 428 that should concern all of us, which is that the motion prescribes a resolution to a study the committee has not conducted. Rather than asking the procedure and House affairs committee to undertake an examination of our petitions system, the motion dictates to the committee that it must recommend changes to the Standing Orders to implement an electronic petitions system. In other words, the motion would require that the committee report lead to the implementation of an electronic petitions system for the House. I find that an affront to the members of the committee, and more fundamentally, to the principle that committees are masters of their own affairs. Instead, the committee should have the ability to review the effectiveness of our petitions system under its review of the Standing Orders and decide on its own terms whether changes are needed.

*Private Members' Business*

Most other jurisdictions have a petitions system similar to the one we use in the House. That said, some jurisdictions have recently adopted an electronic online petitions system. As my friend indicated, in Canada, the National Assembly of Quebec and the Northwest Territories have set up limited online systems to complement their paper-based systems. Their focus was primarily on giving citizens the option to assess and sign a petition electronically. While such an approach, on the surface, seems straightforward, there would be a need to closely examine questions of cost, particularly with regard to measures needed to verify signatures and prevent fraudulent petitions.

Looking abroad, in 2011, the United Kingdom House of Commons established an electronic petitions system, including provisions whereby petitions with at least 100,000 signatures can be debated in the House or in Westminster Hall, a parallel chamber to the House. The electronic petitions system differs from the written petitions system in that, first, the role of individual members is reduced to being able to debate only items with at least 100,000 signatures. Second, the electronic petitions website is administered by their leader of the House of Commons.

In 2012, there were 25 hours of debate in the chambers on various electronic petitions with at least 100,000 signatures. That is the total number to date. Examples of topics debated include the elimination of welfare benefits for convicted 2011 London rioters, heart surgery at a local hospital and the beer duty escalator. That is not an escalator that goes from floor to floor but a system implemented to increase the price of beer.

Public commentators have noted that changes to the system in the United Kingdom have turned petitions into a popularity contest, with a chance to debate issues whether they are serious or frivolous. The rules in this system have enabled well-organized special interest groups to force their issues onto the parliamentary agenda. For example, recently, a “no state funeral for Margaret Thatcher” electronic petition reached over 30,000 signatures.

South of our border, a “We the People” electronic petitions system, established by the White House in the United States, whereby petitions with at least 100,000 signatures are publicly recognized, has led to high-profile petitions on whether Texas should secede or whether President Obama should be impeached. U.S. commentators have questioned the usefulness of this system and have suggested that it has a negative impact on citizen engagement.

Our current rules allow members to table over 2,000 petitions each year on a wide range of issues of concern to Canadians from coast to coast. Most jurisdictions share the same approach we have with respect to petitions. The jury is still out on the long-term effect of electronic petitions. However, the experience of the United Kingdom and the United States indicates that electronic petitions can have negative consequences for citizen engagement and parliamentary operations and can empower special interest groups to advance their issues.

That is why I am going to oppose Motion No. 428, and I call on all members to do likewise.

● (1805)

I would like to add that, pursuant to Standing Order 103(3)(a)(iii) and a February 17, 2012 House order, the Standing Committee on Procedure and House Affairs has begun a study on the standing orders. The committee could be asked to include our petitions rules in its review of the effectiveness of the standing orders. I would contend this is a more appropriate avenue for consideration of the issue.

● (1810)

**Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.):** Mr. Speaker, Motion No. 428, sponsored by our colleague, the member for Burnaby—Douglas, requests that the Standing Committee on Procedure and House Affairs be instructed to recommend changes to the standing orders and other conventions governing petitions so as to establish an electronic petition system.

However, the motion only invites this committee to consider different kinds of electronic petition systems and conventions and to report its findings to the House within 12 months. Therefore, I do not understand what my colleague just said. We are not limiting or infringing on the authority of the committee. If we accept the motion, we are only doing the job the House should do, to bring an idea that is accepted in many parties, and my party has suggested this many times, and propose to have a study on the idea.

[*Translation*]

The Liberal caucus supports the motion and commends the member who brought it forward. We support it because we agree with the principle of electronic petitions and because the hon. member for Burnaby—Douglas had the wisdom not to ask the House to adopt this measure before it was carefully examined in committee out of respect for the role of the committee and the House.

In theory, any well-thought-out measure that uses new technologies to connect Canadians with their MPs is a good thing. For centuries, the rights of a free people have included the right to send petitions to government. Let us modernize that right by taking into account today's technological possibilities. According to the Parliament of Canada's existing rules, Canadians can send petitions to their MPs. If the petition has at least 25 signatures, the MP can present it in the House of Commons. The government is then required to respond within 45 days.

Motion No. 428 adds another more modern way of presenting a petition to the House to this traditional one. The hon. member for Burnaby—Douglas is proposing that the content of any certified electronic petition that has a minimum number of signatures—he is suggesting that it be between 50,000 and 100,000—and is sponsored by at least five MPs be debated in the House of Commons. The debate would not result in a vote as such, but it would still encourage members to delve deeper into the subject or issue raised by the petition.

The underlying principle is good, but the details are still important. The committee should therefore give them serious consideration.

*Private Members' Business*

[English]

For example, it should consider the number of signatures required. What is the optimal number to avoid frivolous petitions? Why should electronic petitions trigger a take note debate, while traditional petitions generate a legal requirement for a government response? These debates would be time consuming for the House, so it is all the more important not to load its schedule with frivolous petitions.

The motion puts the onus on a minimum of five MPs to be the guardians of the seriousness of the petition. That sounds good to me, but it is assumed that they will refuse to table frivolous petitions. We need to be sure of that because we need to be honest with ourselves. Many MPs table any petitions they receive from their constituents, even if they do not necessarily support the views expressed by the petitions or do not believe the petition is very relevant.

An MP who believes any petition should be tabled is unlikely to be a good judge of what is and is not frivolous. It would also be good to ask that these five MPs do not come from the same party, although if one day we have a House with only two parties, the government and the opposition, this idea could be dangerous because then the government could veto any petition not good for it.

[Translation]

The committee would also be wise to look at the experience of other parliaments and governments that are already accepting electronic petitions, including the National Assembly of Quebec.

• (1815)

[English]

The Quebec national assembly allows for electronic petitions to be submitted to an MNA who forwards them to the national assembly's secretary general who in turn decides if it is in order or not. If it is in order, the secretary general puts the petition online on the assembly's website. The secretary general also decides how long it will remain online to collect signatures, with a minimum of one week and a maximum of three months.

In the United Kingdom, the originator of a petition must register it with a particular department. This acts as a check against frivolous petitions. The petition is then online for up to one year. If it reaches 100,000 electronic signatures, it becomes eligible for debate on the floor of the House of Commons. The backbench business committee is responsible for scheduling any debates on e-petitions. The committee will not allow debate on any petition that deals with a matter before the courts or any topic that has recently been debated in the House.

In the United States, [whitehouse.gov](http://whitehouse.gov) recently opened a new petitions site named "We the People", which allows Americans aged 13 years older to create any signed petitions online. There are two thresholds for the petitions to cross. Once a petition reaches 150 signatures within 30 days, it becomes publicly searchable on the website. If the petition reaches 100,000 signatures within 30 days, the White House will generate an official response.

[Translation]

In short, we must carefully determine the terms and conditions of an appropriate e-petitioning system. The underlying principle is

good because it gives Canadians a new way to make their opinions known at a time when they are dealing with the most closed and secretive government in our country's history. The government's failure to support this motion only serves as yet another example of that.

[English]

The Conservative government has been excessively secretive, opaque and dismissive of the rights to information. Indeed, the government has repeatedly refused to provide Canadians with details of its spending plans, even regarding huge spending items such as the F-35. It refused to give the former parliamentary budget officer the information to which he was entitled under the Parliament of Canada Act.

Scientists and other government experts, who are funded by taxpayers, are no longer allowed to speak freely and publicly about their work, which is important for all Canadians. This censorship has recently been extended to government archivists who are now prevented from speaking at conferences.

Access to information has never been so thwarted. It takes longer and longer for Canadians to receive responses to their ATIP requests when they are not simply denied. More often than not, those responses are heavily censored. Ten years ago, 66% of ATIPs were answered in 30 days. Now it is only 55%. The commissioner, Suzanne Legault, has said that budget cuts in departments seem to be slowing down response times and that systematic and unacceptable delays are eroding Canadians' right to know.

The governing party is forcing committees to sit in camera, out of sight of the public, for important debates. The government is making improper use of omnibus budget bills to alter acts of Parliament that have little to do with the budget and so on.

[Translation]

In conclusion, Motion No. 428 must be examined in committee, not just because it is a worthwhile initiative that seeks to establish a new way for Canadians to communicate with Parliament, but also because we have a government that is far too distant and secretive.

When faced with a government that builds new barriers between itself and the people, we must give the people new tools to break down those barriers.

**Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP):** Mr. Speaker, I am pleased to rise in the House today to proudly support Motion No. 428, which was moved by my friend and colleague, the member for Burnaby—Douglas. I want to congratulate him on his excellent work and his vision for Canada's future. I congratulate him on behalf of my constituents.

Motion No. 428 would establish an electronic petitioning system in the House of Commons, in addition to the current paper-based system. This motion is designed to update the democratic procedures at the federal level, and it is consistent with the goal of allowing the Canadian public greater access to Canadian institutions.

*Private Members' Business*

Canadians are currently experiencing a crisis of confidence in our institutions, which is very unfortunate. Overall, Canadians are dissatisfied with the state of democracy in our country. There is a general dissatisfaction with certain institutions, and primarily with the Senate. We are also seeing record levels of voter abstention, particularly among young people and minorities. These abstention levels are alarming. An Elections Canada report showed that in the last federal election in 2011, voter turnout for people aged 18 to 24 was only 39%, which is 20 points lower than the national average of all age groups.

This crisis of confidence is not unfounded. Canada is currently suffering from a democratic deficit. Certain segments of the population are under-represented. Young people are the first to be under-represented, but cultural and linguistic minorities are as well. As a result, their opinions are often marginalized. The public has also lost its influence over the parliamentary agenda, as interest groups have taken over. In order for the public to have its say on the agenda, it must go through the cumbersome and complicated process for submitting a paper petition to the House of Commons. The existing system—paper petitions in particular—is inadequate and does not help promote democracy.

My dear colleague, the member for Burnaby—Douglas, and I believe that electronic petitions will help bring us one step closer to equality and justice and will help include the public in the democratic process. Introducing an electronic petitioning system at the federal level will be a simple, concrete change, but it will have an immediate impact on the public. The stakes are huge here. This is about bringing Canadian democracy into the 21st century, with a focus on openness and transparency.

We feel it is important to strengthen existing rights by taking advantage of opportunities offered by technology. The Internet is part of the daily lives of Canadians, but it is currently underutilized by our institutions. Young Canadians are literally born with computers in their hands. We need to bring our political practices in line with the times. It is our responsibility to take advantage of the opportunity presented to us and make the Internet a real tool for democracy by allowing electronic petitions in the House of Commons. The positive impact this measure would have on democracy is significant, and that impact would be both symbolic and practical. Elected officials and the public would be more closely connected if we were to simplify access to the parliamentary agenda.

Electronic petitions are one tool that could help restore public confidence in our institutions and in the effectiveness of democracy in Canada. In addition, electronic petitions would give Canadians more opportunities to express their views. This is not about replacing current procedures involving paper petitions with a completely electronic version. It is about an additional way of sharing opinions and giving under-represented groups—youth and cultural and language minorities, for example—a voice.

My colleague opposite, the member for Oxford, is opposed to the motion, which I find unfortunate and somewhat shocking. He criticized the fact that the motion suggests triggering a debate in the House if the petition has a certain number of signatures. He feels that it would trigger debates on frivolous issues. If the member believes that the concerns of Canadians are “frivolous”, I wonder why he is representing his constituents here in the House.

● (1820)

[English]

Some people may say that the risk of the bill is that it could overwhelm the parliamentary agenda with a flood of irrelevant or airy-fairy petitions. However, I stand here today to reassure my colleagues and fellow members of Parliament regarding the impact of such a measure on our institutions. Our goal with Motion No. 428 is to establish a rationalized procedure of electronic petitioning in Canada. To do so, we intend to draw our inspiration from some national and international examples of successful implementation of electronic petitioning.

On the one hand, specific modalities of implementation would presuppose two conditions for an electronic petition to be presented to the House of Commons. First would be a threshold of 50,000 electronic signatures, and, second, the necessity for at least five MPs to sponsor the petition. The benefit of such limitations would result in only relevant petitions actually being debated by the MPs.

On the other hand, electronic petitioning has been tried and tested by a variety of actors at a variety of levels. Wherever it has been applied, it constitutes a breakthrough for democracy. In foreign countries, for instance, the United Kingdom, electronic petitioning has been successfully applied since November 2006, and also in Canada, where electronic petitioning procedures are already used by the province of Quebec.

Finally, non-profit organizations and democracy watchdogs such as OpenMedia or Leadnow, recently conducted promising experiments concerning electronic petitioning at the national scale, based on the international success of organizations and activist networks such as Avaaz or Change. Nevertheless, OpenMedia and Leadnow ultimately faced the impossibility of submitting their e-petitions to the House because of their electronic nature.

To conclude, I want to insist on the urgent necessity to reform our institutions in order to restore the confidence of our citizens in Canada. Levels of dissatisfaction concerning the way democracy works and operates in Canada is getting higher every day. Simply said, Canadians are frustrated by the lack of transparency, accessibility and accountability of the Conservative government.

MPs from the NDP, including me, are convinced that such a reform requires a deep modernization of our institutional procedures. Our first concern is to ensure reintegration of Canadian youth and under-represented groups in the democratic process. It is our duty to provide our citizens with every opportunity to take part in the democratic life of our country and to express their opinions. It is also our duty to ensure equality and justice in terms of democratic participation, by opening and facilitating the access to political processes as much as we possibly can.

As members of Parliament, the demands of the people have to remain our main focus when setting the parliamentary agenda. Adopting an electronic petitioning procedure at the federal level would constitute a first step to putting those words into actions.



Moreover, I share the belief with my colleagues of the New Democratic Party that the conditions have been met for such a measure to be successfully implemented in Canada. Indeed, we now have the necessary insight and a sufficient number of examples of application of e-petitions, at the national and international levels, to draw our inspiration from. We are fully aware of the benefits and criticisms pertaining to electronic petitioning and we possess enough empirical data to set appropriate limitations.

In essence, methods of citizen participation through e-petition do exist and have been tested and approved by others. The only thing left is for us to incorporate them in our institutional framework so that Canadian citizens can make better and proper use of electronic petitioning. On that matter, we are deeply convinced that Canadians are ready and willing to appropriate these new ways of expression. A study conducted in March 2013 by polling institute Angus Reid shows that 80% of Canadians are in favour of electronic petitioning.

• (1825)

I sincerely hope we all share the feeling of emergency concerning the current situation in Canada, as well as the belief in the necessity to react as quickly as possible.

I hope I have convinced all members of the potential of Motion No. 428 in terms of restoring the confidence of Canadians in our democratic institutions. Of course, the New Democratic Party and I intend to consider the fears and reservations of our fellow MPs, and as a result will call for a debate on the question at committee.

• (1830)

**Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC):** Mr. Speaker, I am pleased to participate in today's debate on Motion No. 428, sponsored by the member for Burnaby—Douglas, on electronic petitions. My colleague has a keen interest in the role of Parliament and its members and an awareness of the experience of other jurisdictions with electronic petitions.

I want to emphasize our government's commitment to a strong role for Parliament. All members know that our government's first act after forming government in 2006 was to pass the Federal Accountability Act, which made comprehensive reforms to the way Ottawa does business. As a result of this unprecedented legislation, government accountability has been strengthened, including accountability to Parliament. Our government has continued with further actions to promote democratic reform and open and transparent government.

Turning to Motion No. 428, the first part of the motion would instruct the procedure and House affairs committee to recommend changes to the Standing Orders and other conventions governing petitions so as to establish an electronic petition system. The second part would require the committee to consider, among other things, the possibility of a debate in the House outside of sitting hours when a threshold of signatures is reached.

The committee would have to table its report within 12 months of the motion being adopted. Under the terms of the motion, the committee would be required to include recommended changes to the Standing Orders and other conventions to implement the electronic petition system. In other words, the motion requires that

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the committee's report leads to the implementation of an electronic petition system for the House.

Our current petition system is set out in Standing Order 36, which is based on the principles of representative democracy and the fundamental role of the individual member of Parliament. It is widely used, and about 2,000 petitions were presented by members in 2012.

The rules require that petitions must be certified correct by the clerk of petitions before they are presented. House rules specify that at least 25 Canadians must sign a petition using the proper format, including a statement of grievance, and an address to the House, the government, a minister, or a member of the House, for a response.

Members table petitions on behalf of constituents as a routine practice, and it is recognized that members may not always agree on the views in the specific petition. Following the presentation of the petition, the government must respond within 45 calendar days.

I believe that our current system functions effectively. The system is transparent. Canadians are able to tune in to our proceedings to see what petitions are being presented, or they can view a list of petitions presented in the House in *Debates* or *Journals* of the House.

As we consider Motion No. 428, it is helpful to note the experience of other jurisdictions that have already embraced this type of system. Most jurisdictions have a petition system similar to our current approach and appear to be satisfied with that approach. Some jurisdictions have recently implemented electronic petition systems as part of their legislature or as part of their government's operations.

In 2011, the United Kingdom House of Commons authorized electronic petitions. Petitions with at least 100,000 signatures can have a debate in the House or in Westminster Hall, a parallel chamber to the house.

In 2012, the United Kingdom had over 25 hours of debate on electronic petitions with at least 100,000 signatures. To date, these debates have included national issues such as health care and pension increases, as well as special interests, such as eliminating welfare benefits for convicted 2011 London rioters, heart surgery at a local hospital, and eliminating the badger cull.

The United Kingdom's experience suggests that while electronic petitions could theoretically increase the participation of citizens in the petition process, they could also be used by orchestrated special interests to force their issues on to the parliamentary agenda.

Similarly, the We The People electronic petition system, established by the White House in the United States, whereby petitions with at least 100,000 signatures are publicly recognized, has been used to advance such topics as the *Star Wars*-inspired Death Star and the deportation of a CNN journalist.

As a result, some commentators have suggested that an electronic petitions system can undermine representative democracy by recognizing or debating divisive or frivolous issues. I would ask members whether they would want to create an electronic petitions system if that were the result in Canada?

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In addition, the creation of a new electronic petitions system and the addition of extra sitting hours for the House to debate petitions with a high number of signatures would be costly at a time of fiscal restraint. Furthermore, the requirement to put in place a process to verify thousands of online signatures could have a tremendous cost and prove to be quite onerous.

• (1835)

The member for Burnaby—Douglas has said that the electronic petitions would also “empower citizens to communicate their concerns to their elected representatives and to have the opportunity to set the agenda for debate in Ottawa”. As all members know, each day Canadians have many options for contacting their individual member of Parliament or the government. Members are regularly present in their constituency. We all have staff in both our constituency offices here in Ottawa and in our constituency, to help constituents with their requests, which often come through email or other electronic means. I would ask members whether an electronic petition system would improve our ability to serve our constituents.

As mentioned earlier, Motion No. 428 presupposes an outcome for the work of the procedure and House affairs committee, which would undermine the principle that committees are masters of their own affairs. It is one thing for the House to instruct a committee to undertake a study, but this motion oversteps the principle that the committees are masters of their own proceedings.

I sit as a member of the procedure and House affairs committee. It is a good committee. One of the reasons it works so well is that, at least in general, the opposition parties and the government tend to work collaboratively rather than being confrontational. There are times when we cannot come to agreement, but this tends to be the exception rather than the norm. Oftentimes the procedure and House affairs committee is able to come up with solutions that all parties can agree on.

Unfortunately, this motion does not allow for that type of solution. The motion prescribes the committee's resolution before the committee has had the opportunity to research the issue. I would ask the members whether they want to support a motion that would reduce the independence of House committees and the ability of members of committees to manage their own affairs.

In conclusion, the idea of electronic petitions may be novel to some, as on the surface it purports to increase constituent interaction with members of Parliament. However, international experience suggests that of the many countries who have considered this issue, many have decided not to implement this type of system.

The system is open to abuse by special interests, and in addition, the new electronic petition system would be costly. This is at a time when, at least on this side of the House, we are trying to save taxpayers' money rather than spend it. The wording of the motion would also undermine the principle of House committees being masters of their own affairs.

Before I finish, let me add that the procedure and House affairs committee is examining the Standing Orders. One of the issues that the committee could decide on is to review the effectiveness of a petitions approach. If there are areas of improvement needed, we could discuss that when we look at that larger study.

However, for the reasons I have stated, and there have been many, I am not prepared to support the motion at this time.

**The Deputy Speaker:** Resuming debate, the hon. member for Victoria. I would advise him that he will have about seven minutes before time expires for debate in this hour.

**Mr. Murray Rankin (Victoria, NDP):** Mr. Speaker, I am very pleased to rise today to speak in the strongest terms possible in support of Motion No. 428, moved by my colleague, the member for Burnaby—Douglas.

He has been a leader in Her Majesty's Loyal Opposition in trying to come up with measures to improve Canadian democracy and to renew it. This is but one of the many examples that one could cite, and I salute the member for his concern for revitalizing Canadian democracy.

This measure, which seems such a small step, is definitely a step in that direction. Canadian democracy needs renewal. I say that because of the shocking statistic that just 39% of Canadians aged 18 to 24 voted in the last federal election, yet when we look at people in that age demographic, we see how plugged in they are. They are truly the digital generation.

However, this tool that would revitalize democracy for that generation may not be passed, if I understand what my friends across the way are saying.

What does this motion do? It simply asks for the committee on procedure and House affairs to be given the opportunity to examine this proposal and report back in no more than 12 months.

It is a measure that has been looked at elsewhere in parliaments over time, and it has been used, as the member has stated and others have stated, in other democracies around the world. It is part of American democracy at many state levels, and of course at the White House, as we were told. Quebec has had it as a feature. The United Kingdom has had it as a feature.

My friend the member for Cumberland—Colchester—Musquodoboit Valley spoke about the potential cost of such a measure. Of course that ought to be considered and I am sure it will be considered, but what is the value against that cost of a more engaged population, a population particularly of younger Canadians, who seem so alienated, sadly, from our democracy? That, I say, is a value that we cannot put a price on. This is an important tool in that direction.

The same member spoke about the Accountability Act in glowing terms. Well, this is about accountability. I know about it from the experience of working many years ago with the justice and solicitor general committee. The current Minister of Justice was a backbencher serving on that committee, and I was a consultant who came up with 100 recommendations to improve the accountability measure that was called the Access to Information and Privacy Act.

Those recommendations have never seen the light of day, despite the fact that they were the subject of unanimous approval. It was an effort toward greater transparency that has been lost. The Accountability Act, to quote *Macbeth*, is “...full of sound and fury, signifying nothing” unless measures of this sort are taken in conjunction with it to put meat on the bones.

I know that other members of the Conservative backbench support initiatives of this sort. They are strongly in favour of moving us toward a more accountable and transparent democracy, and I salute the member for Edmonton—St. Albert as one of those, although I understand he is no longer a member of the Conservative caucus, perhaps because he still believes in the accountability of which the member for Cumberland—Colchester—Musquodoboit Valley spoke.

I also salute the member for Burnaby—Douglas for going to the trouble of spending the money to get a survey to find out whether Canadians care about this issue. I am pleased that over 81% support or strongly support an initiative of this sort. That, it seems to me, is telling.

All we are saying is to give it to the committee so that the committee can have a look at it and come back to Parliament with ways to make it work.

My friend talked about frivolous petitions like *Star Wars* that other jurisdictions have encountered. I am confident that parliamentarians would be able to figure it out and make it work. We are practical, pragmatic people. Canadians would make this work because we want it to work and because we need to find ways to engage our youth.

We talk about marginalized groups that are strongly in support of this measure, and there are many such groups. That is critically important, but I am focusing my attention on the need to engage youth, because I am very concerned about the functioning of our democracy going forward. This is the digital generation, as I say, and they need to have tools of this sort to make it work.

● (1840)

I am so pleased that my friend pointed out the support of people like Preston Manning and Ed Broadbent. When parliamentarians from across the spectrum have both spoken so passionately in favour of this measure—from both sides of the aisle, so to speak, or from both sides of the political spectrum—it is indicative and demonstrative of the support that initiatives of this sort are getting and will get from Canadians of all political stripes.

I have worked with the Canadian Taxpayers Federation as part of the Freedom of Information and Privacy Association, on which I had the honour to serve, and it is strongly in support of this measure because it believes, as the Conservatives say they believe, in accountability.

I also see that Leadnow, which has done so much to promote environmental responsibility in British Columbia and across Canada, has also said very clearly that it fully supports bringing electronic petitions to Parliament, as “it will help strengthen the voice of Canadians and enable them to reach decision-makers more effectively”.

I particularly salute Leadnow because it has been so effective in engaging the youth of whom I have spoken before.

In conclusion, I urge all members of Parliament to examine this measure carefully and fairly. It is only an effort to get it to the committee to do the job required. It already has built-in mechanisms, so we would not have frivolous petitions as a consequence. It would

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help engage the youth of Canada and, as I say, restore and renew democracy, particularly for those young Canadians who have lost hope in our system.

● (1845)

[*Translation*]

**The Deputy Speaker:** The time provided for consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

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## GOVERNMENT ORDERS

[*English*]

### COMBATING COUNTERFEIT PRODUCTS ACT

The House resumed from May 30 consideration of the motion that Bill C-56, an act to amend the Copyright Act and the Trade-marks Act and to make consequential amendments to other Acts, be read the second time and referred to a committee.

**The Deputy Speaker:** Before we resume debate, I need to inform the House that because of the proceedings on the time allocation motion, government orders will be extended by 30 minutes.

Resuming debate, the hon. member for Scarborough Southwest.

**Mr. Dan Harris (Scarborough Southwest, NDP):** Mr. Speaker, here we are again, debating another bill that was put under time allocation, which is 44 or 45 times now.

The irony in this instance is that the government could have had an agreement with the opposition to speed the debate of this bill so that we would be using less time in the House than it took to bring in the time allocation motion, vote on it and then provide a full day of debate, because we in the NDP do want to see this bill go back to committee, where it can be approved. Therefore, we will be supporting it at second reading.

Again, we had time allocation brought in before the Minister of Industry, the person presenting the bill, had even spoken to it. We did not have one full speech in this House. There was a speech by the member for Simcoe—Grey, who spent half of her speech laughing at jokes being told to her by other caucus members. We did not have one full speech before time allocation was brought in.

I would say humbly that this is not democracy. This is not how Parliament is supposed to work. We are supposed to have the opportunity to have full debates in the House on the various issues that are brought forward.

Bill C-56, an act to amend the Copyright Act and the Trade-marks Act and to make consequential amendments to other Acts, which is now otherwise titled the “combating counterfeit products act”, is an important issue. It is my honour to rise today to present the lead-off speech on Bill C-56 for the NDP and the official opposition.

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Normally our industry critic, the member for LaSalle—Émard, would be leading off on second reading comments on this bill. Our critic had planned to give her remarks on Friday when this bill was supposed to come up for debate; however, because of time allocation and the government playing games, we are here Wednesday evening instead, again preventing certain members of Parliament from participating in this debate in the way that they would like to.

In their rush to introduce yet more record-breaking time allocation motions—as I said, we are at 46 now—the Conservatives rescheduled all the House business this week.

As the NDP's deputy industry critic, it is indeed my privilege to address this bill on behalf of the official opposition. This is a bill the NDP takes very seriously, as opposed to the Conservative government, it would appear, because this bill was presented originally in March. It did not come up for debate until the end of May. Recommendations for this bill were made in a committee report in 2007, again in 2009, and then there were more recommendations from the industry committee in an intellectual property study that was done earlier this year. It has taken the government a very long time to start bringing these forward for implementation.

We have yet to have a whole speech by the Minister of Industry on this bill. Even then, if it was not going to be the minister, we would have thought that maybe it would be the parliamentary secretary, the member for Edmonton—Mill Woods—Beaumont, but that was not the case.

When the government presents a bill, it is supposed to justify why it is bringing that bill forward. It has yet to do that and has already implemented time allocation.

Instead of a full presentation by the government, what we had was the parliamentary secretary for human resources and skills development getting up and presenting a very short speech on this bill. In her speech she spent a lot of the time laughing and did not seem to be taking the bill seriously. It was so bad that the Speaker had to interrupt and ask if she was able to continue.

I mention all this because it seems to speak to the Conservative government's contempt for Parliament and to its continual practice of introducing legislation that can never be properly implemented because its budget cuts make it impossible.

There are many clichés we would use, but the Conservatives keep putting forth pieces of legislation that are either empty shells or just cherry-picked from among the many recommendations that we need to implement to have solid pieces of legislation. They put forth rules and regulations that perhaps cannot be enforced, because those budget cuts mean that no one will be there to enforce them.

● (1850)

Recent examples include Bill C-51, the safer witnesses act, which the Conservatives put forward without the funding in place to make many of its provisions actually meaningful. Another one, Bill C-54 would make changes to how we would deal with people deemed not criminally responsible, however, it would download the responsibility for mental health care onto the very provinces, which are having their health care budgets slashed again by the Conservative government.

Bill C-56 is another example of the Conservatives playing the shell game they so like to play. It is legislation that on one hand imposes some good rules and on the other hand, through the budget, cuts the jobs of those who are supposed to be enforcing these new rules. I will come back to that point later in my remarks.

Let me say up front, again, that the NDP will support the bill at second reading so it can be sent back to committee and, we hope, fixed to maximum its impact. However, it would indeed be a first at our committee, if we actually saw recommendations and amendments that we brought forward voted on and passed by the Conservatives on the committee. That would be groundbreaking.

The bill dealing with counterfeiting and copyright infringement is important for both Canadian businesses and consumers, especially where counterfeit goods may put the health and safety of Canadians at risk. We will support the bill so it can go back to committee for further study and we want to ensure we maintain the necessary balance on copyright and trademarks.

For instance, the bill would give ex officio powers to our border officers, which the NDP has been calling for since 2007. However, it is very difficult to see how this will be implemented when, last year, the Conservatives slashed \$143 million in funding to CBSA, which further reduced front-line officers and harmed our ability to monitor our borders.

CBSA expects to lose several hundred front-line officers by 2015. It is also important to note that in the past the government repeatedly has refused to take a balanced approach to copyright. The NDP believes that intellectual property requires an approach that strikes a balance between the interests of rights holders and the interest of users and consumers.

I will now take a few minutes to explain some of the details of the bill.

Bill C-56, the combating counterfeit products act, would amend both the Copyright Act and the Trademark Act. Its purpose is to strengthen enforcement of copyright and trademark rights and to curtail commercial activity involving infringing copies or counterfeit trademarks.

The proposed bill will add two new criminal offences under the Copyright Act for possession and exportation of infringing copies and creates offences for selling or offering counterfeit goods on a commercial scale. It creates a prohibition against importing or exporting infringing copies and counterfeit goods and introduces some balance to that prohibition by creating two exceptions: first, for personal use, items that are in one's possession or baggage; or second, items in transit. It also, as I said, grants new ex officio powers to border officials to detain infringing copies or counterfeit goods, a significant policy shift. Until now, border officials required a warrant before seizing infringing copies or goods at the border.

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It also grants new ex officio powers to the Minister of Public Safety and border officials to share information on detained goods with the right holders so they can actually see what is being brought in and take measures themselves to combat that counterfeit and trademark infringement.

That is important, because the businesses do a great job of trying to protect their own products. Seeing what is coming into the country illegally and what products are counterfeited can give them ideas about how to combat that counterfeiting better for themselves.

The proposed bill widens the scope of what can be trademarked to the features found in the broad definition of sign, including colour, shapes, scents and tastes. Measuring the problem in counterfeit goods and copies in Canada and its corresponding impact on the economy is difficult.

The New Democrats, nevertheless, support dealing with counterfeiting, especially where health and safety concerns are at stake. As I have mentioned, it remains unclear to me and many others how the CBSA could implement these enforcement measures in the face of the cuts from budget 2012.

● (1855)

The United States and many industry groups have long called for border measures on counterfeiting. It remains important to continue to be vigilant to ensure that intellectual property laws balance the rights and interests of rights holders with those of consumers and users.

The government has long been aware of the difficulties in measuring the scale of counterfeiting for copies and goods in Canada, a challenge that was identified in a 1998 OECD report on "The Economic Impact of Counterfeiting". One of the difficulties results from the clandestine nature of counterfeiting. Much of the data is estimated and based on actual seizures, which is anecdotal or comes from industry itself, in which case the collection methods may vary or be unavailable to assess.

In 2007, the industry committee report on counterfeiting recommended that the government establish a reporting system that would track investigations, charges and seizures for infringing copies and counterfeit goods as a means of collecting data.

A recent Industry Canada report published this year notes that, "It is difficult to obtain a precise estimate of the market for counterfeit or pirated products in Canada". Why? Because, again, the government has delayed bringing this legislation forward. Even now that it has, the Conservatives have not put provisions into the bill to implement those measures I just spoke of so we can start collecting more robust data to more accurately determine the economic impacts of counterfeit and trademark infringement in Canada.

As I said, much of the information in Canada comes from statistics about actual seizures. Industry Canada notes that the retail value of counterfeit goods seized by the RCMP increased from \$7.6 million in 2005 to \$38 million in 2012.

In 2009, the OECD estimated that the international trade in counterfeit goods and infringing copies could be valued at up to \$250 billion U.S. It is a mind-boggling number that there would be

that many counterfeit and trademark infringed goods travelling around the world. Law-abiding companies are losing out on much of that revenue.

The same study also reiterated previous calls for better information. We know anecdotally that counterfeit products can pose risks to the health and safety of consumers, whether we are talking about counterfeit electrical components or unsanitary stuffing in goose-down jackets.

I mention unsanitary stuffing in goose-down jackets because when we were at committee, many different Canadian businesses and organizations presented before the committee. One such company was Canada Goose, which is certainly a Canadian success story. However, representatives of Canada Goose brought with them some counterfeit Canada Goose jackets they had collected. The things contained within those counterfeit jackets would make one's toes curl. There were things like feces in the lining, feathers that were not properly treated and sanitized before being stuffed in the jackets. Certainly they were not goose down or coyote fur. Many different animals were being used.

Unfortunately, it was very difficult, on the surface, to detect these jackets as being counterfeit. When we put a real Canada Goose jacket next to a counterfeit jacket, they looked identical. It was not until we took a microscope to it or started to pull the jacket apart that we started to see that one of the jackets was indeed counterfeit.

Other representatives that came before the committee were from Hockey Canada. They talked about the last Olympics we had in Canada and about professional sports jerseys. They found, through studies they conducted and at the Olympics, that sometimes in professional sporting events, up to 70% to 75% of the jerseys being worn at the games were counterfeit. Consumers are unwittingly buying illegal and counterfeit products when they try to support their sports teams. At the Olympics in Vancouver, many stops and arrests were made of individuals selling counterfeit Olympic paraphernalia and products.

● (1900)

It is a growing problem because there is a financial incentive there. There is money to be made in counterfeit goods. We certainly have a responsibility to try to stop as much of it at the border as we can. As for the stuff that gets across the border, we have to deal with it here and hold the appropriate people responsible.

In many cases, as I have said, it is very difficult for consumers to detect whether they are buying legitimate products. However, vigilance is also important and people who have any concerns about products they are buying should go to the manufacturers' websites and contact people in law enforcement if they think they have bought something illegal. There are many things people can do to prevent these crimes and, indeed, to ensure the products they are buying are legitimate.

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Dealing with counterfeiting is important to both Canadian businesses and consumers. It is especially important where counterfeit goods put the health and safety of Canadians at risk. Yet again it remains unclear how the enforcement regime being proposed by Bill C-56 will be resourced. This bill would add significant new responsibilities to the duties of border officials during a time of significant budget reductions.

In budget 2012, the Conservatives imposed \$143 million in cuts to CBSA, reducing front-line officers and further reducing our ability to monitor the borders. This is interesting. This year's CBSA report on plans and priorities alone indicates a loss of 549 full-time employees between now and 2015. At a time when there is more trade, goods and people crossing the border, we will be cutting front-line officers? It makes absolutely no sense.

Under Bill C-56, customs officers would be asked to make highly complicated assessments on whether goods entering or exiting the country infringed on any copyright or trademark rights. Such an assessment for infringing copyright would include, for example, consideration of whether any of the exceptions under the Copyright Act would apply, something with which the courts often struggle. The New Democrats want the CBSA to be adequately funded to implement this bill without compromising the other responsibilities of protecting Canadians and our borders from things like drugs, guns and other threats.

The United States has lobbied for stronger enforcement measures in Canada for counterfeit and pirated goods for many years. In the 2012 special 301 watch report, the office of the U.S. trade representative stated that the U.S. "continues to urge Canada to strengthen its border enforcement efforts, including by providing customs officials with ex officio authority to take action against the importation, exportation, and transshipment of pirated or counterfeit goods".

In its June 2012 report on counterfeiting in the Canadian market, the Canadian Intellectual Property Council, a sub-group of the Canadian Chamber of Commerce, identified counterfeiting as a barrier to competitiveness and specifically recommended that customs officials have ex officio powers, that Canadian law be amended to bring criminal and civil sanctions for counterfeiting and piracy and that enforcement officials be encouraged to seek strong remedies for infringements.

It bears saying that many of the requests the United States made are, indeed, in this bill. Providing ex officio powers to the CBSA in order to track, monitor and confiscate copyright and trademark infringing goods are terribly important to our long-term safety.

In its recently tabled report, "Intellectual Property Regime in Canada", the committee recommended border measures that we supported, including providing appropriate ex officio powers to customs officials, civil and criminal remedies for trademark infringement and counterfeiting, allowing customs officials to share information with rights holders regarding suspected goods. All members of the committee agreed that consumers acting non-wilfully should not be subject to excessive fines.

The New Democrats on the committee, of which I am one, filed a dissenting opinion that called on the government to also consult with

consumer groups, as well as industry groups, in an effort to combat counterfeiting and piracy, that border officials receive appropriate authority to do their work while respecting civil liberties and due process and that the CBSA be adequately funded to combat counterfeiting without compromising its other important responsibilities to protect Canadians and defend our borders.

● (1905)

**Hon. Geoff Regan (Halifax West, Lib.):** Mr. Speaker, I enjoyed the speech from my hon. colleague from Scarborough Southwest, with whom I sit on the industry committee at the House where we have heard some of the things he talked about.

One of the things he did not mention is airbags. Some of the testimony we have had suggested that counterfeit airbags come into Canada. Sometimes those airbags under-inflate and do not do anything to protect the person. Sometimes they can be so heavily inflated that there is too much pressure, so when they are activated the label on the steering wheel can pierce a person's heart. This has been proven with tests, not with real people obviously. That is an example of the kind of hazard these products can present to Canadians.

I want to ask my colleague about whether he thinks we need to have an education process in addition to this bill to educate Canadians. Also, is he concerned about the fact that this bill would allow goods to arrive in Canada and then be shipped to the U.S. or another country without being stopped or examined?

**Mr. Dan Harris:** Mr. Speaker, I would like to thank my good friend on the industry committee for his hard work on the committee as well.

He brought up airbags, a health and safety issue. Of course, when a car gets into an accident and airbags deploy, they keep people safe. This really does demonstrate the challenges that exist potentially for border officials to monitor and track what is coming into the country. Certainly any goods coming into Canada should be subject to potential inspection and seizure. We as a country do not want to be unwittingly contributing to problems in other countries because of counterfeit goods.

Not only does the public need education, but if we are giving these new powers to border officials in order to be able to seize these goods, they have to be able to identify them. They have to be able to run tests, for instance, on airbags and other products. We have heard some troubling stories in the United States where military procurement has been impacted by counterfeit goods that ended up in military planes and even in civilian planes and other areas. These counterfeit goods could have catastrophic impacts, including loss of human life.

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Certainly we do not want to be receiving those goods, nor do we want to be receiving them and then shipping them elsewhere. We should certainly be looking at all the goods that cross our borders, whether they are leaving here or staying.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I listened with great interest to my hon. colleague, particularly where he referenced the U.S. 301 watch list, and the comments about Canada in our trade policies and our counterfeit policies.

I am interested in this because in 2009, a special adviser to the now President of the Treasury Board, Zoe Addington, met with U.S. officials. According to their notes, she said that, “In contrast to the messages from other Canadian officials, she said that if Canada is elevated to the Special 301 Priority Watch List (PWL), it...might even help—the [Government of Canada’s] ability to enact copyright legislation”.

Therefore, what that cable tells us is that the present President of the Treasury Board had his officials in Washington say to put Canada on the most notorious watch list, along with outlying countries like Yemen and North Korea, for being considered basically a bandit country and undermining our trade interests, because he thought it would help pursue an agenda in Parliament. I find that absolutely shocking.

The Computer and Communications Industry Association in the United States, which represents the largest software organizations in the world, went to Washington on Canada’s behalf. We did not have any support from the Conservatives who are undermining our trade interests. It went on to say that, “the use of Special 301...unrelated to the adequate and effective protection of relevant rights delegitimizes the Special 301 process” because they are using it for policy ends. It said that it was completely unacceptable that they were targeting Canada, and said that in many respects Canada’s laws are more protective of creators than the United States. This was before our present copyright bill came in.

How can they take seriously a government that would actually undermine our trade reputation internationally and say to our largest trading partner to put us on an outlier list along with North Korea and Yemen because it will help us pursue a copyright agenda? I find it shocking that the Conservatives would undermine our trade interests like this.

● (1910)

**Mr. Dan Harris:** Mr. Speaker, once again, we have what I would call an instance of policy-based evidence. The government sought to create evidence in order to justify a potential policy. Another way of saying it would be, it tried to create a crisis so that it could ride in and fix it.

Where have we seen that kind of strategy before? We saw it with John Snobelen, the former education minister in the Mike Harris government in Ontario. Of course, who were main components of that same government? The current President of the Treasury Board, the current Minister of Foreign Affairs and the current Minister of Finance were all integral to that strategy of creating crises and then riding in to try to fix them.

Again, we have an instance where they sought to have us put on this list so that they could then justify policies that were being

brought forward. However, what is absolutely ridiculous about this is that was in 2009. In 2007, there was an industry committee report and there were recommendations made. The government could have moved forward then. We had all-party agreements on many aspects. A bill could have been brought forward then, years before this happened, which again shows the ridiculous nature of some of the things the government sometimes does.

It is just like the government imposing time allocation on the bill. We could have had an agreement that saw us fast-track the bill, but instead the government came down again with time allocation. It wasted an hour on that. Now we are going to spend the whole next day debating the bill when we could have, in fact, reached an agreement and moved on more quickly to get the bill back to committee. Then the Liberal member who spoke earlier, the other members of the committee and I could have actually studied the bill and come forward with more recommendations.

[*Translation*]

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Mr. Speaker, I thank my colleague for his excellent speech. He is well informed and works hard at the Standing Committee on Industry, Science and Technology.

Naturally, we are against counterfeiting, and we must find ways to eliminate it as much as possible. However, the Canada Border Services Agency also needs the tools to detect counterfeit goods and intercept them before they cross our borders. The first step is detecting counterfeit goods, and that costs money.

Can he comment briefly on the tools available to the agency and whether it needs more tools to combat counterfeiting effectively?

**Mr. Dan Harris:** Mr. Speaker, I would like to thank my colleague for his question.

It does not make sense to give our Border Services Agency more responsibilities, and then turn around and cut its funding, but the government cut \$143 million in its latest budget. The agency says that it will lose 546 full-time jobs.

How can the government give the agency more responsibility, more training and more to do if it has 546 fewer employees?

We have a huge land mass with many places to cross the border, not to mention that some of our ports are getting bigger. The agency needs more resources, not fewer, to ensure that it can do its job. If the government gives the agency more to do, it has to provide more resources. Keeping our country safe and sound costs money.

● (1915)

**Hon. Geoff Regan (Halifax West, Lib.):** Mr. Speaker, I am pleased to rise to speak to Bill C-56, which is important even though it has some problems and should be improved. We need to debate this today.

Government members need to recognize certain issues. I hope that they will do so in committee, and that they will agree to adopt some important amendments.

*Government Orders**[English]*

For example, there is the fact, as I mentioned to my hon. friend from Scarborough Southwest, that this bill does not cover goods in transit. I am sure that our American neighbours would not be impressed if, for example, a counterfeit shipment travelling from Asia to Vancouver and then on to Los Angeles was not seized here. We are saying that it is their problem and we are not going to take any responsibility for it. That is not what we would ask of them in return. That is something that needs to be fixed.

Additionally, as legislators, we should not simply be ramming through flawed legislation just because the government has a majority. What we see here is a bill that has sat on the order paper for three months now, since it was introduced. The government has not moved it an inch since then. It has not brought the bill forward until today, near the end of the session, when the government is bringing forward its 45th or 46th time allocation.

The government is trying to rush through a whole series of bills, having the House sit until midnight for the last four weeks of the session, and not really giving any of these bills the kind of consideration that they deserve. The government is not allowing for the possibility that any of them might really be improved in committee. As my hon. colleague said, when was the last time that we saw the government side actually accept an amendment from the opposition? That is worrisome.

There are also questions about who would bear the cost of seizure, storage and destruction, particularly when it comes to small businesses. They are concerned about products coming into the country that are counterfeits of what they produce or that affect their copyright. I hope that we will get some clarity on these issues and the legislation that is under consideration in the brief period we are going to have.

I have also heard concerns about the increased powers that would be given to border officers, without any oversight from the courts. We have to keep in mind, as my friend said, that last year the government cut \$143 million from the Canada Border Services Agency. Therefore, there is less ability there to do those kinds of jobs, but the government is giving them more to do. They are trying to do the jobs they have and the government is giving them much greater responsibility, and a very complicated responsibility, in assessing which goods coming in may be counterfeit or in breach of copyright and which ones are not.

We need to make sure that this legislation does not result in illegal or illegitimate seizures and violations of the Charter of Rights and Freedoms. We also have to ensure that border officials receive the proper training to deal with these very complicated matters. Sometimes, it is a question of what is copyrighted and what is not. We know from the discussion we had on the copyright bill last year that it can sometimes be complex, even for the courts. To ask our border officials to do this without much training and without giving them decent resources to provide that training is unreasonable. How is it going to work effectively if we add to their workload on the one hand, while reducing their resources on the other? These officials do a tremendously important job and we need to give them the tools they need to be able to do that job.

People like Professor Michael Geist, who is an expert on these issues and the chair of Internet and e-commerce law at the University of Ottawa, are raising copyright issues around this bill. Some voices—not a lot, I will admit, but some—even argue that this legislation may be a backdoor way of bringing back ACTA. I do not think that it is. There is very little in this bill that relates to it, but I appreciate those concerns and respect them. We should examine those concerns and hear from witnesses on topics like that at a thorough examination of this bill in committee.

It is clear that there are many issues, which we, as members of Parliament, have a duty to carefully examine in relation to this bill. That is why it will require the thorough assessment that I just spoke of when it goes to committee.

• (1920)

I hope the government does not simply employ its usual bullying tactics of ramming through another bill because it can. That is wrong and the government knows it.

I also hope we take the time to hear from many voices who support this so-called combating counterfeit products bill. Of course, we have to wait and see. The proof is in the pudding. When it actually gets into effect, we will see how well it does that. I think it will have some positive effect, but it will work better if we can improve it at committee.

Recently I met with members of the Mechanical Contractors Association of Canada and the Canadian Institute of Plumbing and Heating, who want to discuss Bill C-56 as part of their Parliamentary Awareness Day. They made some very coherent arguments in favour of this legislation. I think most, if not all, members of this House would agree with them.

Bill C-56 amends the Copyright Act and the Trade-marks Act to add new civil and criminal remedies. It would add new border measures in both acts in order to strengthen enforcement of copyright and trademark rights, and to curtail commercial activity involving infringing copies and counterfeit trademark goods.

Whether it is hockey sweaters, radio parts, or the jackets my friend talked about, all kinds of things come in and look like the real thing, but they are not. That is why it is important to be aware of and to deal with this. It has an impact on our economy and our jobs in Canada. We ought to be mindful of it.



*Government Orders*

This would also amend the Trade-marks Act to, among other things, expand the scope of what can be registered as a trademark, allow the Registrar of Trade-marks to correct errors that appear in the Trade-mark register, and to streamline and modernize the trade-mark application and opposition process, all of which is positive.

As an aside, I wish we could see similar kinds of measures to examine the question of official marks, which are very problematic. One can have a group within a province, an association of some type of profession, for example, an association of massage therapists. They were given an official mark for Canada. The idea of these marks is that they can apply all across the country. There could be two groups of massage therapists in Nova Scotia. If one of them gets approved by the people in Ontario and the other one does not, then only one of them gets to use certain phrases that go along with the official mark. That makes no sense at all when the first group was limited to one province. There is a need to examine and amend the official marks legislation as well.

Our caucus recognizes the health and safety risks to Canadians, as well as the detrimental effects to the economy posed by counterfeit goods entering Canada. We believe this bill needs to be amended, but with a little co-operation from the government we believe that can be achieved at committee. The Liberal Party recognizes the need to provide new enforcement tools to help strengthen Canada's existing enforcement regime for counterfeit goods.

My colleagues on the industry committee will recall seeing the counterfeit Canada Goose jackets we heard about a few minutes ago, and hearing about the horrible stuff that can be in these fake jackets. It certainly is not the kind of thing that is going to keep people warm in the deep-freeze of Canadian winters. We have all heard stories of counterfeit circuit breakers being installed in government buildings, or of faulty Christmas tree lights causing house fires. These are counterfeit products that are dangerous for Canadians.

To give an idea of how widespread this problem is, let us consider the fact that 1,800 cases of counterfeit electronic parts, apparently made in China, have been discovered in U.S. cargo planes, helicopters and other military aircraft. Yes, I said military aircraft. Imagine what that is like and how scary it would be for those operating one of them, particularly in a place of conflict or danger.

This is a very big issue for government, businesses and consumers. With regard to consumers, counterfeit pharmaceutical drugs can be an issue. The drugs are improper, and it could be that the doses are too low or it is the wrong material entirely. That is pretty scary as well.

In April, the RCMP, provincial and local police conducted an operation at a flea market in Hamilton, and they seized about \$100,000 in counterfeit goods. That included designer purses, jeans, sunglasses and DVDs. We do not think of these as endangering public safety or health, but they certainly have an impact on jobs in Canada.

• (1925)

Overall, the retail value of counterfeit products seized by the RCMP has increased over fivefold from 2005 to 2012, from \$7.6 million to \$38 million. This is just the estimate, of course.

The Liberal Party believes that Canadian businesses must be protected to ensure the well-being of the domestic enterprises and the health and safety of Canadians. It is also important, of course, to protect the jobs of Canadians and the integrity of the Canadian economy as a whole.

We would like to see a robust public education program regarding the possession, production and distribution of counterfeit goods. We would like to investigate and further study the challenges that the Internet and e-commerce pose as a loophole to the seizure and reduction in the presence of counterfeit products. We are talking about seizing shipments at the borders. When things are coming in one at a time by mail, by UPS, or whatever, it is a much more difficult for our border services to deal with.

With the current government's ongoing deficits, we question how the Conservatives would fund this new prevention and investigative system, particularly with the \$142 million cut to CBSA last year. Border officers are by no means copyright experts. They would be given new and increased powers that are not overseen by the courts, which may lead to illegitimate seizures and violations of the Charter of Rights. That is certainly a problem. We also believe that small businesses should be exempted from the costs that would be imposed by the bill.

Several areas of concerns, other than those I have mentioned, have been raised. With the increased number of seizures due to increased powers being given to border officers and the RCMP, how would the government fund such extensive investigative legal operations, particularly in view of the cuts I talked about? Should genuine or non-counterfeit products be seized and destroyed, how would the government compensate companies and individuals? How would the government determine whether importers of counterfeit products are aware that these products are counterfeit? Why are there no provisions for counterfeit goods being transshipped through Canada?

Bill C-56 does strive to reduce the presence of counterfeit trademark goods being sold and distributed in Canada by providing new enforcement tools. The bill would bolster Canada's enforcement regime at the border, and domestically, and would address negative impacts of counterfeit goods by giving border officers the authority to detain suspected commercial shipments and contact rights holders. It would allow Canadian businesses to file a request for assistance with the CBSA, in turn enabling border officers to share information with rights holders regarding suspect shipments. Those are valuable and worthwhile things, especially if people have the resources to do it.

*Government Orders*

The bill would provide new criminal offences for commercial possession, manufacturing or trafficking of counterfeit trademark goods. It would provide legitimate owners with new tools to protect their rights and take civil action against infringers. It would create new offences for a trademark counterfeiter. It would provide better tools to investigate commercial counterfeiting.

We support the intent of the legislation, and we will support it at second reading to have it sent to committee. We support where it wants to go. However, we think it needs to be improved, and I hope my hon. colleagues would be open to amending and improving the bill at committee.

**Mr. Mike Allen (Tobique—Mactaquac, CPC):** Mr. Speaker, I want to thank my colleague from Halifax West for his comments on the bill. It is a very important bill, and he brought up some of the very good things in it with respect to the trafficking of goods and the pirating of goods.

One of the things he commented on was the compensation for goods that have been seized, or the storage or destruction of those goods. In the context of the government being open to amendments, proposed section 44.07 of the bill does talk significantly about the cost. The licence holder is the person who is responsible for the costs, and they are able to be compensated, for example, if a court action deems they were not seized legitimately.

I am wondering what he sees might be missing in the compensation of costs that is not in proposed section 44.07 now?

• (1930)

**Hon. Geoff Regan:** Mr. Speaker, the concern is that we are often talking about small businesses that do not have the wherewithal to have the legal representation they might need at the court hearings, or to fight for the compensation they are looking for. I think we want to make sure they are protected and that they are not going to face undue costs associated with these measures.

We heard at the industry committee from larger businesses that were happy and were prepared to take on the costs of storage and destruction of these things. The concern I have is what it is going to mean for smaller businesses. That is something we should hear about at committee, frankly. If my hon. colleague is right, that it would not impose a cost on those small businesses, let us hear about that. Let us have some witnesses who can actually speak to that.

[*Translation*]

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Mr. Speaker, I thank my colleague for his speech. I have no doubt that he always works hard in committee.

Counterfeit goods that do not necessarily meet the same quality standards as those manufactured according to Canadian standards can pose a risk in Canada.

I would like him to talk about the risks posed by counterfeit goods to Canadian consumers because we do not have the means to block them and to ensure that they do not enter our market.

What are the risks associated with counterfeit goods?

**Hon. Geoff Regan:** Mr. Speaker, I thank my colleague for his good question. I believe it is important to debate this in the House of Commons because it will help educate Canadians.

For example, if you take your car to a garage for repairs, it is possible that the brakes installed to replace your old ones will, in some cases, be counterfeit brakes. Just imagine. I already mentioned airbags and the problems we are having with them.

Brakes are another very good example because everyone recognizes and understands the importance of having good brakes and the need for them to be manufactured according to an appropriate standard. If someone obtains counterfeit brakes that do not work properly, the danger is obvious and clear. This can happen.

I also talked about prescription drugs and cases where they can enter or be sold in Canada without being the proper drugs manufactured according to appropriate standards.

It is very important to have measures that deal with counterfeit goods.

[*English*]

**Mr. Frank Valeriote (Guelph, Lib.):** Mr. Speaker, the hon. member mentioned the unlikely chance of any amendments being made to the bill. Notwithstanding that as in the past there is no bill that the government presents that is amended, I am wondering if he could highlight two or three of the most important things that he thinks need amending.

• (1935)

**Hon. Geoff Regan:** Mr. Speaker, one of the things I have mentioned that is important to be amended is the question of transshipment. We do have a responsibility when things arrive in Canada, even if they are not staying here, to try to deal with that if we think there are counterfeit goods. That is important. I think it is the appropriate thing to do. We expect the same in return from our neighbours to the south, who we deal with so often in trade.

There are a number of other measures I mentioned that we ought to be dealing with. For example, I talked about the need for an education program, which I do not see coming from the government. My hon. colleague is right that we have not seen from the government a lot of interest in allowing amendments to pass when they come from the opposition. Conservatives seem so convinced that the bills they have come in perfect form. They arrive in Parliament fully formed, in absolute perfection, arriving from the departments, in fact.

To me, that is not what Parliament ought to be about. The government ought to recognize that having criticism, being attacked sometimes, is part of the democratic process. While it is not pleasant, it is necessary. It is important to have the consideration by Parliament of the bill, even if at times it gets partisan. However, it is about allowing that debate to happen and drawing from that possible ways to improve the bill.

*Government Orders*

I talked during my speech about five different ways the bill could be improved. While I think it is doubtful and I recognize that recent experience does not give one much basis for a lot of hope, I still retain some sliver of optimism that perhaps the government will consider amendments that come forward at committee.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I listened with great interest to my hon. colleague about his hope that the government is actually interested in improving bills. Unfortunately, it seems to have decided that it is, like the First Vatican Council, infallible.

I was with my colleague during the copyright study. There were numerous problems identified in that bill that could have been fixed for the benefit of Canadians. Government members stood in the House and told Canadians that if there were amendments, they would consider them. However, they did not say the rest, which was that they would consider them and turn every single one down.

In that bill, the Conservatives had not thought through the issue of students with perceptual disabilities and how they would be unfairly victimized by the digital lock provisions. They could actually have fixed the digital lock provisions so that blind students and students with other perceptual disabilities would have been able to get the most of out their educations. The government decided to ignore that, despite the overwhelming evidence that it was targeting a small group of students who should have been able to access the works.

Given the track record of the government and its refusal to listen to the most reasonable amendments, does my hon. colleague think this bill will be another failed journey by the Conservative Party?

**Hon. Geoff Regan:** Mr. Speaker, that is an excellent question. While I say that I hold a sliver of optimism, if he were to tell me that there was no basis for that, I would have a hard time arguing with him that I have a strong basis for my optimism.

Like him, I recall not just the Copyright Act in this discussion but many other bills that have been considered in committee and amendments that have not been seriously considered by the government. I recall the discussion about the Copyright Act, particularly with respect to digital locks and what that would mean for people with perceptual disabilities. That was a great concern of mine. I can recall other amendments that were put forward that, in my view, would have actually helped the government achieve what it was trying to do, and it still would not agree to them, because they were not the government's amendments.

**Mr. John Carmichael (Don Valley West, CPC):** Mr. Speaker, I am pleased to rise today to speak to the second reading of Bill C-56, the combating counterfeit products act.

Counterfeit goods hurt our economy. They undermine innovation and the integrity of Canadian brands. They threaten economic growth and they threaten job creation. Moreover, they threaten the health and safety of Canadians.

The bill before us takes important steps to modernize Canada's intellectual property legislation to address counterfeiting. I would like to speak to the impact this bill will have on those who have created a copyrighted work or have invested in a registered trademark. I would then like to demonstrate how our measures will

protect Canadian consumers and families while targeting commercial counterfeiting.

Bill C-56 introduces changes in four key areas: border enforcement, greater civil tools to enforce intellectual property rights, reduced red tape burdens on rights holders and improved criminal offences. These are all worthy objectives and deserve our support, which it seems we are achieving tonight. They will help protect legitimate businesses from unfair competition by those who minimize costs and maximize profits through counterfeiting.

It is difficult to obtain a precise estimate of how big a problem counterfeiting truly represents in Canada. The rights holders are often reluctant to report that their products are being counterfeited. They are concerned that their brand image will suffer as a result.

The RCMP calculates that between 2005 and 2012, over 4,500 cases of IP crime were investigated in Canada. During that period, the retail value of counterfeit goods seized by the RCMP increased fivefold, from \$7.6 million to \$38 million.

Sales of counterfeit items represent lost income for a legitimate rights owner for a genuine product. Given that many incidents of counterfeiting are not reported, we can assume that the actual cost in lost sales to rights holders is much more.

Counterfeiting costs the legitimate rights holders in other ways. It costs in terms of the effort to maintain customer relations with consumers, who may be dissatisfied with the quality of a product, not realizing that it was not produced by the legitimate rights holder. It also has a cooling effect in terms of innovation. It makes rights holders more reluctant to invest in the development of new, innovative products if they know that their research will only serve to enrich others who will knock off cheap counterfeit versions of their products. The counterfeiters have no R and D costs. They have no advertising costs. They are piggybacking on the investments made by the legitimate rights holders.

It costs in terms of giving serious and organized crime a foothold in the marketplace. According to Interpol, the profits are so high in counterfeiting that it serves as a magnet to those who seek ways to finance other criminal activity, including drug trafficking, human smuggling and robbery. Some people may believe that counterfeiting is a victimless crime. This is clearly untrue.

Over the years, many hon. members have devoted their time and knowledge to studying the challenge of counterfeiting. I would remind the House that both the Standing Committee on Industry, Science and Technology and the Standing Committee on Public Safety and National Security studied the problem in 2007. Again, last year, the industry committee called witnesses to testify about the impact of counterfeiting and other intellectual property issues.

*Government Orders*

● (1940)

I am sure that hon. members were attentive to the tabling of our committee's report in March on Canada's IP regime. It makes several recommendations regarding counterfeiting and piracy of trademarks and copyrights. The committee recommends, for example, that legislation should introduce both civil and criminal remedies for trademark counterfeiting. The bill before us would create such a regime for both civil and criminal remedies. It would provide rights holders with expanded civil causes of action. Holders of registered trademarks would be able to stop counterfeit goods earlier in the supply chain, before they reached the market. Under the current system, rights holders can pursue civil action only if the offender has sold or distributed a counterfeit product. In other words, the manufacture or possession of counterfeit products is not against the law.

Under clause 21 of the bill before us, "A person shall not manufacture, cause to be manufactured, possess, import, export or attempt to export any goods". Clause 21 also addresses the increasing phenomenon of counterfeiters shipping the knock-off products separately from the counterfeit labels. The practice is to attach the labels at the last minute so as to avoid detection. Under the bill before us, rights holders can pursue civil remedies against those who manufacture or ship labels intended to be later attached to those counterfeit goods.

The committee report calls for a combination of civil and criminal remedies. On the criminal side, the bill would ensure that selling, distributing, possessing, importing or exporting counterfeit goods for the purpose of trade would be prohibited and subject to fines and possible jail time. In addition, new criminal offences for possessing and exporting pirated goods for commercial purposes would be added to the Copyright Act.

In its report on Canada's intellectual property regime, the standing committee recommended that Customs officials be allowed to share information with rights holders regarding suspected goods. The bill would grant border service officers the authority to search for and detain suspected counterfeit goods and to inform trademark owners of the detention.

Under the current regime, a rights holder must obtain a court order to stop a suspected shipment. Under the current system, rights holders must know, among other things, that counterfeit goods are coming from a particular location in an approximate time period, and they must also provide enough information to identify the goods, as required by the court.

There are many ways in which this system is inadequate for the rights holder. Perhaps the rights holder knows that goods are coming from a particular factory but cannot identify when or how. Perhaps the trademark holder does not gather enough evidence to convince a court to act. Perhaps the Canada Border Services Agency encounters suspected counterfeit goods, but under the Customs Act, does not have the authority to take action or notify a trademark or copyright owner in the absence of a court order. Perhaps the rights holder does not know that a shipment is coming, and under the current regime, the trademark holder remains in ignorance. In each of these cases, enforcement at the border is not an option.

This bill before us would remedy that situation by granting border services officers the authority to detain suspected counterfeit goods on their own initiative. It would also facilitate detention through the request-for-assistance system. Through this system, rights holders would be able to provide Canada Border Services Agency with information about their copyright or registered trademark as well as contact information. The border services officer would use this information to help identify and detain suspected counterfeit goods and would have the authority under the Trade-marks Act or the Copyright Act to detain them. Through the consequential amendments to the Customs Act contained in this bill, the border services officer would then have the authority to contact the rights holders to share relevant information regarding these goods to determine whether the goods were indeed counterfeit, and that the rights holder would have the option of pursuing civil action.

● (1945)

In other words, the CBSA would be able to provide the rights holders with limited, necessary information that would help in a civil case.

The bill before us would give the rights holder, the CBSA and law enforcement the tools required to crack down on counterfeiting. As a result, we would reduce the damage that counterfeiting inflicts on the Canadian economy, including reduced sales for legitimate businesses and lost tax revenue for governments.

I would also like to draw the attention of the House to the impact of the bill on consumers and the protection it would afford to individual Canadians.

The legitimate businesses whose products have been copied illegally are not the only victims of counterfeiting. Because counterfeit products forgo safety regulations, certifications and quality controls, the consumer who purchases them has also been victimized.

For example, purchasers of counterfeit pharmaceuticals have no way of knowing whether the active ingredient is the required dosage for their prescription. Purchasers of counterfeit batteries do not know that the product may be prone to exploding or leaking. Purchasers of counterfeit children's toys may be putting children in danger of choking hazards or toxic paints. Purchasers of counterfeit electronic items may be buying products that could ignite or explode.

Consumers have become the victims of counterfeit products in many different ways, but today I would like to remind the House that it is in no way the intention of this bill to victimize them any further by confiscating products they have purchased for their own personal use.

Let me remind the House of where the laws governing counterfeiting are made stronger and clearer.

Under the current law, there are many gaps in the ability to go after counterfeiters in either the criminal or civil courts. There is no action that can be taken for goods that have not yet reached the marketplace. An individual is not violating a trademark owner's rights by manufacturing or importing counterfeit goods that will be sold.

*Government Orders*

It is possible to import counterfeit goods to sell in Canada, it is possible to have a warehouse full of trademark-infringing goods to be sold in the future and it is also possible to make counterfeit goods to sell in Canada or counterfeit labels that will be put on those goods.

Presently it is unlawful to sell counterfeit goods on the street or in a store. It is also unlawful to sell goods with a mark that might be confused with a registered trademark. This bill would close any loopholes by giving trademark owners the ability to stop counterfeit goods at all stages of the distribution chain, from manufacturing to retail sale. It would also create a civil action for selling or offering for sale labels or packaging that is to be applied to counterfeit merchandise.

I want to be very clear that these provisions are designed to target the commercial operations of counterfeiters. They provide federal agencies and rights holders with the tools to confront criminals who gain commercially from the sale of these goods. We believe that the best way to stop illegal counterfeiting is to crack down on commercial counterfeiting at its very roots.

The measures apply only to those who knowingly possess counterfeit goods for commercial purposes. They are not targeted at the private, non-commercial activities of individuals. They are not designed to prosecute individuals who have purchased counterfeit or pirated products. We are not going after individuals who may own a pirated DVD or a counterfeit watch bought from a sidewalk vendor. Counterfeit items found in an individual's luggage for personal use will not be seized by border service officers.

• (1950)

In fact, the bill provides a specific exception at the border for individuals who happen to have counterfeit or pirated goods that are intended for personal use as part of their personal baggage. This exception is in no way intended to encourage the personal use of counterfeit goods, but it protects Canadians and enables border services officers to focus their attention on the root cause, which is the commercial abuse of trademarks and copyright, a growing problem in Canada and around the world.

I expect that the new civil and criminal measures included in the bill will give rights holders and law enforcement the tools they need to bring commercial counterfeiting cases before the courts. This will raise the profile of the problems that counterfeiting has created in Canada's economy and the health and safety risks they pose to consumers. The measures in the bill are designed to help federal agencies and rights holders target their efforts to confronting criminals who gain commercially from the sale of these goods.

Many Canadians regard buying counterfeit goods as unethical, as our industry committee was told in meetings throughout the past quarter, although some see it as a victimless crime. However, awareness is growing, and I believe there will be significant public support for reducing the damage done to Canadian jobs and the health and safety risks to consumers that are caused by these counterfeit goods.

I would remind the House that the bill before us responds to many of the recommendations made by the committee. It would enable border services officers to detain counterfeit items and to share limited information with rights holders. It would introduce new civil

and criminal remedies for trademark counterfeiting and copyright piracy. It would grant an exception to consumers who bring across the border counterfeited or pirated goods for their personal use. It would provide additional criminal offences and tools to strengthen Canada's enforcement laws.

The bill represents an important step in the government's ongoing efforts to create the marketplace framework laws, including intellectual property laws, that foster innovation, jobs and economic growth in Canada. I would ask hon. members to join me in protecting Canadian consumers' health and safety and in protecting the work of innovative Canadian entrepreneurs and the jobs they create.

I hope all hon. members will join me in supporting swift passage of Bill C-56.

• (1955)

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, I thank my friend. He has obviously spent a great deal of time on this issue.

The bill intends to create ex officio status and powers for CBSA members at the border. Does the government contemplate adding training for such powers?

As we know, detecting copyright material is not necessarily always as easy as it seems. There are subtleties that often end up in courts. Courts also struggle with this issue and, in fact, employ experts in this field.

The ex officio status of CBSA members at the border would be in real time. With the dramatic cuts the government has already made to the CBSA, some 550 full-time equivalent officers have been removed. That is the latest number for CBSA border officials.

With fewer resources, is the government planning a training program to allow the members who do remain as they intercept these goods to be able to determine if the goods are in fact counterfeit?

If just writing laws is the only plan, then it would be easy, but writing the bill only matters if we have the power to implement the law. With diminished resources at the border, can the member provide the House with any update or any plans the government has to get our officials up to the status and training level of being able to do the job that the bill requires them to do?

**Mr. John Carmichael:** Mr. Speaker, in the countless hours we spent hearing witnesses at committee, it was very evident that training of officers and specialized development of officer skill sets at the border constituted a tremendous gap in the process.

*Government Orders*

While this issue is not addressed in the bill, I fully expect it is something that will be refined by amendment at committee if necessary. Clearly, in order to identify the products coming across our borders, border officers are going to have to be well trained. They are going to have to know how to spot those products, and that will be an integral part, from my perspective, of implementation of the bill.

● (2000)

**Mr. Frank Valeriote (Guelph, Lib.):** Mr. Speaker, not too long ago, when the government was a minority government, it often received and accepted reasoned amendments. I am reading an article that states that the current Minister of Citizenship, Immigration and Multiculturalism accepted reasoned amendments proposed by the then Liberal critic for citizenship and immigration, Maurizio Bevilacqua, but somehow that does not happen anymore.

I listened to the member for Don Valley West, who was here when the member for Halifax West gave his remarks. He offered what I think were some very reasoned and sound amendments, and he, I and the member for Timmins—James Bay expressed concern about the government's absolute unwillingness and, frankly, inability to accept reasoned amendments.

Would you tell me, sir, through the Speaker, that you will entertain these amendments, or are you telling us that this bill is absolutely perfect in its current form?

**The Deputy Speaker:** I would ask members to direct their comments through the Chair.

The hon. member for Don Valley West.

**Mr. John Carmichael:** Mr. Speaker, I heard the comments made by the hon. member for Halifax West, and clearly transshipment and education were critical elements of his concerns.

I would like to state that the Standing Committee on Industry, Science and Technology is a committee that, from my perspective as a relatively new member, works very well. It is a committee that respects the opinions of those on opposite sides and works in a more harmonious environment in order to achieve positive results.

I would say that when we get to committee with this bill, we will have a good opportunity to address these issues, and I think that reasonable amendments with reasonable discussion will be well considered.

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Mr. Speaker, I have heard a number of NDP members in debate on this bill suggest that the government has cut 850 positions from the Canada Border Services Agency. I would prefer to believe that this is being said out of ignorance rather than mendacity, because it is reflective of what I will call a misunderstanding that is often amplified by the NDP.

New Democrats should understand that in collective bargaining agreements, for every one position that is actually being removed, typically three people are “affected”; that is to say, they are given notice or an option to find employment elsewhere.

This is a management technique that is used to ensure minimal impact on individuals. At the end of the day—if the member would just listen to me, as I am making a reasonable point—of the 850

people affected or notified, typically 250 to 300 positions would actually be taken away.

I wonder if the member would agree with me that even after those 250 to 300 positions in CBSA are removed, with the 900 additional CBSA officers hired by this government, there is in fact a net enormous increase in the manpower of CBSA.

**Mr. John Carmichael:** Mr. Speaker, that is a very reasonable and good point. We are still dealing with a net gain of CBSA officers at the borders.

Let me reiterate a couple of things about this bill and all that it would accomplish.

It is going to give border officers the authority to detain suspected commercial shipments and to contact the rights holders. It is going to allow Canadian businesses to file a request for assistance with the Canadian Border Services Agency, in turn enabling border officers to share information with rights holders regarding suspected shipments. We are going to have well-trained CBSA officers working within the force that exists today, clearly very capable and able to achieve the objectives of this bill.

● (2005)

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, it is always fun to watch Conservatives try to do math. If we look at the border services, in the government's own planning and priorities, it is cutting \$143 million. However, the Conservatives think they will create all these fictitious new roles.

The issue we have heard from rights holders all along—

**Hon. Jason Kenney:** No, there are no fictitious new roles. It's 300 positions.

**Mr. Charlie Angus:** Boy, he is a cranky little man over there, Mr. Speaker.

We are talking about the cut of \$143 million. I would like to ask my hon. colleague a question. When I talk to rights holders, they say there are all kinds of knock-off goods sitting at the mall and when they call the police, the police tell them to deal with it themselves.

We are being told that they are going to get special training. We do not see anything in the budget for special training. They are going to have to decide what the difference is between an exception under the Copyright Act and what is a bootleg product.

With \$143 million in cuts to border protection, what is that going to do? They also have to deal with drugs, guns and counterfeit goods coming across the border.

We can have all the fiction and talking points from the little guys in the PMO who are coming over, but these are the cuts that they are being faced with on the front lines.

**Mr. John Carmichael:** Mr. Speaker, it is my understanding, from what I have heard, that the agency will be able to work well within its revised budgets and will meet the needs of the bill as presented.

*Government Orders*

Let us just recall that, as my hon. colleague mentioned, when he talks about shipments being left in parking lots and people calling the police and all of those things, this is old news. This bill was just newly presented. It will fill gaps that we need filled. The bill will in fact meet the demand of supporting business and commerce in the country in a way that we have not seen before.

I fully encourage my friends opposite to join me in supporting this bill. Let us see what happens in committee.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, as always, it is an extreme honour to rise in this great House representing the people of Timmins—James Bay and to speak of their concerns.

I am pleased to speak tonight to this bill dealing with counterfeit goods. This is the kind of work we really need to do in Parliament.

The issue of the threat of counterfeit and bootlegged goods is major for economic innovation. It is certainly a question of intellectual development of technologies, such as those in the mining sector.

People in my region were concerned about Falconbridge, the great former Canadian company that was taken over under the Conservative government's watch. People were concerned at the time that it would be taken over by a foreign state-owned enterprise. They were concerned about the intellectual property. Falconbridge had made exceedingly progressive development with respect to ore bodies. These are issues of other interests taking over the intellectual property and undermining Canadian innovation.

We have to deal with the issues of knock-offs, counterfeit goods and unsafe products that are coming in at the border.

We have to put what we are actually talking about in context. We are talking about copyright and trademarks. We are talking about bootlegged items. We are also talking about generic goods and competition.

It is important that we are able to differentiate between the criminal knock-off elements and bootlegged products. Certain rights holders will claim counterfeit or copyright infringement because they feel it is a threat to their economic business model.

One of the fascinating things about innovation is that today's corporate best citizens were yesterday's pirates. Probably the best example of the most militant when it comes to taking on piracy is Hollywood and the Motion Picture Association of America. It lobbies strongly in the United States and the United States is more than willing to twist the arms of any of its allies around the world if they are seen as being a threat to Hollywood.

The market did not go out to California because the weather was nice. The market was in the east. Hollywood was set up because it was beyond the jurisdiction of the Thomas Edison corporation, which had the copyright on motion picture cameras. The market went out to Los Angeles because it was basically a free country there. It was outlaw country. Hollywood was set up outside the jurisdiction so the Thomas Edison corporation could not get them on stealing intellectual property and Hollywood developed. It is an interesting story.

John Philip Sousa tried to stop the development of the roller piano because it was seen as a threat to the livelihood of live musicians. We do not have roller pianos anymore. The American Music Publishers Association denounced the development of the gramophone because it undermined the need for roller pianos.

The pirates who were taking away from live musicians were then threatened by the development of the record player. People only had to buy the record player. They did not have to worry about the copyright that was being paid to the publishers.

Then radio came along. The record industry went after the radio industry because it believed the radio industry was stealing its intellectual property, which was in fact quite accurate. Between 1928 and 1931, the sale of recorded music dropped by 90% in the United States. Part of that drop was a result of the depression, but the other reason was the technological threat posed to the music industry, which was faced with two options at that time. The first option was to try to shut down the commercial use of radio. The other option was to remunerate the artists for what was being played on the air. The record industry rebounded.

FM radio was invented in the 1930s. It was certainly much superior to AM radio. For about 40 years congress did not push for the development of FM radio because RCA had bought up all the licences for AM stations. FM radio was seen as a threat to RCA's business model.

I am not in any way diminishing the issue of counterfeit goods. What I am talking about is the complexity of the issue that is going to face our people at the border. I am very glad we are going to have laws that deal with this because it is where the shipments are coming across.

•(2010)

However, we are asking our border guards to differentiate at times between very complex issues and sometimes there are competing interests. For example, we had a landmark case in the United States under the DMCA, the Digital Millennium Copyright Act, between two garage door opener companies. I think it was Chamberlain Group, Inc. that had invented a garage door opener. If people lost their garage door openers, they were stuck and had to buy a whole new system. Then Skylight Technologies, Inc. came along and said that it would make a generic garage door opener. That was considered a bootleg product and it went through the United States court system.

It is interesting. The U.S. has very heavy protections for intellectual property. However, if we look at what the U.S. courts have ruled on intellectual property, very similar to Canada, France and Europe, it is the balancing act between innovation and sometimes things that are seen as economic threats and actual economic innovation.

In *Bonita Boats, Inc. v. Thunder Craft Boats, Inc.*, there was a unanimous court decision by Justice O'Connor, who said:

From their inception, the federal patent laws have embodied a careful balance between the need to promote innovation and the recognition that imitation and refinement through imitation are both necessary to invention itself and the very lifeblood of a competitive economy

### *Government Orders*

Two years later, Justice O'Connor repeated similar views in the *Feist Publications, Inc. v. Rural Telephone Service Co.* He said:

It may seem unfair that much of the fruit of the compiler's labor may be used by others without compensation. As Justice Brennan has correctly observed this is not "some unforeseen byproduct of a statutory scheme".... It is, rather, "the essence of copyright"...

What we are hearing might seem somewhat contradictory, in that copyright is not just a protection to the creator, but it is also a limitation on the rights of the creator to say that an innovative economy is going to develop through imitation.

This goes back to the beginning, in 1841, when Lord Macaulay, during the copyright debates, referred to the people trying to bring laws in as the "knaves who take the bread out of the mouths of deserving men". People were actually ripping off the books and selling them cheaply on the streets of London, because it was the book wars at that time.

Lord Macaulay also said that it was important they would not just create monopoly rights for a small clique of book owners because the development of the English identity would not be possible unless they opened up the market, that they had to create enough of a space to allow the innovation and the proper remuneration to the creators, but they could not create a simple monopoly right that would limit future competitors, today's pirates who are coming in and wanting to get into the market.

I am using the word "pirate" in the sense that we are defending the people who are dealing in bootleg products and bringing in unsafe products.

What I am talking about is the need for us to also recognize that when we have trademark and counterfeit and copyright protection, we will have conflicts that go through the courts between some of the upstarts and some of the big players. It is not in the interests of the big players to ever have competition. We have to ensure that happens. Therefore, when we look at our laws, we want to ensure they happen in a form we can differentiate.

I mention this again because a lot of this will be dealt with at the border where there will be a lot of judgment calls being made. It certainly is important that we give our border officials the ability to seize the goods at the border that need to be seized.

It is funny. When I look at the government's record on standing on intellectual property, it has been a little less than competent. We have a number of examples.

In December 2006, the famous member for Beauce met with the U.S. ambassador, David Wilkins, according to what came out in the WikiLeaks documents. He promised him that our copyright legislation would be just in line with the United States and even promised to show the legislation to U.S. officials before it was brought to Parliament. That would have been an extremely terrible breach of the privilege of the members of the House.

● (2015)

Fortunately, the member for Beauce never got the chance because he went and lost other documents at his girlfriend's house, and so he went back to the backbenches. That little incident did not happen.

We are being told that we need this legislation because of the U.S. 301 watch list. This watch list is a special trade list for countries that are far beyond the norm—the outliers. The countries that are on the 301 watch list are like Yemen and North Korea. They are the countries that the U.S. trade officials say are beyond the laws of intellectual property. They are countries where bootleg products and corrupt practices are the norm.

In April 2009, the special assistant to the now President of the Treasury Board, Zoe Addington, the director of policy for the minister, met with the U.S. trade officials. Again, this comes to us thanks to WikiLeaks, "In contrast to the messages from other Canadian officials, she said that if Canada is elevated to the Special 301 Priority Watch List (PWL), it would not hamper — and might even help — the [Government of Canada's] ability to enact copyright legislation."

This is staggering. The right hand of one of the key ministers of the government tells American officials to put us on the most notorious watch list as though none of the intellectual property standards in this country were legitimate at all and that we are a complete outlier.

What does that do for Canada's international trade reputation? Here is a government that promotes trade to Canadians in the House. Although the Conservatives do not have much to show for it, they are always promoting their trade agenda, yet they go to our number one trading partner and beg them to put us on an international watch list as an outlier country. Can members guess what happened? A couple of weeks later, Canada was added to the 301 watch list as a country that could not be trusted because of its abuse of intellectual property.

Now, we did not hear a peep from government members standing up for the Canadian industries that are actually trying to work in the United States and Europe. They did not defend the fact that we did have intellectual property rights and that we did respect intellectual property. No, the Conservative government was promoting us as an outlier.

However, it was interesting when the Computer and Communications Industry Association, which represents the biggest intellectual property groups in the United States, such as the Googles and Yahoos, went before the United States trade representative to give a special hearing and spoke up for Canada. There was no Canadian representation there, but we had the Computer and Communications Industry Association saying that the very legitimacy of the U.S. 301 watch list was obviously being put in question by the dubious plan to have Canada listed as an international outlier. They said that the attempt to use trade policy to force through domestic policy was fundamentally flawed.

This is what we have seen again and again with the Conservative government.



*Government Orders*

However, continuing on with intellectual protection, do members remember the famous iPod press conference? The present Minister of Canadian Heritage and Official Languages and the President of the Treasury Board, the one who was begging the United States to damage our trade reputation, stood at a mall tilting at windmills. It was like they were Don Quixote and Sancho Panza, raising their fists for consumers, saying that they would stop that dreaded NDP \$75 iPod tax. I think they meant the \$21-billion NDP iPod tax or whatever it was, but they would never allow this iPod tax. This was a job-killing iPod tax. They stood out there like two ridiculous figures doing this dance while people at the mall were wondering what they were talking about.

They were talking about Canada's long-standing levy on blank cassettes and CDs, which was seen as a model around the world for allowing some manner of remuneration to artists for the massive amount of copying that was going on. This was actually considered an extremely progressive step.

I met with the Copyright Board and found out what it was looking at. There was no such thing as a \$75 job-killing NDP iPod and carbon tax. No, it was talking about a \$3 levy on a \$200 iPod that would have gone into a fund for artists because we know that there is all manner of copying going on.

● (2020)

That fund, according to the Copyright Board, would have created a \$35-million fund for the artists to continue their work. We see how the entertainment industry in Canada and North America has been devastated by the development of digital culture. This is not against digital culture, but the market has not been able to recover. We need new models to re-establish the incredible arts community, but we had these two ministers doing a song and dance of deceit over this \$75 tax, they were calling it. At the time, nobody believed it.

The *Edmonton Journal* said that the New Democratic Party's position on the levy was "perfectly reasonable", and that the Minister of Industry misrepresented its content and that the NDP's position was thoughtful and it upheld basic Canadian values. The *National Post* said, "The government's nonsensical, 'Boo! Hiss! No new taxes!' response...is just dumb".

Of course, we did not know just how dumb it was when it turned around and, wait for it, what did it put on the iPod? It put on a tax. It put its own iPod tax on, so boo hiss dumb. How dumb can the Conservatives get if they get their two key ministers to stand out there and do a ridiculous song and dance to defend consumers while they are undermining the rights of artists and taking \$35 million out of the recording industry that is promoting Canadian entertainment, and then turn around and put an iPod tax on.

The government has failed in some key areas of intellectual property. I am glad to see that we are going forward right now and dealing with the issue of counterfeit. I hope that the Conservatives will actually be able to see through some of the problems in terms of ensuring that we have the resources.

I would like to follow up on my colleague from Skeena—Bulkeley Valley, who asked a very straightforward question. If the Conservatives are cutting \$143 million from border security, how will they be able to deal with the counterfeit and bootleg products

that come in? I talk to rights holders and they tell me that when they go to a mall in Toronto and see piles of bootleg DVDs and CDs, who do they call? The RCMP? They do not have the resources. The Toronto police will not do anything, so what it creates instead is a culture where the rights holder is forced to go to litigation.

If it is a big player, it can go to litigation, but if it is a small player, it is very difficult. If the player cannot stop the product, if it is not going to seize the product, but can go to litigation, it is a recipe that puts rights holders continually at a disadvantage.

I would like to think that within this House we could work on a bill that would ensure that there are other resources to seize the products that need to be seized, but that we are not getting caught up in battles between rights holders as to what is legitimate and what is generic. We have also seen in Europe where medicines have been seized. It was claimed they were counterfeit when they were not counterfeit; they were generic. These are important things because they have actually become part of trade disputes, and our front-line officers will have to deal with it.

That being said, in the New Democratic Party, we want action on the bootleg goods that are threatening not just the health and safety, but the innovation of our economy. It will be the balance. Going back through copyright and trademark infringement laws across the world could be issues that we need to have balanced. Fortunately, we see the word "balance" in the dictionary. If we were looking up antonyms we might see the Conservative Party of Canada.

What we need to have here is, out of the work of all the committee members in this chamber, to ensure that we have the right balance and then we have the resources and the tools. If we say we will be serious about dealing with the counterfeit and bootleg products that are undermining our economy, then the police and the appropriate authorities would have the power to deal with this as it comes through.

● (2025)

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Mr. Speaker, I appreciate the member's comments on this very important issue and the substance of it. Just returning to his last point, which has been raised before, it is a legitimate question as to whether or not the CBSA, the responsible agency, has adequate enforcement resources to interdict counterfeit goods. It is an important question.

*Government Orders*

What I was simply trying to put on the record before is the full factual picture rather than a torque and spin picture about CBSA resources, which represented a budget of \$1.06 billion in 2005 and in 2012 had grown by 27% to a budget of \$1.835 billion. Therefore, even after the economies that the member has mentioned, which are real, after reductions there will still be a net increase in the budget of CBSA of about \$260 million since 2005, since this government took office. That is a net real and absolute increase in fiscal resources, about a 26% increase in the number of full-time equivalents at the CBSA.

There will be a reduction. I am trying to confirm the number. I think it is in the range of about 300 actual positions, but that will still mean a net increase over 2005 of about 600 full-time equivalent positions at the CBSA.

The member raises some very legitimate points. I am just trying to ensure that the debate on the question of resources is based on fact and not spin.

**Mr. Charlie Angus:** Mr. Speaker, I appreciate hearing from my hon. colleague and I certainly appreciate hearing his numbers. Unfortunately, whenever we talk to anybody dealing with the border what we are seeing are the cuts. The fact is we have more and more issues with trade at Canada's border, particularly between the U.S. and Canada, and the number of vehicles coming over. Therefore, when we are looking at \$143 million cut, we are talking about front-line workers. That issue has been raised again and again. We are not just talking about counterfeiting; we are talking about guns.

The former mayor of Toronto, not the one who is hanging out in Rexdale all the time but the one who was involved with American counterparts about the gun trade, talked again and again about the rise of gun violence in Toronto being from the products that have been brought in across the border because they are not being examined.

I appreciate my hon. colleague. Regardless of parties, we all have a stake in dealing with the counterfeit culture at the border. We also have a stake in dealing with the criminal activity that happens there and we need to make sure that the CBSA has the necessary resources.

• (2030)

[*Translation*]

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Mr. Speaker, I would like to congratulate my colleague from Timmins—James Bay for his speech, in which he raised several key points. Since this debate seems to be focused on numbers, I want to ask him a question about the Conservatives' double-talk. They are so adept at speaking out of both sides of their mouths, they are starting to look like the Liberals.

On the one hand, the Conservatives announced budget cuts that will save the government \$4 billion in order to balance the budget. On the other hand, every time we ask the Conservatives a question about the impact of these cuts on jobs, we get answers like the one given by the Minister of Citizenship, Immigration and Multiculturalism, who said that these were not cuts; in fact there would be an increase, a net increase.

If the government is spending more money and hiring more people, why did it say it had to tighten its belt to eliminate the deficit? I wish someone would explain this.

[*English*]

**Mr. Charlie Angus:** Mr. Speaker, what my hon. colleague is seeing is typical right-wing economics. The Conservatives are the same people who rack up the deficits. They rack up the outrageous spending. They have magic numbers that will bring it all back down. They rationalize and find savings. I think their great line in the last number of years is that they will stop the gravy train. I am sure when they put Rob Ford and his brother into the Senate they will be able to help us stop the gravy train in the Senate, but it is the same set of magic numbers that they are always dealing with. I think they said in Toronto they found \$1 billion worth of savings. It is a similar kind of math that I am hearing from the government on a weekly basis. Therefore, I certainly think the Fords are well-equipped to come into the Senate with the Conservatives. They have the same kind of mathematical skills.

[*Translation*]

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Mr. Speaker, I am pleased to ask my colleague a question. He works very hard on the committee I chair.

My question this evening concerns Bill C-56. I asked one of my colleagues this question earlier on and he answered it quite well. Nevertheless, I would like the hon. member for Timmins—James Bay to say more about the potential dangers of counterfeit products. For example, my Liberal colleague talked about counterfeit airbags and other assorted auto parts.

What are the dangers associated with counterfeiting, and particularly, what are the risks to the safety of Canadians who think they are using products that meet Canadian standards, when they are really using fakes?

[*English*]

**Mr. Charlie Angus:** Mr. Speaker, the issues are very serious. Part of it is this new globalized world. We have allowed our manufacturing sector to be dismantled and shipped off to all manner of sweatshops. I go into all the dollar stores and I see all of the products that are coming in.

The ability to create bootleg products and move them in en masse has become very easy. The fact that the wiring might not be proper and might be put in a child's room, and the fact that there are ladders that look North American but might not meet the standards are the issues. It is also because we are now dealing with a much larger globalized economy. Our manufacturing base has been moved offshore. We do not have the ability to ensure basic standards are met.

It is not just in the creation of counterfeit goods. We see it with the horrific death toll in Bangladesh from the products that are being sold in Loblaws and Your Independent Grocer. All those cheap clothes are being made and sold and lives are being lost doing that because there are no oversight provisions.

*Government Orders*

We have not lost; we have given up. We have given away our ability to maintain an effective and good manufacturing sector. The devil comes in along with the cheaper prices. We are leaving it to our border guards to try to find these counterfeit products, but they are not going to be able to get through it. It does put people at risk.

• (2035)

[Translation]

**Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP):** Mr. Speaker, I would like to congratulate the member and ask him a question.

Counterfeiting is so commonplace that it has become a real drain. Major companies, such as aluminum producers, have protection systems, known as ISO systems, in place. For example, there are certain international safety standards for bicycle helmets. They come with compliance logos.

However, we know that many of our small businesses and our manufacturers have closed down because of counterfeiting. We have no idea just how widespread this is. People order products online and resell them on the Internet. These products arrive in large quantities. People take embroidered items, add their logo and away they go. What is more, it is all tax-free. These activities represent billions of dollars in lost tax revenue.

I would like the member to comment on that.

[English]

**Mr. Charlie Angus:** Mr. Speaker, I am certainly better equipped to speak about it in terms of what it has done with our entertainment industry. When we make Canadian films and they are already being knocked off and sold, the effect on the artist is incredible. There is not that much of a margin. I think it was the story of *Bon Cop, Bad Cop*, where one of the makers of the film said people were going door-to-door selling knock-off copies.

What is happening is serious. Unfortunately, with the kind of borders we have, the porous nature of the economy and the ease of making imitations now in the world of 3D printers, who knows what is going to happen next?

What happens now is that the rights holder is forced to go to litigation, which is very difficult, especially if they are going for litigation against a company that is set up in Asia. How do they even know where that bootlegger is? That is a real problem.

There was a young woman who created an amazing design, and the next thing she knew it had been ripped off and was on handbags. How did she get recompense? She could not because the handbags were created in Taiwan, for instance, or another country. She had created the artwork here and it was being sold on handbags around the world. The ability of a single artist to get strength and support just does not exist.

There is a real need, especially for small innovators, to have some kind of ability to have access to an agency or a group that can advise them and stand up for them. It is affecting innovation, particularly at the small business level and the small artist level.

**Mr. Mark Adler (York Centre, CPC):** Mr. Speaker, I am delighted to rise today. It is a privilege to speak in support of Bill C-56, combating counterfeit products act.

One of our government's top priorities has been to help build safer communities for all Canadians. Now, more than ever, safe communities and economic prosperity go hand in hand. That is why our government has a robust agenda in place to disrupt fraud and to ensure that those who engage in these illegal activities face severe penalties. That is why, for example, we passed Bill C-59, so that criminals convicted of white-collar crimes can no longer be released from prison after serving only one-sixth of their sentence.

Similarly, counterfeit crimes are becoming more prevalent. They are a tangible threat to our economy that undermines innovation and the integrity of Canadian brands. It is not so simple as when one's aunt or cousin goes to China or Taiwan and buys a knock-off watch or purse, or when one buys something similar out of the trunk of a car in Toronto. That is only the tip of the iceberg. Counterfeiting threatens economic growth and job creation, as well as the health and safety of all Canadians. With this legislation, we are standing up for Canadian businesses and consumers to ensure they do not become victims of counterfeit crime by vast criminal organizations.

Bill C-56 deals with counterfeit goods and the ability of our border services and law-enforcement officials to take on this steadily rising problem. By counterfeit, we mean fake replicas of an original product. More specifically, it is an unauthorized reproduction of goods that are protected by a trademark. By registering these rights, the trademark owner is protected against the unauthorized use of the intellectual property. That means that any reproduction of the intellectual property owner's trademark is protected by Canadian law. Copies produced without the consent of a copyright holder are commonly known as pirated goods.

Let me be crystal clear: counterfeit goods are illegal. However, until now, rights holders have not had strong recourse to do anything about the theft of their intellectual property. The ability to enforce intellectual property rights and apply penalties on those manufacturing and profiting from intellectual property infringement has not been as comprehensive as is required in today's globalized world. Bill C-56 intends to rectify this. Commercial large-scale counterfeiting and related crimes pose a very serious threat to the health and safety of Canadians. They involve a vast array of products, ranging from clothes to medications to toys, cosmetics, batteries, electronics, books and multimedia.

Counterfeiting is on the rise in Canada, as it is in the rest of the world. These activities used to be localized, centred on high-end luxury designer goods. They were knock-offs closely resembling legitimate goods. However, this has developed into a worldwide industry that is much more dangerous than before. This is due to the technological process and the increase in global trade. Another reason is the perception by some that counterfeiting and piracy are victimless crimes. I assure members that they are not.

*Government Orders*

Canadians are often the innocent victims, purchasing goods they believe to be legitimate and safe. However, Canadians need to be confident that the products they buy are genuine and safe and will not cause harm to themselves or their families. The harm associated with the trade in counterfeit goods is significant. It not only includes health and safety risks posed by goods of inferior quality, but decreased consumer confidence in the marketplace, lost tax revenue for the government, and lost profits for intellectual property owners who suffer as a result of such infringement.

Bill C-56 would target the manufacturers and distributors of counterfeit and pirated products, those who profit from this crime. We are going after large-scale operations that victimize Canadian consumers.

● (2040)

Our government knows that the most effective way to stop the proliferation of counterfeit goods is by targeting those who create and sell the goods. Bill C-56 is designed to ensure that federal agencies and rights holders focus their efforts on those criminal operations that seek financial gain from the sale of these goods and not the individuals who purchase these goods for personal use.

For several years, Canadian businesses and industry associations have been relentlessly recommending changes to Canada's intellectual property legislation to better address the modern practices involved in counterfeiting. Our government consulted, and we listened. In 2012, the recommendations were discussed during hearings of the Standing Committee on Industry, Science and Technology, and we are making strides in addressing these needs.

We highlight the importance of protecting intellectual property to foster an environment that encourages economic prosperity, innovation and competition. In the rapidly changing global economy, protecting intellectual property is essential for international trade and overall economic growth. It is critical to ensuring that Canada remains competitive. The RCMP calculated that more than 4,500 cases of intellectual property crimes were investigated in Canada between 2005 and 2012. The retail value of counterfeit and pirated goods seized by the RCMP increased from \$7.6 million, in 2005, to a staggering \$38 million in 2012, a fivefold increase.

Other countries are also reporting an upward trend in both counterfeiting cases and total retail values. This is important. The Canadian Chamber of Commerce is convinced that organized crime groups are involved in counterfeiting in Canada, especially as these crimes see high profit margins and low risks of being caught. Organized crime groups typically use the Internet to acquire and sell counterfeit goods and are mostly involved in distribution operations, which are usually routed from the United States and Asia.

The exponential growth in the use of technology such as the Internet has increased the often unsuspecting consumer's accessibility to products which may be counterfeit. Counterfeiting is an issue of safety for Canadian consumers, as well as an issue of ensuring economic prosperity for Canadian businesses. We know that there is great profit to be found in counterfeit goods. Sophisticated organized crime groups involved in the lucrative sale of illegally produced counterfeit products may subsequently reinvest their products into other illegal activities, such as drugs and firearms, which threaten the safety and security of our communities.

The legislation before us today would go a long way to enhancing our efforts to combat this serious crime. The best way to stop illegal counterfeiting is to curtail the commercial distribution and sale of counterfeit and pirated goods in Canada. This bill would increase the capacity of the Canada Border Services Agency to deal with these crimes at the point of entry into Canada. It would allow border service officers and law enforcement officials to disrupt the availability of counterfeit and pirated goods in our markets.

The Canada Border Services Agency will now have the authority to detain these goods and alert the companies that invested in research and development to seek remedy in the courts. This would result in diminishing the financial incentive of organized crime groups seeking high profits with low risk. The bill would also help reduce trade in counterfeit goods by providing new enforcement tools to strengthen Canada's existing intellectual property rights enforcement regime both at our borders and within Canada, as well as bolster our existing protections against commercial counterfeiting activities. At the same time, it would ensure robust protection for Canadians who own or travel with items for personal use.

In the last couple of years we have taken concrete action to protect intellectual property, including passing the Copyright Modernization Act. However, more needs to be done, which is why this bill is imperative. Currently, a number of Canadian laws protect intellectual property rights.

● (2045)

As I mentioned earlier, an intellectual property right generally gives the holder protection against unauthorized use of their product. The Trade-marks Act and the Copyright Act allow intellectual property owners, be they individuals or companies, to institute civil proceedings when their rights have been infringed upon. However, these civil proceedings are so difficult, long and costly that the majority of victims feel that it is pointless to undertake them.

Bill C-56 intends to change that. It would provide rights holders with new tools to protect their intellectual property rights and take effective civil action against infringers. It creates new offences for trademark counterfeiting similar to those already in place for copyright piracy. As well, it would provide new criminal offences for the commercial possession, manufacture or trafficking of trademark counterfeit goods and copyright-infringement copies.

*Government Orders*

With this bill, rights holders would be able to file what is called a “request for assistance” with Canada Border Services Agency, which in turn would enable border service officers to share information with rights holders regarding suspect shipments. Border service officers would also have the authority to detain suspected shipments and share information with the rights holders. The bill would also strengthen the Trade-marks Act to support enforcement activities and better align Canada’s intellectual property regime with international standards.

Counterfeiting is a very serious intellectual property violation that hurts us and like-minded countries. Canada has pledged to provide effective legal protection in accordance with the international agreements with our allies, such as the North American Free Trade Agreement.

National security and economic prosperity go hand in hand, and protection of our intellectual property is integral to this. Once passed, Bill C-56 would provide new tools to border service and law enforcement officers to enhance the security of Canada. It would reduce the presence of counterfeit goods in Canada, thereby protecting the integrity of our economy, supporting Canadian growth and job creation and helping to protect Canadians from the health and safety risks posed by harmful counterfeit goods.

In summary, this new legislation would protect Canadian consumers. It would protect Canadian manufacturers and Canadian retailers. It would protect the Canadian economy from the health and economic threats presented by counterfeit and pirated goods coming into our country.

Our government focuses on what matters most to Canadians, and our government will continue to stand up for Canadian consumers and businesses, ensuring that they do not fall victim to trademark counterfeiting. We will continue to create strong, modern rules to protect our economy and the health and safety of Canadians.

The bill before us today is just one more way we are moving forward with our plan for safe streets and communities, which is one of our key priorities on behalf of all Canadians. This plan focuses on strengthening legislation, tackling crime, supporting victims’ rights and ensuring fair and efficient justice.

Today, with this legislation, we are covering off all the bases of the plan. We are strengthening current legislation by introducing new tools for rights holders to protect their intellectual property rights and take civil action against infringers. We are tackling serious and organized crime and are closing off one more avenue of financial profit for those who undertake illegal activity. We are supporting the rights of victims, not only those innocent Canadians who buy the counterfeit products but those rights holders whose trademark rights are illegally infringed. We are ensuring fair justice by giving rights holders the ability to pursue civil action.

Now is the time to implement legislation that will definitively address this issue. I therefore urge all members of the House to support the bill before us today and to work toward its expeditious passage.

• (2050)

[*Translation*]

**Ms. H  l  ne LeBlanc (LaSalle—  mard, NDP):** Mr. Speaker, this bill has all of a sudden become a priority for the government. We are about to adjourn for the summer, and the government suddenly brings in a government bill. According to the member, it is a priority and must be passed very quickly.

I do not understand that. The Minister of Industry introduced this bill on March 1, 2013. Why did they wait so long to debate this bill here in the House and have it studied in the Standing Committee on Industry, Science and Technology?

[*English*]

**Mr. Mark Adler:** Mr. Speaker, my goodness, we really have to hand it to the NDP. On the one hand, the NDP members complain about the lack of action by the government, and when we do act, they complain about the lack of action by the government.

On this side of the House, we remain focused on what matters most to Canadians. Safe streets and communities; jobs, growth and long-term prosperity; and the protection of intellectual property and trademark are important facets of the growing economy we have here in Canada.

Let us not forget that over one million net new jobs have been created since July 2009. That is not an accident. If it were up the NDP, we would be taxed and would be spending our way to the way Greece is now. Instead, we here in Canada are enjoying great prosperity, thanks to the leadership of our Prime Minister and our great Minister of Finance.

Canada has a lot to offer the world. Under the leadership of our current Prime Minister, we are that model of leadership and efficiency.

• (2055)

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskaing, NDP):** Mr. Speaker, although we believe that this is going in the right direction, we understand the concerns.

I remember that for awhile, it was Hilfiger. I am sure a lot of people remember that. People would say that they got a good deal on a Hilfiger item, and it would turn out to be a knock-off. We understand that this type of legislation needs to be updated and that we need to have better direction and stronger legislation.

However, Smart & Biggar, Fetherstonhaugh, Barristers and Solicitors, Patent & Trade-mark Agents, talk about the specific legislation. They say how important it is to pass it but that it needs “significant improvements...in particular to the proposed border measures”. They go on say that there should be “robust debate” and amendments before passing such a bill.

The government decided to table this on March 1, and all of a sudden, it turns around and says that it is going to limit debate. The professionals say that there must be robust debate.

Will the government give time for this legislation to go through the proper channels without further limiting of debate? Will the government make the appropriate amendments? Will it be receptive to appropriate amendments?

*Government Orders*

**Mr. Mark Adler:** Mr. Speaker, this bill has been debated and debated.

Let me just say that we had consultations before the industry committee. Our government has consulted widely on this issue. The time to act is now. For the NDP, there is always time. Our government is a government of action. We know what is important to Canadians. We recognize our international obligations in the G8, and we recognize our intellectual obligations and trade-mark obligations under treaties we have signed with other countries.

This is important to Canada to remain competitive. This is important for Canadian manufacturers so that they can protect their trademark and intellectual property.

I do not know anything about the Hilfiger incident the member was talking about, because I do not hang around in those kinds of circles where people are buying illicit products.

It is important for this government, as we remain focused on what matters most to Canadians, to protect Canadian industry so that we can have robust job creation in this country.

**Mr. Corneliu Chisu (Pickering—Scarborough East, CPC):** Mr. Speaker, I was listening with great attention to the speech of my colleague. Counterfeit products are harmful for Canadians, their families, businesses and our economy. They are a real disease, but not in the way the NDP interpret disease.

They deceive consumers and decrease confidence in the marketplace. They are often of poor quality and are dangerous to the health and safety of Canadians. They disrupt markets, lead to loss of tax revenue for governments and raise costs for legitimate Canadian businesses.

How will the bill help reduce the trade in counterfeit goods?

**Mr. Mark Adler:** Mr. Speaker, my friend hit the nail on the head. I mentioned this during the course of my speech. Counterfeit goods are not about buying a pair of counterfeit Hilfiger jeans or about buying a knock-off watch. We find these goods in our automobiles. We find them in prescription drugs we buy through the Internet. Not only are they dangerous to our seniors, to our children and to people who drive automobiles, but they take away jobs. I know that the NDP members do not care a whole lot about job creation. They also do not believe in paying their taxes, so they do not really care when the government is losing out on tax revenue, because they do not pay taxes anyway.

The NDP members have to get their heads out of the sand. I see the House leader over there shaking his head. I can hear it all the way over here.

Job creation on this side of the House is important to our government, and that is why we have created over one million net new jobs since July 2009. We believe in protecting Canadian manufacturing and the Canadian economy, and that is why Bill C-56 needs swift passage.

• (2100)

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, I would like to ask my hon. friend about the way in which he thinks Bill C-56 is working in relation to what are known as parallel imports. We are not talking about materials that were illegal where

made but where copyright has been accessed. There has been a Supreme Court decision on this matter. The way in which the bill has been drafted leads experts in this area to be concerned that parallel imports may fall under the ambit of the act and be treated as criminal activity when, in fact, they are not. I wonder if my hon. colleague has any comments.

**Mr. Mark Adler:** Mr. Speaker, that is a very good question. In terms of parallel imports, when the bill appears at committee stage, there will be robust discussion. I would encourage members of the opposition to discuss the issue of parallel imports. I know that there was a court ruling on it. It is something the bill does not speak to directly, but it is something that should be discussed at committee stage. I look forward to a robust discussion at that point by members of the committee.

[Translation]

**Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP):** Mr. Speaker, I want to know what the member opposite was insinuating when he said that he does not hang around in those kinds of circles where people are buying illicit Hilfiger products.

What is this arrogance all about? What does he mean by that?

[English]

**Mr. Mark Adler:** Mr. Speaker, if it is arrogant that our government is passing a bill to protect jobs, trademark and copyright in this country, I take great umbrage to that question. We on this side of the House remain focused on what matters most to Canadians, and that is jobs, growth and long-term prosperity. It is through trademark and copyright protection that we will protect our manufacturers and create jobs in this country, which is important to us. We know it is not important to members of the opposition.

**Hon. Peter Van Loan:** Mr. Speaker, as I have indicated, we are attempting to manage the affairs of the House by consulting with all parties and members to see if there are ways we can accommodate everybody's desire to participate in the debate. Based on those consultations, I would like to propose the following motion for unanimous consent.

*Government Orders*

I move that, notwithstanding any Standing Order or usual practices of the House, on Thursday, June 13, 2013, (a) during government orders, the House shall consider the second reading stage of Bill S-6, An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations, followed by the second reading stage of Bill S-16, An Act to amend the Criminal Code (trafficking in contraband tobacco); (b) when the House resumes debate of the second reading stage of Bill S-16, no more than two members of the Conservative Party, ten members from the New Democratic Party, two members from the Liberal Party and the member for Richmond—Arthabaska may speak, after which every question necessary for the disposal of the said stage of the bill shall be put forthwith and successively without further debate or amendment, and if a recorded division is demanded, the vote shall be deemed deferred to Monday, June 17, 2013, at the expiry of the time provided for oral questions; (c) if the proceedings of the second reading stage of Bill S-16 are not completed before the ordinary hour of daily adjournment, the House shall continue to sit for the purpose of completing the proceedings; (d) after 6:30 p.m., no quorum calls or dilatory motions shall be received by the Speaker; and (e) upon the conclusion of proceedings at the second reading stage of Bill S-16, the House shall take up adjournment proceedings, pursuant to Standing Order 38.

**The Acting Speaker (Mr. Bruce Stanton):** Does the hon. government House leader have the unanimous consent of the House to propose the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

\* \* \*

• (2105)

**TACKLING CONTRABAND TOBACCO ACT**

BILL S-16—NOTICE OF TIME ALLOCATION MOTION

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, as a result I must advise, as is apparent, that an agreement could not be reached under the provisions of Standing Order 78(1) or Standing Order 78(2) with respect to the second reading stage of Bill S-16, An Act to amend the Criminal Code (trafficking in contraband tobacco).

Under the provisions of Standing Order 78(3), I give notice that a minister of the Crown will propose at the next sitting a motion to allot a specific number of days or hours for the consideration and disposal of proceedings at the said stage.

\* \* \*

[*Translation*]

**COMBATING COUNTERFEIT PRODUCTS ACT**

The House resumed consideration of the motion that Bill C-56, An Act to amend the Copyright Act and the Trade-marks Act and to make consequential amendments to other Acts, be read the second time and referred to a committee.

**Ms. Hélène LeBlanc (LaSalle—Émard, NDP):** Mr. Speaker, as I was saying earlier, the clock is ticking, and while this government is unravelling, mired in scandal, we have before us a bill introduced by

the Minister of Industry. It is a great honour for me to speak this evening as the official opposition industry critic.

The Conservatives boast about being good economic managers and supporters of industry and economic growth, but they dragged their feet on the only bill in recent memory that affects industry and seeks to tackle problems related to counterfeiting.

Now they want to rush the bill through. What is the urgency? What do they have to hide? What are the real reasons behind this sudden interest in Bill C-56? Are they trying to change the channel, divert attention from this government's mismanagement, or did pressure from trade partners finally get to the Minister of Industry?

Canadians and the people of LaSalle—Émard have lost all confidence in this government. They do not believe that this government is fit to govern.

[*English*]

More and more Canadians mistrust the government. They feel it has something to hide. They feel that the Conservatives are not fit to govern.

[*Translation*]

As the industry critic for the official opposition and the representative of the people of LaSalle—Émard, I rise in the House today to speak to Bill C-56, An Act to amend the Copyright Act and the Trade-marks Act and to make consequential amendments to other Acts, which is also known as the Combating Counterfeit Products Act.

As soon as this bill was introduced on March 1, 2013, the NDP got to work. We met with many stakeholders. All of them recognized the importance of effectively combatting counterfeiting, and they all said that Canada has to have the tools to do it. They also raised a number of questions about the enforcement of the bill and expressed doubts as to whether the government was really willing to wage an effective war on counterfeiting.

Once again, the Conservatives used this bill in a misleading way. The wording of the bill is not misleading; rather, the government's actions are inconsistent with an effective fight against counterfeiting.

That is the first point I wanted to make. In order to combat counterfeiting at our borders and in Canadian ports, we need human and financial resources. We therefore find it difficult to understand how we will be able to enforce this ambitious bill when the Canada Border Services Agency is facing \$143 million in cuts, not only to front-line services but also to intelligence services that are crucial to fighting illegal activities such as counterfeiting.

What is more, 549 full-time jobs will be lost between now and 2015. We have also learned that the Minister of Canadian Heritage wants to interfere in customs officers' legitimate collective bargaining process, once again, without understanding how that undermines labour relations.

The RCMP's budget and resources have also melted away like snow on a warm day. The government needs to put its money where its mouth is, as we say. The Conservatives rarely do that.

*Government Orders*

The NDP recognizes the importance of combatting counterfeit products, particularly those that could jeopardize the health and safety of Canadians.

Despite the lack of conclusive data, we recognize that this is having an impact on Canadian industries.

● (2110)

We condemn the cuts to the Canada Border Services Agency and the RCMP, which are our front-line defence against counterfeiting, as I mentioned.

The second point I want to talk about is the government's lack of action. Once again the Conservatives have dragged their feet. The cuts we condemn show that they are not serious about combatting counterfeiting.

The problem of counterfeiting has come up many times in recent decades. A report was tabled in 1998. The issue of counterfeiting has come up over the years, and we must acknowledge the impact this issue has had on Canadian industries and consumers.

I want to talk about what has been happening in recent years. In 2007, a report by the Standing Committee on Industry, Science and Technology entitled "Counterfeiting and Piracy are Theft" described the impact counterfeiting has on the Canadian economy. The report made 16 recommendations. In its supplementary opinion, the NDP made two recommendations. A number of these recommendations were ignored, even though industry stakeholders, trading partners and even Canadian consumers continued to raise the issue.

Furthermore, during the Standing Committee on Industry, Science and Technology's study of intellectual property, which concluded in 2012-13, a number of stakeholders criticized the government's inaction.

Here is what Martin Lavoie, the director of policy for Canadian Manufacturers and Exporters, said in committee:

We have been advocating since 2006 for more resources for customs agents to stop the transit of counterfeit products...

The Minister of Industry introduced this bill in the House on March 1, 2013, after which we heard absolutely nothing. Now here he is as we are on the verge of adjourning for the summer. I am sorry. On May 30, 2013, at 12:26 a.m., we had a rather pathetic speech from the Parliamentary Secretary to the Minister of Human Resources and Skills Development. She kept breaking into fits of laughter, which shows how seriously the government takes counterfeiting.

The third point I want to talk about is the lack of conclusive data regarding counterfeiting in Canada. I cannot help but denounce the cuts made to Statistics Canada, which continue to have an adverse effect. I am not the only one who feels that way. The stakeholders we heard from at the Standing Committee on Industry, Science and Technology did as well.

Canadian industries, exporters, manufacturers and small and medium-sized businesses need these statistics, which are snapshots of our economy. They are not the only ones who need them. We, as parliamentarians, use them to make informed decisions. If we do not have hard data that show the trends in recent decades, we cannot

predict future trends. These data give us an accurate picture of Canada's economic situation, employment, prosperity, innovation and so on.

● (2115)

Conclusive data allow parliamentarians, legislators and public servants to establish policies that are not based on anecdotal evidence, but on solid data and recognized scientific methods. That is what is happening here with counterfeiting. We know that there is a problem, that goods have been seized and that the issue has been raised everywhere in the world. However, unfortunately, it is very difficult to grasp the magnitude of the problem and the best way to address it.

A lot of data have been provided but, as I said earlier, it is difficult to evaluate the methods used to gather those data. In addition, data are not always collected using scientific methods that would help us understand the magnitude of the problem.

The data provided have been of more of an anecdotal nature, and they do not give us an idea of how widespread the problem is internationally. That is why it is important that Canada and the rest of the world have access to these data. This has been brought up many times.

I have some data here that I can share with those who are watching. In Canada, much of the information comes from statistics on actual seizures. For example, Industry Canada reports that:

The retail value of counterfeit goods seized by the RCMP increased from \$7.6 million in 2005 to \$38 million in 2012.

Still, more details would be useful. In 2009, the OECD estimated that international trade in counterfeit goods and pirated copies could be worth as much as \$250 billion. In the same study, the OECD renewed calls for better access to information, saying once again that there are not enough data.

Moreover, anecdotal evidence suggests that counterfeit goods can threaten consumer health and safety. Counterfeit electrical components—I believe someone mentioned this already—and toxic stuffing in a goose-down jacket are two examples of that. I can confirm that because a Canada Goose company representative testified before the committee and I had the opportunity to see the jacket and the material inside it.

Again, the NDP will support Bill C-56 because counterfeit goods can threaten Canadians' health and safety and tarnish the name and reputation of Canadian companies like Canada Goose. A company with a name like that could not be more Canadian. We recognize how important it is to fight counterfeiting effectively.



*Government Orders*

In its 2007 report, the Standing Committee on Industry, Science and Technology called on the Government of Canada to establish an annual reporting system to provide statistics on the efficacy of the Canadian intellectual property enforcement system. The committee went on to list what it wanted to see in the report: the number of investigations, the number of charges laid against counterfeiters and pirates, the number of criminal sentences obtained, the number of counterfeit and pirated shipments seized by the Canada Border Services Agency and the country of origin and approximate value.

My question for my colleague is this: did the government act on that recommendation? That would give us some data to work with.

● (2120)

The lack of conclusive data makes things harder for everyone—the investigators, officers and legislators studying the issue—when the time comes to find ways to fight counterfeiting effectively. We believe that having good data and an accurate picture of what is going on would enable us to implement effective measures.

[*English*]

Bill C-56, the combating counterfeit products act, would amend both the Copyright Act and the Trademark Act. Its purpose is to strengthen enforcement of copyright and trademark rights and to curtail commercial activity involving infringing copies of counterfeit trademarked goods. This bill would add two new criminal offences under the Copyright Act for possession and exportation of infringing copies and would create offences for selling or offering counterfeit goods on a commercial scale. I want to stress that because it is an important point in the bill. It would create a prohibition against importing or exporting infringing copies and counterfeit goods, and would introduce some balance to that prohibition by creating two exceptions.

The first exception would be for personal use. If someone crosses the border with something in his or her possession or baggage, which the person bought and did not know was counterfeit, that would be for personal use. However, we want to ensure that we study that closely at committee to ensure the exception would be solid.

The second exception, and it is an important one, would be for items in transit control. That would be items that would be transiting in Canada but not passing the border. They are not necessarily in Canada, but in transit control.

Another point is that it would grant new *ex officio* powers to border officials to detain infringing copies or counterfeit goods. That would be a significant policy shift. Until now, border officials required the private rights holders to obtain a court order before seizing infringing copies or goods. Therefore, that would be an important change. It would grant new *ex officio* powers to the Minister of Public Safety and border officials to share information on detained goods with rights holders. Also, it would widen the scope of what can be trademarked to the features found in the broad definition of “sign”, including colour, shape, scent, taste, et cetera.

While the granting of *ex officio* powers to customs officials has been a recommendation of the counterfeit report of 2007 and reiterated by stakeholders, two main issues were raised with this provision in Bill C-56. First, the Canadian Anti-Counterfeiting Network's first recommendation in one of its reports stated, “provide

the RCMP and the Department of Justice [or border official]”, which it did not mention, but I think is what it meant, “with adequate financial and human resources to effectively address counterfeiting”. These were industry representatives who were stating that.

On the other hand, Dr. Michael Geist, from University of Ottawa, raised the issue of the complexity, and my colleagues from heritage and ethics, who studied Bill C-11 extensively, can attest to that. He discussed the complexity of detecting copyright infringement and also raised the question of changes in court oversight. Dr. Geist said, “While officials are not intellectual property experts, the assessment includes consideration of whether any of the Copyright Act's exceptions may be applied. These determinations are complex—courts often struggle with this issue...”, and so on.

While meeting with them in consultation with my NDP colleagues, Dr. Geist, industry, and stakeholders, raised a lot of issues regarding this bill.

● (2125)

In closing, I would like to reiterate that the NDP recognizes the importance of controlling counterfeit goods, especially those that could pose a risk to the health and safety of Canadians.

We recognize that counterfeiting hurts Canadian industries. We condemn the cuts that affect front-line workers who fight counterfeiting.

I sincerely hope that the government will appreciate the importance of studying this significant bill in committee and the resulting recommendations.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, I want to thank my hon. friend for a very important presentation. I was particularly interested in the reference she made to the concerns of Michael Geist, a renowned expert in these areas with respect to copyright. I wonder if she could expand on that and suggest what changes she would want to see to the bill.

[*Translation*]

**Ms. Hélène LeBlanc:** Mr. Speaker, I will answer the question. I thank the member for Saanich—Gulf Islands for her question because it allows me to talk more about the points she made.

In fact, he said that the human resources, the front-line workers, must be able to detect counterfeit goods. However, there are exceptions that people must be able to recognize. The issue is how they will be able to do that.

*Government Orders*

I would also like to address another point. If the resources are not in place and we make fighting counterfeiting a priority, and then if resources are allocated to fighting counterfeiting, what do we do about other problems that have to be tackled by customs officers? That is why I am saying that it is important to walk the talk.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, I want to thank my colleague for her speech.

It is interesting that the government is now saying that this bill is important and is part of its agenda. To me, this is not an agenda. It is panic.

After all this time, it is obvious that there is a problem at our borders, particularly when it comes to supporting the people who work there and fight against such products. There is also a problem when it comes to innovation because there is not enough money and there are a lot of these types of products.

The approach the government is taking right now is another problem. At the last minute, it says this is a priority. At the end of the session, after almost eight years in government, the Conservatives panic and this is suddenly a priority.

After three hours of debate, without amendment, without anything else, the government says that this bill is perfect as is.

Is there any proof that the Conservative government has a plan for our industry, for innovation, for technology and everything else? That is what this debate is about.

What is the government going to do to help our industry move forward and become very competitive in this world?

This is not a plan. It is panic.

• (2130)

**Ms. Hélène LeBlanc:** Mr. Speaker, my colleague raises a very good point.

Industry stakeholders that I meet with need predictability. They need to know what is going to happen because they have a long-term vision. This does not end in 2015 for them; it goes well past that.

This bill has been in the House since March. It is a priority for me because I have heard people talk about the problems caused by counterfeiting. I have been ready for a long time. We prepared for this bill a long time ago. The government has no respect for Canadian industries and innovators who want to protect their intellectual property so that it cannot be copied.

The government springs this bill on us and wants it passed quickly, as if it were no big deal. However, we have questions and the bill must be studied in committee.

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Mr. Speaker, I want to thank my colleague for her hard work.

She just said that she has been working on this for months because she thought that Bill C-56 was a priority for the government. It is clear that this bill was at the bottom of its list of priorities. The parliamentary session is winding down and this might be one of the last bills that the Conservatives intend to have passed. So much for priorities, since the government is introducing this at the last minute.

I wanted to come back to the matter of the additional resources that Canada Border Services Agency will have. Earlier, we saw the Minister of Immigration working his mathematical magic with the cuts. He would have us believe that nothing happened and that there will be more money.

He said that in 2005, the agency had a little over \$1 billion; in 2012, it had \$1.8 billion, and with the cuts, it would have \$1.3 billion. According to the minister's logic, since the numbers are higher than they were in 2005, the government did not reduce the budget. Most ministers use that same logic. They say that if the amount in 2013 is higher than when they came to power in 2006, then there were no cuts. However, the agency we are talking about here today is being forced to do more with less, like many other departments that experienced cuts.

Can my colleague talk about the fact that the agency will have more responsibility and fewer resources if Bill C-56 passes?

**Ms. Hélène LeBlanc:** Mr. Speaker, that is a very good point, and it gives me the opportunity to mention one of the recommendations that the NDP made during the study of intellectual property.

The NDP is arguing that customs officers should have the power they need to do their jobs, while respecting civil liberties and following standard procedure. We need to strike a balance. What is more, the Canada Border Services Agency must be given sufficient funding to combat counterfeiting without compromising the other important responsibilities it has in protecting Canadians and defending our border. That is the point we are trying to make.

Canadian industries and Canada's trade partners raised the importance of effectively combatting counterfeiting, but we are wondering whether the Conservatives support that course of action.

We mentioned that Canadian industries need to be innovative. Intellectual property is a direct result of innovation. It involves patenting an idea or an innovation. This protection is important for industries so that they can promote their great ideas and innovate. We know that they are capable of doing so, yet our government is not being innovative. Instead, it is adopting a laissez-faire attitude and failing to plan properly. It is improvising rather than innovating.

• (2135)

[English]

**Ms. Wai Young (Vancouver South, CPC):** Mr. Speaker, I rise today to speak to the second reading of Bill C-56, the combating counterfeit products act, and to bring to the attention of the House: first, the risks presented to Canadian consumers by commercial counterfeiting; and second, to the problems this creates for businesses that employ Canadians.

*Government Orders*

Not that long ago, consumers did not need to worry about the risks and dangers of counterfeit products. The term “counterfeiting” itself was generally associated with making false currency and few people had even heard of intellectual property crime. Then, over time, things began to change. Counterfeit T-shirts or brand name replicas showed up in flea markets. Travellers from abroad returned home with supposedly brand name watches bought at cheap prices from street vendors, yet within a few days, the watches stopped working or the bands left coloured stains on their wrists. Supposedly, brand name luggage or footwear was bought at such bargain prices that it seemed too good to be true, and it was. Generally, these products fell apart in very short order.

Today, Canadian consumers are wiser and more wary. Sadly, we are increasingly exposed to counterfeit goods in our domestic market and Canadians and Canadian businesses have been victimized and hurt. Today, the problems imposed by counterfeit products extend far beyond the breakdown of a cheap wristwatch or a pair of shoes. Today, counterfeiting can pose a range of very serious health and safety risks to consumers.

Today, fraudulent reproductions of many trusted trademark or copyrighted products infiltrate the legitimate market. Every day counterfeit products enter Canada, from electronics and electrical components to automotive parts and machinery, from batteries and toys to perfumes and pharmaceuticals. The level of sophistication of counterfeit products has increased, along with the range and diversity of products which are counterfeited. On the one hand, some counterfeit operations may not be sophisticated at all. The RCMP reports instances where counterfeiters simply went through dumpsters at construction sites to recover used and discarded circuit breakers. They repackaged them and sold them as new.

However, other operations are very sophisticated, indeed, where dangerous items are made in large quantities for sale to Canadians who may not know the origin of the materials in the products that they buy. For example, investigators intercepted a package at a Vancouver postal authority. It led them to a warehouse that contained 15,000 counterfeit pills packaged in blister packs. The estimated total value of these seized counterfeit drugs exceeded \$1 million. At the same warehouse, the investigators also seized clothing and accessories that had been labelled with counterfeit brands, which threaten the production and work of our own Canadian innovators and workers. The resale value of these counterfeit goods was estimated to be in excess of \$5 million.

There is no doubt that counterfeit products have become more sophisticated. In addition, the production and supply chain has also become more sophisticated, as well as the method of importation. Some counterfeiters ship the counterfeit labels separately from the products to avoid detection. Once in Canada, the labels are then affixed to the finished products.

Shockingly, counterfeit labels are not only limited to brand names but to the safety certification labels. These are labels that consumers trust to show that a product meets certain industrial standards, knock-off labels that purport product testing and certification by the underwriters, laboratories or the Canadian Standards Association. These labels are meant to deceive the consumer into believing the product meets Canadian safety standards. In fact, electrical

equipment that carries a false CSA label may pose hazards to the unsuspecting consumer through malfunction, fire or electrocution.

The falsification of safety certification labels clearly demonstrates some of the risks that consumers face when they buy a counterfeit product, but there are many more examples.

In the past three years, the number of RCMP investigations involving counterfeit pharmaceuticals has more than doubled. Counterfeit pharmaceuticals have already caused a death in Canada. In 2006, a woman from British Columbia bought medication from an unlicensed pharmaceutical website that purported to be Canadian. The medication was, in fact, manufactured overseas. It had been contaminated with toxic metals during its production and the woman subsequently died.

● (2140)

Last year, the RCMP investigated another case of counterfeit caplets that purported to be bee pollen. They actually contained carcinogenic substances that were banned for sale in Canada.

There are many examples of how counterfeit or pirated products have victimized the people who have purchased them, whether through the health and safety risks that I have outlined, or the inconvenience and monetary loss of buying products that do not live up to the standards of the brand. Counterfeit products make it more difficult for consumers to trust the marketplace.

The bill before us represents a major step forward in protecting consumers from counterfeit products and counterfeit services. It gives the enforcement authorities and rights holders the tools they need to crack down on counterfeiters.

Rights holders can submit a “request for assistance” to the Canada Border Services Agency, CBSA, to provide information to border service officers about their brand and products. With this information, border service officers will be able to contact the rights holders when commercial shipments that are suspected of containing counterfeit products are detained at the border. The rights holders can then launch civil proceedings. In fact, rights holders can seek civil remedies for the manufacturing, distribution and possession with intent to sell counterfeit goods instead of waiting until those goods are put up for sale in the marketplace as is currently the case today.

As well as these civil remedies, there are also new criminal offences in the Trade-marks Act for which law enforcement agencies can lay charges. Selling, distributing, possessing, importing or exporting counterfeit goods for the purposes of trade will be prohibited.

*Government Orders*

Let me emphasize the phrase “for purposes of trade”. This is important because the bill would not target individual consumers who knowingly or inadvertently bring back a counterfeit product to Canada for personal use. Border services officers would not seize private iPhones suspected of containing pirated copies. Nor would they seize a suspected counterfeit wristwatch or a handbag. In fact, the bill contains a specific exception at the border for goods intended for personal use as part of the traveller's personal baggage. Therefore, Bill C-56 would target counterfeiters who make a business of importing and exporting knock-off products.

Many may ask this. Where is the harm in cheap products? However, Canadians recognize the dangers of purchasing counterfeit items.

Last year, Microsoft Canada commissioned a survey. The survey revealed that 84% of Canadians said that they did not knowingly purchase a counterfeit product, less than half of the consumers surveyed felt they knew how to identify counterfeit and genuine products and 71% of Canadians agreed that counterfeit goods were harmful to the economy.

It is clear from these survey results that the Canadian public agrees with this bill and has a strong interest in and a growing understanding of the problems posed by counterfeiting. Again, 71% of Canadians agree that counterfeit goods are harmful to our economy.

I would now like to draw the attention of members to the problems that large-scale commercial shipments of counterfeit goods create for the businesses that employ Canadians. Indeed, we see significant support for the measures in Bill C-56 from innovative Canadian entrepreneurs and creators who are the most impacted.

In a globalized economy, strong, modern marketplace framework rules protect innovation. In a knowledge-based society, this is particularly true of the laws governing intellectual property, or IP.

Intellectual property covers a broad range of innovation, and I will focus my remarks today on trademarks and copyright, the protection of which are at the heart of Bill C-56.

Over the years, this government has taken important steps to update IP laws to keep them in line with the demands of the 21st century. Hon. members will recall that last year we passed the Copyright Modernization Act. Since then, many of its provisions have come into force as of last November. As a result, I am proud to say that Canada has now implemented a responsive copyright regime that balances the needs of content creators and users.

● (2145)

The bill before us today would update Canada's IP enforcement regime governing trademarks and copyright and would provide new tools to strengthen the protection of these rights. It would give rights holders the tools they need to work with law enforcement authorities to protect their intellectual property at the border and domestically.

Counterfeiting threatens Canadians' health, safety and economic well-being. It is not a victimless crime.

Over these past months, the Standing Committee on Industry, Science and Technology, chaired by the hon. member for Ancaster—

Dundas—Flamborough—Westdale, heard from many witnesses as it prepared its report on Canada's intellectual property regime. That report was tabled March 18. I recommend it to anyone who seeks a better understanding of the IP regime in Canada.

During the hearings, the committee learned about the impact that counterfeiting has had on the competitiveness of Canadian businesses and the Canadian economy as a whole. Hon. members can imagine what impact a low-quality, counterfeit product could have on a customer who has paid for what was assumed to be a high-quality and genuine product. One can imagine how difficult customer relations might be when dealing with a consumer who has bought a product in good faith and found it to be not up to the company's standards. Certainly, a counterfeit product would damage the reputation of the brand, as well as the store or the company selling it. This makes both the company, as well as the consumer, a victim of counterfeiting.

The integrity of our economy is threatened when consumers are exposed to counterfeit items and as a result lose confidence in the marketplace. It leads to reduced revenue for the rights holders and therefore, reduced growth, reduced incentive to invest and hire, and reduced incentive for the creation of innovation. Commercial counterfeiting carried out by criminal organizations is not a victimless crime.

A company like Canada Goose Inc. makes a concerted effort to combat counterfeiting. Its website gives tools to help potential customers determine whether the product they are buying is genuine. However, as the committee report outlines, some companies prefer not to draw attention when counterfeiters knock off their products. The chair of the Canadian Anti-Counterfeiting Network told the committee that having a name associated with a counterfeit product may damage the market for some products, so some companies do not want to tarnish the image of their own brand.

Although some businesses can be reluctant to sound the alarm about their products, there has been a marked rise in the number of counterfeiting cases that the Royal Canadian Mounted Police has documented. It estimates that between 2005 and 2012, the value of counterfeit and pirated goods seized has increased fivefold from \$7.6 million to \$38 million. Last year, for example, there were 726 occurrences of intellectual property crimes reported by the RCMP. Some 45% of those cases involved apparel and footwear. Another 20% involved piracy of audiovisual and copyrighted works. Nine per cent involved consumer electronics and a further 9% involved personal care products, like toothpaste, shampoo and soap that Canadian families rely on to be safe and healthy.

The bill before us would give the RCMP, the Canada Border Services Agency and the rights holders the tools that they need to combat and curtail counterfeiting.

*Government Orders*

Under the current system, a court order is required before border services officers can seize commercial shipments of counterfeit products. The Entertainment Software Association of Canada pointed out that this in effect requires a rights holder to know beforehand that goods are about to be smuggled across the border. As one can imagine, this would be difficult.

Under Bill C-56, however, if rights holders suspect that shipments of counterfeit goods may be crossing the border, they would need only send the CBSA a request for assistance, with information to help identify their brand. The border services officers would have access to information needed to identify, detain and refer suspected shipments to rights holders. The rights holders could then pursue the matter civilly with the courts.

• (2150)

The bill also provides a new criminal offence for the commercial possession, manufacture or trafficking of trademark counterfeit goods. The rights holders community has welcomed this bill. For example, Canada Goose Inc. has said, “The strengthened border measures will play a vital role in protecting jobs for Canadian manufacturers, as well as unsuspecting consumers looking for bargains from those that would do them harm.”

The Entertainment Software Association of Canada stated:

Equipping border service agents with the necessary tools to seize counterfeit products...will help take a bite out of this ongoing problem. Protecting IP is critical to the Canadian economy, especially for content industries like ours, which depends on talent, imagination and creativity to generate returns.

The Canadian Anti-Counterfeiting Network stated:

...counterfeiting has grown into a criminal activity that supports everything from organized crime to terrorism.... [That is mainly because] in the current landscape the risk of getting caught is low while the profit margin is extremely high. With this new legislation the risk assessment will begin to change.

These are just some examples of the support that has come from businesses and business organizations.

Finally, I would like to quote from the Canadian Chamber of Commerce. The collective businesses state, “We urge all political parties to support the bill and to ensure the speedy passage of this important legislation.”

I could not agree more. Canadian employers and law enforcement are working to prevent the damage caused by commercial counterfeiting to Canadian lives, our economy and Canadian jobs. Let us do our part in this House. I urge all hon. members to join me in supporting the swift passage of this bill.

[*Translation*]

**Ms. Hélène LeBlanc (LaSalle—Émard, NDP):** Mr. Speaker, I would like to thank the hon. member for Vancouver South for her speech. I think she did a great job of presenting the effects that counterfeiting is having on Canadian industries, jobs and prosperity.

I would like to know what the government is going to do. The hon. member mentioned the importance of the role of border services officers, particularly the new role that this bill proposes giving them.

What measures does she expect the government to take to ensure that words translate into action when it comes to this new role?

What tools will the government give the Canada Border Services Agency to help it combat counterfeiting as well as fulfill the other roles it plays?

[*English*]

**Ms. Wai Young:** Mr. Speaker, indeed that is the whole purpose of Bill C-56. It would give the government, the CBSA and the RCMP the tools that they need to seize and detain counterfeit goods as well as to protect Canadian businesses, innovation and jobs.

I would like to ask the hon. member what the opposition would do to support Canadian lives, health, economy and jobs. Will she support this bill?

• (2155)

**Mr. Mike Allen (Tobique—Mactaquac, CPC):** Mr. Speaker, one of the statistics that we have been talking about is the value of this globally. I have sometimes seen a figure of \$250 billion for counterfeit goods. I have also seen estimates of somewhere between \$300 billion to \$400 billion a year of counterfeit goods and of that 10% to 20% relates to organized crime.

Could the member comment on how a bill like this helps us identify issues like that and get at some of the organized crime elements behind counterfeit goods?

**Ms. Wai Young:** Mr. Speaker, specifically, the bill would give border officers the authority to detain suspected shipments and contact the rights holders. It would allow Canadian businesses to file a request for assistance with the Canada Border Services Agency, in turn enabling border officers to share information with rights holders regarding suspected shipments.

In addition, it would provide new criminal offences for the commercial possession, manufacture or trafficking of trademark counterfeit goods.

The CBSA has reported that the RCMP has noticed a fivefold increase in seized products, which had an impact of \$38 million in 2012.

[*Translation*]

**Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP):** Mr. Speaker, I really appreciated the hon. member's speech. It was very clear.

That said, I would like to provide some more information. In Italy, when counterfeit goods are bought or sold, tourists can be arrested on the spot, even as they come out of a Prada store or any other outfit, and be detained on site. Fortunately that does not happen here.

However, our SMEs and manufacturers have suffered heavy job losses caused by counterfeiting. I am talking about companies particularly in the clothing sector, such as Louis Garneau, Chlorophylle, Canada Goose—in some other areas—and North Face. These companies are big names in Canada. Counterfeiting is simple and easy. Moreover, these goods are not necessarily manufactured here. Huge quantities of them cross our border, coming in by ship, by van and by truck.

The member mentioned whistleblowing and the reporting of information to try to catch fraudsters and those trucking in shipments of counterfeit goods.

*Government Orders*

However, will this be enough, considering the \$143 million cuts to border services? How can that agency do more with less? I am having trouble understanding this approach.

[*English*]

**Ms. Wai Young:** Mr. Speaker, I would just like to say that the reason the bill provides a specific exception at the border for individuals exporting counterfeit trademark goods is because the border services officers are not going to be targeting or looking at the individual, personal, perhaps inadvertent purchases of these counterfeit goods.

They are going to be looking specifically at organized crime. Organized crime groups, as we know, use the profits from counterfeit goods to support a litany of other crimes, including drug trafficking and firearms smuggling.

This bill will provide the RCMP with new tools to combat this threat posed by counterfeit goods when there are grounds to believe that they are links to organized crime, not to seek and detain individuals, which is going to be higher impact in terms of the border services officers. They are going to be able to go after organized crime and not individuals.

[*Translation*]

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Mr. Speaker, I thank my colleague for her speech.

I would like to go back to the issue of resources. Although the member answered part of my colleague's question, she did not address the issue of resources.

If the bill passes in its present form, it will give border services officers additional responsibilities.

How can these officers have the resources they need to do their job when \$143 million and 549 positions have been cut? Can she answer this question about the current lack of resources, which will be exacerbated by more responsibilities?

• (2200)

[*English*]

**Ms. Wai Young:** Mr. Speaker, in fact, I have some friends who are border services officers.

As some of us who have travelled a bit and who have come across the border know, we have increased the limits of what travellers can bring back to Canada. The border services officers are currently not looking for small amounts of goods that people are bringing in, nor are they looking for individual use of baggage or counterfeit items.

This realigns their work. Bills like this have realigned the border services officers' work so that they can in fact focus on crime and on organized crime, including shipments of guns and big shipments of counterfeit goods and harmful products.

In terms of resources, I would like to respond that many border services officers are very happy with the realignment of their tasks. They are fighting crime as opposed to just being there to process people.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP):** Mr. Speaker, the hon. member still did not really respond to the issue of resources. The government has actually reduced

funding in the area of enforcement. We can put all the legislation we want forward, but if we do not put in the resources, nothing will come of it.

Let us be clear. In 2011, a quarter, 26%, of RCMP seizures of counterfeit products were potentially harmful to consumers. As this amount has been rising, the RCMP has indicated that it does not have the resources. Canada Border Services Agency does not have the resources either, because the government has also cut in those areas.

The RCMP indicated in 2005 that they did not have the proper resources. Could the hon. member please answer the question as to whether the government will fund the RCMP and Canada Border Services Agency to address the issue of enforcement?

**Ms. Wai Young:** Mr. Speaker, that member should know that we have an additional 3,000 RCMP and 900 more CBSA officers because of our economic action plan.

**Mr. Alex Atamanenko (British Columbia Southern Interior, NDP):** Mr. Speaker, I will be sharing my time with my colleague from Sherbrooke this evening.

We have heard about a number of issues that have surfaced. Once again, I will just say that Bill C-56, the combating counterfeit products act, amends both the Copyright Act and the Trade-marks Act. Its purpose is to strengthen the enforcement of copyright and trademark rights and to curtail commercial activity involving infringing copyright or counterfeit trademarked goods. It sounds pretty comprehensive.

A couple of things have surfaced through our party, and I would like to reinforce them. We believe that dealing with counterfeiting and infringement is important for both Canadian businesses and consumers, especially where counterfeit goods may put the health or safety of Canadians at risk. That is a good thing. We need stronger enforcement to make sure that this does not happen.

However, it is difficult to see how a bill like this would be implemented, since the Conservatives slashed \$143 million in funding from CBSA last year, which further reduced front-line officers and harmed our ability to monitor our borders. I do not quite understand. We are increasing the task, and it is a good one, for border services officers, but at the same time, there are fewer people to do the job.

I have visited border services officers at our border crossings, and I know that these people work flat out. They have a tough job as it is. If we decrease their staffing, it is inconceivable how this particular legislation could be enforced. That is a question that needs to be discussed early at the committee stage or in further discussions.

*Government Orders*

● (2205)

[Translation]

Therefore, it is difficult to quantify the problem of counterfeiting and pirating in Canada and its economic impact. On this side of the House, we support the fight against counterfeit goods, especially when they pose a risk to health and safety, as I just mentioned. We need to determine if the Canada Border Services Agency will be able to implement these enforcement measures in light of the 2012 budget cuts.

The United States and industrial groups have been calling for measures to stop counterfeit goods at the border for a long time. It remains important to continue being vigilant in order to ensure that intellectual property laws strike a balance between the interests of rights holders and those of consumers or users. We are trying to strike a fair balance between the two.

The government has long been aware of how difficult it is to measure the magnitude of counterfeit and copied goods in Canada. This challenge was identified in the 1998 OECD report entitled *The Economic Impact of Counterfeiting and Piracy* and is due to the clandestine nature of counterfeiting. Much of the data consists of estimates based on real seizures, isolated testimony and data from the industries themselves.

In its 2007 report on counterfeiting, the industry committee recommended that the government establish a reporting system for investigations, charges, and seizures of counterfeit goods and pirated copies as a way to collect data. According to the more recent 2013 report, it is difficult to obtain an accurate estimate of the value of counterfeit and pirated goods on the market in Canada.

The NDP believes that it is important to fight counterfeiting for the sake of Canadian businesses and consumers. It is especially important when counterfeit goods put the health and safety of Canadians at risk. All the same, we do not know how the enforcement regime proposed in Bill C-56 will be paid for. This bill gives border services officers new responsibilities at a time of budget cuts.

In their 2012 budget, the Conservatives slashed the CBSA's funding by \$143 million, effectively reducing the number of front-line officers and our ability to monitor our borders. According to the CBSA's report on plans and priorities for this year, 549 full-time jobs will be lost by 2015. That is significant. If the agency is losing 549 jobs at the same time it is being given new responsibilities, how is it supposed to implement this bill?

This bill will require customs officers to carry out very complicated assessments to determine whether goods entering or leaving the country infringe copyright or trademark. That is not easy. It is not like looking for something and finding it. It is more complicated than that and takes more time. When assessing whether copies are pirated, officers have to determine whether any of the exceptions in the Copyright Act apply. Even the courts have trouble figuring that out sometimes. The NDP wants to make sure that the CBSA has adequate financial resources to implement this bill.

● (2210)

[English]

This is a point we have been trying to make. If one has new responsibilities that are even more complicated, with new technology, then instead of cutting back resources, there should be additional resources of trained personnel added to the border services to deal specifically with this rising problem.

The industry committee recently conducted a study on intellectual property that, in part, examined these issues. Witnesses testified in favour of increasing border measures to tackle counterfeit and infringing goods. In its 2013 report, "Intellectual Property Regime in Canada", the committee recommended border measures, including providing appropriate ex officio powers to customs officials, introducing civil and criminal remedies for trademark counterfeiting and allowing customs officials to share information with rights holders regarding suspect goods.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, my friend mentioned resources, because we have seen a \$145-million budget cut in the 2012 budget for those same officers the government is counting on, those border officials who are meant to catch all these contraband goods. One cannot impose more responsibilities and more work on fewer people and expect better results, particularly when it comes to something like border security. This applies not just to contraband goods but to all the illegal weapons that come into Canada.

As someone who often deals with border issues to the south in the interior of British Columbia, how important is it that we actually staff, train and resource those border outposts, particularly some of the smaller posts that have lower traffic? These are often the places where illegal contraband makes its way and illegal weapons make their way into Canada, particularly if the smugglers know that the government is cutting back on resources. It is cutting nearly \$150 million from the budget this year.

The Conservatives can invent their own numbers, but the CBSA's own planning documents say that there is a net loss of 450 full-time-equivalent positions from its services this year. That is not the NDP talking; that is the CBSA. They can invent all the numbers they want on the Conservative side. Resources are being depleted through last year's budget cuts and this year's.

Particularly for those smaller outposts that face significant challenges, what do further cuts, a further depletion of resources, mean in terms of the effectiveness of legislation like this?

**Mr. Alex Atamanenko:** Mr. Speaker, I am glad our House leader called me his friend. He is my friend too.

I will answer in general, first of all. Many of us have noticed that there is a sometimes overt and sometimes not so noticeable attack on our civil service, on our public servants, who are trying to do the very best they can with limited resources. Instead of increasing resources, we are cutting back. Often, as is the case here, we are losing positions. We have seen the results of some of this in the food industry with the scandal at XL Foods.

*Government Orders*

I visited one of the border crossings in my riding. A border agent explained what they do when a transport truck comes in and what they look for to look for smuggled items. They do a thorough search. They look at the mirrors. They look where there could be a false tank. It is really quite sophisticated and quite thorough. What would happen at that border crossing if one of those agents was dropped and they had one less person but still had to do that work and at the same time they had other responsibilities that were more technical and sophisticated in nature? It does not add up.

• (2215)

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Mr. Speaker, I would like to introduce some facts rather than fiction to this question of resources for the Border Services Agency. It is an important question.

I agree with the premise of the last question from the member for Skeena—Bulkley Valley, which was that resources are necessary to enforce the law. That is precisely why, since taking office, the current government has increased the budgetary allocation to the CBSA by 27%, an increase of \$387 million, and has increased by 26% the number of full-time equivalent personnel at the agency.

It is true that this huge increase would be offset by a relatively modest decrease, but when all of those changes are implemented in 2015, the net effect will be a significant increase. My estimate is that there will be about 15% more border service agents than there were a few years ago, and significantly more resources, both in real and absolute terms.

When the estimates, the public accounts, the CBSA planning and priorities and all of these public documents indicate higher resources, would the member explain to me why the NDP maintains that there have actually been cuts? I just do not understand why those members are making that up.

**Mr. Alex Atamanenko:** Mr. Speaker, we have heard the same types of comments in agriculture. We have been told that more resources are being allocated in agriculture to research and to other areas. At the same time, when we talked to people on the ground who represent the workers, we found that there actually are cuts. We have been told specifically what cuts there are in certain areas.

I suspect the same thing might be happening here. On the one hand, we have figures being presented by the government, but on the other hand, we have other numbers that do not coincide.

When this is discussed at committee, perhaps what really needs to happen is to determine exactly what the figures are by talking to people on the ground.

[*Translation*]

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Mr. Speaker, I am pleased to rise today to speak to Bill C-56, on behalf of my riding of Sherbrooke.

I have a vested interest in this issue because the Sherbrooke area in the Eastern Townships is very close to the border. This is therefore very important to me and concerns me deeply. I am sure that my colleague from Compton—Stanstead, who is now listening and probably thinking along the same lines, shares my interest and concerns. Indeed, the Minister of Immigration recently visited Stanstead, as a result of reports of the porous border. This happened

against a backdrop of recent revelations and surprises about illegal immigrants.

However, it is also true, with regard to counterfeit goods, that the easier it is for dishonest people or criminals to cross our borders, the more our country suffers.

As the member for Sherbrooke, I am understandably very interested in our borders, given their proximity. Indeed, my riding is less than 30 minutes away from the U.S.

By the way, I would like to thank the member for LaSalle—Émard, who has worked on this file and continues to do so every day. She is passionate about this issue and about her work. I am convinced she will represent our views when the time comes, when the bill is being studied in more detail in committee.

We hope that that will happen soon because the government is addressing this at the last minute, as was mentioned earlier. It seems to be at the bottom of their list of priorities at the tail end of this parliamentary session. It is hard to believe the government when it says that this is a priority. We have been waiting for this bill for a long time. It was introduced on March 1, 2013. Today, the government is saying that it is a priority, just as the session is coming to a close. So much for good intentions and good faith.

We will be supporting the bill at second reading. It is common knowledge that this bill has been anticipated and talked about for years now. I think the discussions go back to 2007. There have also been talks with the United States, which is an important player in the fight against counterfeit goods. The United States is essential to our country because it is our major trading partner.

It is important for Canadian businesses and consumers that we fight counterfeiting, particularly when counterfeit goods can put Canadians' health and safety at risk. It is a rather important point that I also mentioned earlier when I asked the member for Halifax West a question.

The member mentioned that auto parts could sometimes be counterfeit. That clearly endangers the lives of some Canadians who go to the local garage to have their car fixed. They might wind up with counterfeit parts that are not up to Canadian standards. The brakes or airbags might not be up to Canadian standards.

This is a very important issue in the sense that it could endanger the safety and lives of Canadians when they think they are using a product that complies with current standards. However, they might eventually realize they are using a counterfeit product, meaning that some malicious person tried to copy an existing product. Those are not necessarily the safest of products.

There is also the matter of resources. I talked about that this evening during this debate on Bill C-56. I also mentioned it in my questions to my colleagues. I talked about the lack of resources at the Canada Border Services Agency.



*Government Orders*

● (2220)

The minister and most of the members who have spoken try to play with the numbers and say that since 2005, the total budget has increased, that it will decrease relative to 2012, but that in fact, since 2005, it has increased. They are playing with the numbers. However, the truth is that less money will be available for the agency in 2013. That is a number that is easy to come up with.

The Minister of Citizenship, Immigration and Multiculturalism keeps saying that the budget has increased relative to 2005, but the reality is that the agency will have less money than it did last year. That is a budget cut. There are no two ways about it.

The government often likes to compare its spending to that of the Liberal government in 2005. It says this is an increase. However, the increase in funding allocated to the departments in question is below the level of inflation since 2005. Any administrator knows that if costs increase and the budget does not keep pace with the increase in costs, then this can be considered a budget cut. It is a simple calculation that seems to escape the government when it talks about increases from the time the Liberals were in power to now.

That is another debate we could have in the wake of the Conservatives' budget cuts. This bill puts additional responsibilities on border services officers. They are being asked to take on more responsibility and be on the lookout for counterfeiting, but they are not being given the resources they need. That point has been raised by a number of people since Bill C-56 was introduced.

The bill creates two new criminal offences under the Copyright Act. These offences have to do with the possession or export of infringing copies. The bill also creates offences for selling or offering for sale any counterfeit goods on a commercial scale. The bill also prohibits the importation or exportation of infringing copies or counterfeit goods and balances out this ban with two exceptions.

These two exceptions are important. The first has to do with personal use, so copies that are in an individual's possession or baggage. The second has to do with copies that are in transit control. If I have the time, I will discuss the notion of transit control later on.

The bill is truly focused on fighting crime. It is often criminal groups that choose to use counterfeit goods in order to make money. Organized crime groups are often the ones that are trading in counterfeit goods. This bill will does not directly target average people who may inadvertently be in possession of or have purchased counterfeit goods.

The bill also gives border officials new powers that authorize them to detain infringing copies or counterfeit goods. That is an important policy change, since up until now, border officials required copyright holders to first get a court order before they would seize infringing copies or counterfeit goods. This request to grant these powers to officers has been discussed since 2007, I believe.

In conclusion, I want to say that it is unfortunate that this bill assigns new responsibilities but does not provide any resources to carry them out. We are asking the officers to do more with less. The NDP thinks that is unacceptable. If you ask someone to take on added responsibilities, you have to give them the resources to do so.

● (2225)

*[English]*

**Mr. Mike Allen (Tobique—Mactaquac, CPC):** Mr. Speaker, I thank my colleague for his speech. He brought out some very good points on the bill.

The Minister of Citizenship, Immigration and Multiculturalism recently commented that there has been a net increase in the border guards since 2006, and I have seen that. I have nine stations in my riding on the Maine border of New Brunswick, and I know the challenges. There has been a lot of hiring in the past number of years.

Would the member acknowledge that part of the existing role that these border officers have is to seize and hold goods? They do that from a commercial standpoint on most days as well.

Also, could he reflect on the new systems, like eManifest and others? With technology, we can use our resources more efficiently. However, just because this might be a new role, it does not necessarily translate that we would need new resources.

● (2230)

*[Translation]*

**Mr. Pierre-Luc Dusseault:** Mr. Speaker, I would like to thank my colleague for his question, which reminds me about how I said at the beginning of my speech that, most of the time, the government is playing with the numbers when it makes comparisons between 2006 and 2013.

The hon. member just mentioned that, since 2006, there has been a net increase in border guards. However, the facts show that there will be fewer employees in 2013 than there were in 2012. If we compare those figures to the ones for 2006—seven years ago—of course there could have been a net increase. The fact remains that there has been a net decrease in the number of employees from 2012 to 2013. It is all well and good for the government to play around with the numbers, but the facts are clear: there will be fewer resources in 2013.

Maybe there is a more effective way of doing things, and indeed I hope the government is trying to be effective. When it comes to taxpayers' money, the most important thing is to use it as effectively as possible so that as little as possible is wasted. However, we should not play around with the numbers too much, as the Conservatives tend to do when comparing themselves to the Liberals.

**Ms. Hélène LeBlanc (LaSalle—Émard, NDP):** Mr. Speaker, I would like to thank my colleague from Sherbrooke for his speech.

He comes from an area where innovation is the watchword. The Université de Sherbrooke is innovative in its own way. I am certain that just like those in LaSalle—Émard, many companies in his area are innovating. They are reaping the benefits of their ideas and want to protect their intellectual property.

*Government Orders*

The World Customs Organization published a report about this. It contains recommendations about the important points to be included in model legislation to protect intellectual property. This was linked to innovation in the study by the Standing Committee on Industry, Science and Technology, because a patented idea is part of the innovation chain, even though it is not the only link in the chain.

In its report, the World Customs Organization called for the effective enforcement of intellectual property rights at the border without undue restriction of the flow of trade in legitimate goods. Enforcement is shaped by the resources available. The extent and effectiveness of customs interventions are dependent upon the resources available for customs administration. My colleague spoke about that.

I would like my colleague to elaborate on the good points raised by the World Customs Organization.

**Mr. Pierre-Luc Dusseault:** Mr. Speaker, I thank my colleague for her question about innovation. In fact, Sherbrooke is fertile ground for innovation.

Every time I speak about employment or the economy, I always come back to the fact that it is important for the government to invest in innovation in order to help companies in Sherbrooke and across Canada innovate and remain competitive in the global market. In the manufacturing sector, for example, these companies must compete in increasingly competitive global markets.

The only way to succeed is to be innovative and offer products that are not available elsewhere. This keeps jobs in Canada and even creates new jobs.

[English]

**Mr. Erin O'Toole (Durham, CPC):** Mr. Speaker, it is a privilege to rise tonight to speak in support of Bill C-56, the combating counterfeit products act.

In fact, I am happy to advise this House that my remarks tonight mark a unique occasion when as a member of Parliament I can stand in this House and speak on a government bill on important public policy that I spent a considerable amount of time advocating for in life before politics. I spent several years of my professional life as a lawyer, combatting the rise of counterfeit goods and its impact upon public safety and our economy.

I am also extremely proud to now be part of a government moving to address the negative consequences of the scourge of counterfeit goods. I will use part of my time to talk about this experience. I think it is important for this House to hear real-world accounts from the private sector on why this legislation is needed.

I hope to show my colleagues that the inaction or delay suggested by my friends in the NDP is simply not acceptable. The member for Timmins—James Bay mentioned, several times, the challenges of litigation tonight in debate. That is something I will touch upon because I have led such litigation efforts in this area.

Counterfeit goods are putting public safety at risk. Counterfeit goods are impacting economic activity and revenues. Counterfeit goods can lead to job losses for Canadians. Counterfeit goods and the proliferation of trademark infringement, passing off, and piracy

have also become some of the fastest-growing sources of revenue for organized crime.

For many years I was the in-house corporate lawyer for Procter & Gamble in Canada. Not only is P & G a respected global company with branded products that Canadians use in their homes every day, it is also the largest private sector employer in eastern Ontario. With manufacturing facilities in Belleville and Brockville, Ontario, and head office operations in Toronto, P & G employs thousands in Ontario and makes products that are shipped across North America and around the world. It might surprise this House to learn that every Swiffer pad in the world was made in Brockville, Ontario, just an hour from here.

These are important manufacturing jobs in Ontario. They are also critically important to the global economy and trade. Jobs like these in Canada and around the world are put at risk with counterfeit goods.

It was estimated, at the time I worked there, that the scourge of counterfeit goods cost P & G close to \$1 billion annually in lost revenue. In these challenging economic times, that is \$1 billion that is not invested in innovation, investment, or job creation. This is just the impact on one employer, so we can multiply that literally by hundreds of companies and employers that sell or distribute branded products across Canada.

In 2006, I was confronted with the ugly face of counterfeit goods in my job. Everything I will talk about now highlights the excellent work that P & G and other companies in the industry did to raise these issues. I should also add that I am not violating any solicitor-client privilege; I am talking about publicly known information.

While the company had long worked with law enforcement to investigate counterfeit batteries and some isolated personal care products being counterfeited and sold in Canada, a public health advisory from Health Canada on counterfeit toothbrushes led me to devote considerable time and energy to this file. This advisory came about when a Canadian purchased a counterfeit toothbrush at a value vendor and choked on the bristles that became dislodged when they began brushing.

For such a seemingly innocuous product, there was a serious risk of health. Counterfeit goods contain unknown ingredients or materials. They are made improperly. They have no quality assurance. They are often manufactured in unhygienic surroundings. Only a few months earlier, counterfeit Colgate toothpaste, in the U.S., was found to contain antifreeze.

*Government Orders*

These events led me to create a brand protection team for Canada. I was fortunate to have Rick Kotwa, a 30-year OPP veteran and head of security for the country, to lead our investigative efforts. I was also lucky to have Jennifer Cazabon, an extremely sharp regulatory scientist, who helped keep public safety and regulatory issues at the forefront of what we developed as a brand protection program. The president of the company at the time, Tim Penner, saw how important this issue was for the company. He empowered our team to investigate and isolate counterfeit distributors across Canada.

● (2235)

Over the next few years we worked diligently on these issues, and we were truly astounded by the size of the counterfeiting problem in Canada and indeed throughout the world. With the backing of a terrific corporate leader like Tim Penner, P & G spent considerable resources pursuing investigation and litigation against distributors and retailers in Canada, despite the fact that we knew we would rarely be able to collect damages or our costs. The company took a leadership position, like many did, in this fight against counterfeit products.

What became clear to me very quickly was that the laws and regulatory structures in Canada needed to radically evolve to address this new and growing risk to public safety and the criminal activities related to it. I began to work directly with the Canadian Chamber of Commerce, the Retail Council of Canada, the Food and Consumer Products Council, and the special purpose organization created for this very issue, the Canadian Anti-Counterfeiting Network.

I would like to thank these organizations, and their member companies, for championing these issues for many years. At these meetings, I got to know many of them, particularly Lorne Lipkus, someone who for more than a decade has been a lean, mean counterfeit-busting machine. He has raised public awareness on this issue more than anyone else in Canada. I thank these people. Our government is listening, with Bill C-56.

The Canadian Anti-Counterfeiting Network released its road map for change on counterfeiting and piracy in 2007. CACN, industry and employers across Canada have engaged with government in the years since 2007. There have been several years of careful consideration and consultation on these issues, at a variety of levels. Our government has listened, and Bill C-56 attempts to address the public safety risks and economic damage caused by counterfeiting. While the New Democrats continually rise tonight to say that more time is needed to explore or debate these issues, I say that the time to act is now.

Our government has been listening, particularly to Canadian employers and their industry groups, and documents like the road map. I want to highlight a few specific sections from the road map that are addressed by Bill C-56, and I would remind this House that it was released in 2007.

The combating counterfeit products act would provide better tools to investigate commercial counterfeiting and help to reduce trade in counterfeit goods by providing new enforcement tools to strengthen Canada's existing enforcement regime. These are specifically cited as recommendations 1.1 and 1.2 in the road map. The act would provide new criminal offences for the commercial possession,

manufacture or trafficking of trademarked counterfeit goods, as per recommendation 1.4.

The act would create new offences for trademark counterfeiting, equipping law enforcement agencies and prosecutors with the tools they have been asking for to combat this problem. That is recommendation 4.1 from the road map.

Finally, the last item I will highlight is that this act would give border officers the authority to detain suspected shipments and contact the intellectual property rights holders. They would be able to do this because intellectual property rights holders would be able to file a request for assistance with Canada Border Services Agency. This in turn would enable border officers to share information with intellectual property rights holders regarding suspect shipments so they can be tracked. This addresses recommendations 6.2 and 6.4.

This bill is indeed the culmination of several years of consultations and direct advocacy from Canadian employers, and industry groups like the Canadian Anti-Counterfeiting Network and the Canadian Chamber of Commerce, among others. I have highlighted specific portions of this proposed legislation that have come directly from these consultations.

Canadians must know that purchasing counterfeit goods is not a victimless crime. That purse and those watches fuel criminal activity. Counterfeit goods actually feed criminal networks around the world and are fast becoming the lifeblood for these organizations, which in turn bring tremendous harm and oppression to people in Canada and around the world.

● (2240)

In the last few years, Interpol has directly connected profits from counterfeit good sales to the funding of terrorism. In 2005, the RCMP declared organized crime to be the primary actor in the field of counterfeit goods sale and distribution in Canada.

In 2005, the U.S., Canada and Mexico, at the security and prosperity partnership meetings, addressed this issue as a major economic and public safety issue that fuelled organized crime across North America.

Finally, it is important to also note that in 2006, the U.S. trade representative placed Canada on the special 301 watch list for the 12th consecutive year. That is a trade watch list, because the intellectual property rights regime and regulatory structures in Canada were deemed inadequate. I might note that in 2006, that was the 12th year, almost perfectly coinciding with the previous Liberal government's time in office.

Our laws and regulations had not been addressed in a generation and criminal organizations were taking advantage of our weakness. Our trade partners were demanding that we get serious. Bill C-56 is part of our effort to get serious on combatting counterfeit goods.

*Government Orders*

Since our government came to office in 2006, we listened to employers, including the CACN and other groups, consulted through road map documents and various public groups and forums and what has been produced is Bill C-56. It is a balanced attempt to update our intellectual property rights regime in Canada.

Going back to what got me into this area, the Canadian who was fooled into buying the counterfeit brush, which steered my career down this path, was fooled because the criminals were literally stealing the good will associated with Procter & Gamble's toothbrush brand. The intellectual property behind the brand, from the trademarks to the industrial designs, were being used by criminal organizations to trick people into buying shoddy products that had not been manufactured in the way the brand would expect. These criminal groups could then funnel these profits into other criminal enterprises and even terrorist activities around the world.

In the last few years when I became aware of this issue, a few areas scared me, literally, out of sleep. Many believe the dog food crisis years ago in Canada was fuelled by counterfeit ingredients from a Chinese producer.

Counterfeit electrical goods have been seized and found by the Canadian Standards Association, not just before being put in homes and hospitals, but after they have been installed, where counterfeiters have stolen the intellectual rights and trademarks that the CSA uses in its seal and that electricians across the country have learned to trust when they install things in people's homes. Electrical goods are counterfeited.

Aircraft and military parts in the U.S. have been found to be counterfeit, not only putting the lives of the operators, the men and women in uniform, at risk, but putting people in and around their use at risk as well.

This problem is vastly greater than a handbag or a watch. It is public safety, first and foremost, and it is combatting organized crime on a secondary level.

The proposed bill will give border officers additional tools to work with government partners—Health Canada and the RCMP—as well as intellectual property rights holders to better ensure that commercial shipments are free from harmful counterfeit goods or from counterfeit labels.

Shipments of any provenance that do not meet the standards or that affect intellectual property rights will be detained and investigated and will not be permitted to get out to the Canadian consumer.

We also need to protect intellectual property in Canada to allow our businesses to invest, innovate and create jobs. The last time the Trade-marks Act was substantially updated was in 1954. There is now a wide range of possibilities for businesses to differentiate themselves. This bill recognizes the new and innovative ways that businesses use intellectual property to distinguish their goods and services from those of competitors.

• (2245)

These rights holders are employers and employ thousands of Canadians across the country. Protecting their intellectual property rights protects jobs. Sounds, scents, holograms, position marks,

colours, numerals, figurative elements, 3D shapes, textures and now even taste are commonplace in the world of intellectual property. This bill would specifically allow for the registration of these non-traditional trademarks, giving them the same level of protection as a traditional mark.

Finally, the bill would improve the reliability of information found in the trademark register. It would simplify the overall trademark registration process by streamlining some of the requirements and removing all impediments to the use of electronic documents. It is important for Canada to have a trademark register that is accurate and up to date. This bill would allow the Canadian Intellectual Property Office, or CIPO, to easily and quickly correct blatant and obvious errors after registration, instead of the intellectual property rights holder having to go through the time and expense of seeking an order from the Federal Court.

While the central focus of this bill is the criminal, civil and border enforcement measures, there must be a high level of legal certainty that a legitimate owner's registered trademark is valid in order to get the most out of that regime. By streamlining certain registration procedures, this bill would ensure a high level of effectiveness, efficiency and validity for Canadian trademark owners, while saving them time and money in the process.

For example, if a Canadian business owner wishes to register his or her trademark, which was previously registered in another country, he or she will no longer need to provide certified copies of the foreign registration as proof. This would save both time and money, as applicants would no longer have to contact the foreign intellectual property office and pay a fee to obtain a certified copy.

In opposition proceedings, an applicant must reply to a statement of opposition with a counter-statement that responds to each allegation. With this bill, the counter-statement would need only state that the applicant intended to respond to the opposition, thereby lessening the burden on applicants when the opposition would be first filed.

Rules on the registrability of a trademark would be made clear. A key element in trademark law is that a trademark must be distinctive. That is, it must be capable of distinguishing the goods and services of the business from those of other businesses. The bill would ensure that any trademark that would be registered would meet the distinctiveness requirement.

Currently an application for a certification mark, which guarantees that a good or service meets certain standards, must be based on actual use. The bill would allow applications for certification marks based on the proposed use, thereby harmonizing with the approach taken by other types of trademarks.

*Government Orders*

In 1954, the last time this act was touched, it was difficult to imagine that electronic communication and the dissemination of documents would be so prevalent, so the Trade-marks Act and its provisions were very much paper-based. The bill would remove paper requirements and would allow for the filing and handling of all documents electronically.

I cannot assure the House enough that Bill C-56 is not only critical to the public safety of Canadians. Whether they brush their teeth in the morning, feed their pets or turn on their lights, they need to know the marks and seals that they have come to trust are legitimate and that people abusing this trust will be prosecuted to the fullest extent of the law.

We must also recognize that by shutting this door to counterfeiters, we are also shutting the door to criminal organizations. They have quickly moved in and found the margins, and the ability to operate by stealing the intellectual property of Canadian employers allows them a means to fuel their criminal organizations and activities, including terrorism, which our government spends millions of dollars combatting.

This bill is a good attempt at getting our regime updated. We have listened to industry.

I would be pleased to answer questions or comments from my colleagues on this important legislation.

• (2250)

[*Translation*]

**Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP):** Mr. Speaker, I would like to sincerely congratulate my colleague on his speech. It is nice to hear from a pragmatic individual who can clarify many of these issues thanks to his professional history.

Since he is relatively new to Parliament, he can be forgiven for being somewhat naive about the government's consulting process. Everyone knows that the government is disinclined to consult people who have opinions about its regulations.

Nonetheless, I would like to ask him a question about a hot topic. Does he find it terribly unfortunate that what looks good in theory will be difficult to put into practice given that, as recently as yesterday, the Minister of Canadian Heritage decided it would be a good idea to stick his nose into labour negotiations at the Canada Border Services Agency?

• (2255)

[*English*]

**Mr. Erin O'Toole:** Mr. Speaker, I would like to thank the hon. member for his very kind comments in welcoming me. While I physically sit on his side of the House, I am not from his side of the House, but I also appreciate my colleagues in all the seats in this place.

The root of the member's question highlights the reason there was such inaction by the previous Liberal government on these important issues and in trademarks specifically. The transition in some parts of the bill, including modernizing trademarks law and empowering intellectual property register at the border, will be substantial changes.

The hon. member is correct in that regard, but the challenge in modernizing does not excuse us from acting. The previous Liberal government spent 12 years, with Canada being named each year as a special trade country to watch, alongside other countries like China and Saudi Arabia, just because it was difficult.

Our government has looked at this seriously in the last few years, and Bill C-56 is an important step to update our laws.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, it is indeed a treat to have someone speak to a bill for which he advocated before political life.

I am curious about some aspects of the bill and I wish we had more time to deal with it. I agree it is important legislation and the goals of the bill are laudatory, but the bill would give customs officers powers that we really only would see in the hands of judges. Customs officers will have to make quick determinations at the border about what is counterfeit, what is legitimate and what might be a parallel import. They will have to do it on the spot and they will have to get it right.

What are the recourses available to an honest importer whose goods are seized by a customs officer with the increasingly large and quite complex and difficult responsibilities?

**Mr. Erin O'Toole:** Mr. Speaker, I find that when I am speaking late at night in the House, the hon. member from Saanich—Gulf Islands is always joining me with intelligent comments. However, as leader of her party, she should really speak to her House leader about her House duty hours. It is potentially that, or else she works very hard. It could be the latter.

She raised a very good issue. This will be a new series of powers, but we are also not dealing with human crossing of the border. These are esoteric rights in intellectual property. However, they are important rights and the determination at the border can be made by trained officials using a registry that allows intellectual property rights holders to register their marks. It would also put a new burden of seriousness on importers to get their bill of lading and their importation documents correct.

I think sloppiness could lead to a slowdown in goods coming in. However, this being intellectual property and a border issue, there would always be recourse through our federal courts.

[*Translation*]

**Ms. Hélène LeBlanc (LaSalle—Émard, NDP):** Mr. Speaker, I am very happy to rise and thank the member for Durham for his very informative and interesting speech. Speeches like his make me sad that the Leader of the Government in the House of Commons imposed time allocation on this very interesting debate.

In his remarks on this bill, he mentioned that it is very important, and I agree with him on that. He also described the work he used to do. I would like to know how Procter & Gamble, the company he used to work for, estimated that it has lost \$1 billion because of counterfeiting. How was that figure calculated? Is that the figure for Procter & Gamble internationally or just in Canada? That is a pretty significant detail.

*Government Orders*

He mentioned repeatedly that Bill C-56 is an “attempt” to solve this problem, as though there were some uncertainty. Does that mean there is room for improvement?

I would like him to comment further on that.

● (2300)

[English]

**Mr. Erin O'Toole:** Mr. Speaker, I would like to thank the member for LaSalle—Émard for her questions and for carefully listening to my remarks tonight.

She asked a few things, and I would be happy to address the first one quickly. The debate has been had, in fact, in many ways. She mildly heckled when I said 2006 or 2007 was some time ago, but industry has been asking for these intellectual property updates for that long a time. Our government has consulted broadly. We followed a balanced approach that addresses border issues and the intellectual property rights regime, and we have acted.

Her question about Procter & Gamble is interesting. All of these things are estimated, because counterfeiting really is like an iceberg. We will only see one-quarter of that iceberg above the water, and the rest is below. Estimates were made by the amount of counterfeit goods seized and an approximation that we are not going to catch everything.

I am saying this is a balanced start because now that we are providing powers and criminalizing some of this conduct, law enforcement will have to, over time, improve its own investigative techniques. Border officials will have to improve their investigative techniques to try to stay ahead of the counterfeiters.

Inaction, though, is going to hurt employers, so we need to act.

**Mr. Mike Allen (Tobique—Mactaquac, CPC):** Mr. Speaker, I want to thank my colleague for his comments. It was a very good discussion, and I value very much the experience he brought to the debate tonight.

There has been some discussion about the Canada Border Services Agency's ability to handle this type of thing. I wonder if he might comment. As he would know, in the bill the request for assistance by the copyright owner would be received by CBSA, which would then do a seizure, as it is used to doing today with any commercial good at the border, and then it would be the responsibility of the copyright owner to address the issue after samples were received from CBSA.

On that point, it is not quite like the U.S. regime, in which there is a lot of training, but could he comment about how that process mitigates a bit of the risk for CBSA?

**Mr. Erin O'Toole:** Mr. Speaker, I would like to thank my colleague from Tobique—Mactaquac, particularly for his help in bringing me up to speed as a new member of his caucus.

He has identified a couple of critical things that were lacking in our intellectual property enforcement regime.

Trademark and intellectual property holders were asking for a registry and asking for assistance. I encountered instances in which the border officers would find a shipment that had personal care products in the container that were not indicated on the manifest, but even though there were brands on the personal care products, border

officials and law enforcement were not able to notify the brand holder or conduct investigations to get to the root of where these products were going and which groups were distributing them across the country.

These requests and this registry that CBSA would run are exactly what industry and rights holders have been asking for. They will be a huge tool to combat this problem.

● (2305)

**Mr. Peter Braid (Kitchener—Waterloo, CPC):** Mr. Speaker, as the member of Parliament for Kitchener—Waterloo and as a member of the industry, science and technology committee, I am pleased to have the opportunity to rise this evening to speak to Bill C-56, the combating counterfeit products act, at second reading.

The flow of counterfeit and pirated goods crossing our border is of mounting concern. Knock-off goods undermine the integrity of legitimate Canadian businesses and raise their costs. They deceive consumers and often put their health at risk. They siphon off tax revenue and fuel the growth of organized crime. For all of these reasons, I support Bill C-56, the combating counterfeit products act, which is one more step in our government's march toward a modern and strong intellectual property regime.

For my part today, I would like to look at how the proposed act would promote public safety by fighting serious and organized crime.

First, however, let me reflect on the nature of counterfeit and pirated products, why they are so hard to detect and why they have become such a pressing issue.

Modern counterfeiters operate in more subtle ways than they did in the past. They often remain out of sight, and their clandestine goods reach our borders unannounced and too often undetected. What is worse, their wares often make it all too easily onto the open market to be sold to often unsuspecting customers and consumers.

Counterfeit goods can take the form of consumer products such as clothes, appliances and toiletries—household items that we need to be safe—and even health products like medications that Canadians rely on for their families. Frankly, they can be anything that can be produced and distributed for profit.

Modern-day counterfeiters have an utter contempt for copyright and trademark laws, for the health and safety risks posed by unsafe or inferior products, for the lost tax revenue for our infrastructure and essential services, for the lost profits for intellectual property owners and for lost consumer confidence in the marketplace.

*Government Orders*

It is disturbing to note this criminal activity is also becoming more common. Between 2005 and 2012, the RCMP estimates that it investigated more than 4,500 cases of intellectual property crime in Canada. During that same period, the value of counterfeit products seized by the RCMP skyrocketed from \$7.6 million to \$38 million.

As high as these numbers are, they are only a drop in the ocean. Remember that \$38 million represents the value of the seized products. How many other products manage to cross the border? How many more millions of dollars were lost? How many more consumers were put at risk?

One fact is clear: counterfeiting is on the rise not just in Canada, but around the world.

At least two House of Commons committees have published detailed reports confirming the growing threat posed by these goods, not only to the Canadian economy but also to health and to safety.

Many of our trading partners have already taken steps to strengthen their intellectual property enforcement regimes. We cannot afford for Canada to be at a disadvantage compared to our peers. We need a made-in-Canada solution that takes account of the key international developments in the fight against commercial counterfeiting.

For several years industry associations have been pushing for changes to Canada's intellectual property legislation. I am proud to say that Bill C-56 responds to demands for a modern approach to combat counterfeiting and piracy.

Once passed, the bill will help reduce the availability of counterfeit and pirated goods in Canada. In so doing, it would protect the integrity of our economy, support Canadian growth and jobs, and help protect Canadians from the health and safety risks posed by harmful counterfeit goods.

From a public safety perspective, a successful attack on counterfeit goods also means taking a lucrative source of revenue away from serious and organized crime. To that end, the bill would introduce new enforcement tools to strengthen Canada's existing intellectual property regime, both within Canada and at our borders. It would also bolster existing protections against commercial counterfeiting activities.

• (2310)

In this way we would be better equipped to prevent large shipments of counterfeit goods from entering Canada. By disrupting the distribution of illegitimate goods, we would make it more difficult for organized crime to make a profit.

Let us make no mistake: the collection and distribution of significant quantities of counterfeit products is not the random work of a few isolated individuals. The scope of the problem and the profit involved would suggest that organized crime is involved.

What is the attraction? Organized crime can take the profits from counterfeit goods to support any number of nefarious activities, from trafficking drugs to smuggling firearms. In other words, the profits from all these fake products are buying real drugs and real guns and threatening the safety of our streets and communities.

Our government stands firm in the fight against organized crime. The bill would give the RCMP new tools to combat the threat posed by counterfeit and pirated goods when serious and organized crime is believed to be involved.

At the same time, it would not be used at the border to search individual travellers who happen to possess counterfeit or pirated goods for their personal use. I will have more to say about the role of consumers in a few minutes, but first let me provide a more detailed overview of the proposed legislation.

It often takes years of hard work and significant investment to develop intellectual property, not to mention the huge effort to turn that property into a brand that consumers identify and trust. Counterfeit goods, then, do not simply result in lost sales for trademark and copyright owners: they also undermine hard-earned reputations and can put the very existence of businesses at risk.

The proposed legislation would help Canadian businesses protect their brands and works. Currently, if counterfeit trademark or copyright goods are sold in the marketplace, for example, the rightful owners could take legal action through civil courts. Specifically, they could ask for civil remedies for the manufacture, distribution and possession with intent to sell counterfeit goods, but how do the rightful owners stop these goods from entering the market in the first place?

Under current legislation, rights holders must first get a court order to have authorities detain suspicious goods at the border. The amount of specific information needed to obtain a court order can lead to delays that work to the advantage of criminals.

Bill C-56 would streamline this system, allowing trademark and copyright owners to submit a so-called request for assistance to the CBSA and provide information to help identify suspicious goods, thus assisting rights holders to seek civil remedies.

These officers in turn would share information about the detained goods with rights holders. Armed with this evidence, rights holders could then pursue the matter in the courts, as I mentioned a few minutes ago. This collaborative approach would help take the wind out of the sails of organized crime.

Of course, the bill supports the Canadian judiciary system for determining who has copyright and trademark rights, thereby protecting against abuse or misuse of these new border measures.

Rights holders would pay the costs associated with the detention of goods, and the proposed legislation would also contain safeguards for information sharing. Importers would also be notified if their shipments were detained and would have the right to inspect them.

Finally, if the system was being abused, the Canada Border Services Agency could remove a rights holder from that request for assistance process, so there are safeguards.

While the new act would introduce civil remedies, it would also strengthen our criminal law.

*Government Orders*

Currently the Criminal Code has limited offences relating to trademark fraud. The laws primarily target conduct related to forgery of a trademark; possessing instruments for forging a trademark; defacing, concealing or removing a trademark; and passing off wares or services as genuine, with intent to deceive.

● (2315)

These offences, however, do not go far enough. That is why the bill would make it an offence to sell, distribute, possess, import and export counterfeit goods for the purpose of trade. Offenders would be subject to fines and face possible jail time.

In addition, new criminal offences for possessing and exporting pirated goods for the purposes of trade would be added to the Copyright Act. That would allow the RCMP to seize counterfeit and pirated goods. These provisions were not proposed lightly, but considering that profits from such goods can end up in the hands of organized crime, we need to pursue and prosecute offenders more diligently. That is why the proposed legislation would provide new powers to investigate commercial counterfeiting.

Mr. Speaker, you will note now that I said “commercial counterfeiting”. The proposed legislation will not result in searches of travellers at the border who may possess counterfeit and pirated goods for their personal use—we know that consumers do not always know the origin of a product they acquire in good faith for personal use—nor will the government be pounding on the door of law-abiding citizens who may own knock-off DVDs.

The proposed new authorities to seize goods and prosecute are intended to be used against those who knowingly bring in counterfeit goods with the intent to sell, rent or distribute them in the marketplace. That said, I believe consumers play a role in the fight against counterfeit goods. Canadians are increasingly aware that commercial counterfeiting is not a victimless crime and that knock-off goods do hurt. They hurt intellectual property owners who lose hard-earned income. They hurt law-abiding Canadian taxpayers, as commercial counterfeiters do not pay their share. They hurt the entrepreneurial drive that stimulates innovation and fosters new economic growth. Most insidiously, they hurt innocent people through defective products that maim, injure and sometimes even kill.

In the end, Canadians pay a truly high price for the fake products commercial counterfeiters sell. By being smart consumers, all Canadians can help us combat the scourge of counterfeiting and piracy. In so doing, we can all do our part in the fight against serious and organized crime.

I would like to close by putting Bill C-56 into a larger legislative and policy context. This new act is part of this government's ongoing commitment, a commitment I have been very proud to be involved in, to strengthen protection for intellectual property and to ensure our communities are safe.

The bill would complement the Copyright Modernization Act that recently came into force. Together these two pieces of legislation would create a comprehensive approach to the protection of intellectual property rights. I want to reassure the House that Canada is committed to the efficient flow of legitimate goods across our border. We will work with all of our trading partners to ensure that

our actions to enforce intellectual property rights do not themselves become barriers to legitimate trade. Our country so depends on the flow of trade.

Canada has always been a trading nation, and no more so than now, but for all the benefits brought by the global economy, there are associated risks. Faced with an escalating threat of counterfeit and pirated goods and in response to the calls for action from industry, the government has tabled this bill before the House. I believe Bill C-56 is fair and balanced legislation that helps us tackle the scourge of counterfeit and pirated products while protecting the rights and the interests of individual consumers, travellers and legitimate business.

By passing this bill, we not only protect industry, consumers and government revenue, but we can also make progress against serious and organized crime. For all these reasons, I urge all members of the House to join me in swift passage of the bill.

● (2320)

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, I know my colleague across the way sits on the committee that deals with many of these issues.

We are in a bit of a process part of the year. The government has moved time allocation on average at least once a day, sometimes twice a day, often on bills that we agree with the government on and often on bills for which we have said that we will guarantee a certain amount of time in the House, so members must forgive me for being a little suspicious sometimes in terms of the process of the bill we are dealing with.

We have said numerous times as the official opposition that if the resources are granted to the border officials who have to deal with this legislation, then we can actually have some certainty about the goals that are stated in the bill.

We asked the Library to do a bit of research on the amendments that have been considered before committee. I know my friend is a reasonable and intelligent person and has looked at this issue a lot. However, of all the amendments presented by the opposition in the last couple of years, something in the order of 94% or 96% have been rejected, oftentimes out of hand and without any discussion at all. The amendment comes up and it is defeated. There is a process of dictation going on. To suggest that 96% of the amendments are not of value is ridiculous. Most of the amendments are based upon what we hear from witnesses.



*Government Orders*

The question to my friend is this: if this is as important an issue as we all agree it is, what level of openness exists on the committee on which he sits to deal with this issue, to listen to the witnesses we bring from all sides, and then to actually try to improve the bill?

I do not think anyone is suggesting that the bill is perfect and that every period and comma is exactly right. All legislation could use a little improvement, and sometimes substantial improvement.

What is the level of openness like in the member's committee? What is the working relationship like with the opposition?

**Mr. Peter Braid:** Mr. Speaker, I appreciate the question from the hon. House leader for the NDP at this late hour of the evening. To answer his question, there is a great deal of openness and collaboration at the industry, science and technology committee. I think that is one of the aspects of the committee that all committee members enjoy.

It was in this committee—as a result of a motion I triggered, I might add—that we had a very comprehensive study on the issue of intellectual property. It was in the course of the study that it was further underscored how important it is to deal with this issue of counterfeit goods. We heard from industry and, in fact, we even heard from one of the NDP House leader's colleagues, the member for Windsor West, who said:

With foreign counterfeiting and intellectual property theft having a significant impact on our manufacturing industries, in particular the tool, die, and mould sectors as well as auto and aerospace sectors, additional measures are needed to intervene to halt the serious economic damage that is occurring.

We could not agree more. That is why so soon after our study at the industry committee the government tabled this proposed legislation. The legislation will soon go to committee, and we look forward to further discussion and debate on this matter.

**Mr. Erin O'Toole (Durham, CPC):** Mr. Speaker, I would like to thank my colleague for Kitchener—Waterloo for his thoughtful speech tonight, particularly his remarks on the impact on businesses and the brands associated with those businesses.

I would like to inform my colleagues here in the House that some of the most iconic Canadian products and brands have been targeted by counterfeit goods. My friends from Quebec would know that Canadian maple syrup has been counterfeited and sold in Asia. My friends from the Okanagan and Niagara would know that counterfeit icewine has been sold in Asia. The iconic BlackBerry from the member's riding of Kitchener—Waterloo has been counterfeited in parts of the world.

Does the member think that an employer like BlackBerry in his riding would appreciate a registry where rights holders can exercise some control in relation to their intellectual property at international borders?

**Mr. Peter Braid:** Mr. Speaker, let me begin by saying how grateful we are to have the member for Durham now in our caucus here in the Parliament of Canada.

It is so important that we create the conditions in Canada where we can foster innovation. I think particularly of technology companies, of course, as the member for Kitchener—Waterloo with companies like BlackBerry in his riding. These are companies that invest significant time, money, research and development, and

resources into global-leading brands and products. It is so critical that investment be protected.

The tools to protect those investments are our Copyright Modernization Act and this more recently proposed act to combat counterfeit goods. We need this legislation to protect the interests of business and consumers to ensure that we continue to grow our Canadian economy and create jobs.

• (2325)

[*Translation*]

**Ms. Hélène LeBlanc (LaSalle—Émard, NDP):** Mr. Speaker, despite the gag order imposed on us, I am very pleased with our discussion because it gives us the opportunity to gain a better understanding of the implications of Bill C-56.

I thank my colleague, who serves on the Standing Committee on Industry, Science and Technology, as I do. I would like him to tell us again how important it is that the committee conduct a thorough study, since this is the committee that the bill will be referred to. Accordingly, as one of his colleagues indicated, the report must include certain specific issues that were raised during the consultations I held with a number of industry stakeholders.

I would like him to talk about the significant role the Standing Committee on Industry, Science and Technology has to play in the review of this bill. As he mentioned, this bill is important for intellectual property, for the protection of intellectual property rights and for several industries, including those in his riding and in the riding of LaSalle—Émard.

[*English*]

**Mr. Peter Braid:** Mr. Speaker, I do appreciate the opportunity to work with my colleague from LaSalle—Émard on the industry, science and technology committee. Whether we are doing a committee study on intellectual property, on digital technology or reviewing legislation, as we will do with this piece of legislation, it is a committee that deals with its work in a very open and thoughtful way.

We did a very comprehensive study on the issue of intellectual property. We heard from a range of businesses on this issue of counterfeit goods. When the time comes, we can consider much of that testimony we have already heard as we deliberate on this important piece of legislation that is important for families, businesses and consumers in Canada.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP):** Mr. Speaker, certainly Bill C-56 is a better bill than previous bills we have seen the Conservatives table. Since the bill basically creates new and significant ex officio powers for border officials, can the member tell me how much money is being invested in the training of these officials? It is obvious that these are specialized areas, so if he could answer that I would appreciate it.

*Government Orders*

**Mr. Peter Braid:** Mr. Speaker, the issue here is not an issue of resources. Rather, it is an issue of tools. The CBSA has the resources. It has indicated that it will make this a priority. What is missing is the legislative tools and authority to deal with the flow of counterfeit goods across our border. I am confident that once the bill is passed we will be in a much more effective position to deal with the scourge of counterfeit goods.

• (2330)

[*Translation*]

**Mr. François Choquette (Drummond, NDP):** Mr. Speaker, before beginning my speech, I would like to mention that I will be sharing my time with the House leader of the official opposition, who is also the member for Skeena—Bulkley Valley. He is one of the members who works the hardest in the House of Commons. What is more, he is the most ardent defender of the rights of Canadians. The NDP is really proud of its parliamentary leader.

I would also like to mention the great work that my wonderful colleague from LaSalle—Émard has done. She gave an excellent speech. She has a good grasp of the dynamics of the situation. I listened very carefully to her speech, which was very enlightening. I am also very pleased to mention my colleague from Sherbrooke's excellent work. He talked about the importance of border protection. Over the past few months, there have been major scandals in the ridings of Sherbrooke and Compton—Stanstead. Incidents have shown that our border is indeed porous. Unfortunately, the Conservative government did not do its job and did not make sure that our border is secure.

Bill C-56, the Combating Counterfeit Products Act, amends the Copyright Act and the Trade-marks Act. It seeks to strengthen the enforcement of copyright and trade-mark rights and to curtail commercial activity involving infringing copies and counterfeit trade-marked goods.

This bill creates two new criminal offences under the Copyright Act. They deal with the possession and export of infringing copies. The bill also creates offences related to the sale or offering for sale of counterfeit goods on a commercial scale. It creates a prohibition against importing or exporting infringing copies and counterfeit goods. Finally, it grants border officials new *ex officio* powers to detain infringing copies and counterfeit goods.

These are important changes, since up until now, border officials required copyright holders to first get a court order before they would seize infringing copies or counterfeit goods. These are the main changes proposed in this bill.

However, it is important to understand that this bill assigns new tasks to border authorities, to the border officers. As I have already said, as my colleague from Sherbrooke said so well earlier, and as my colleague from Compton—Stanstead often says during question period, there are already problems at the border. Ensuring safety at the border to allow the border authorities to do their job properly is problematic. The reason is quite simple: \$143 million was cut from the Canada Border Services Agency. There were already problems, but instead of strengthening the border, the government made more cuts to the Canada Border Services Agency, which is irresponsible. This will have a direct impact on jobs. It will affect officers who work to protect our borders. Five hundred and forty-nine jobs will be

cut, which means 549 fewer people to do the work at the borders across Canada, including in the Sherbrooke area and at the Compton—Stanstead border.

This is not going to improve the situation, despite the fact that this bill makes some corrections, as a number of members have mentioned. I am not one to make partisan speeches. I will even mention the hon. member for Durham, who made a very important speech and talked about a number of things, including the fact that this bill needs to be improved in committee. I think it is a shame that we have to hear such things.

• (2335)

It is 11:35 p.m. and I am a bit tired, so that explains why I sometimes lose my train of thought. I think it is important to the democratic process for us to be here, even at 11:35 p.m., to make speeches, debate bills, propose amendments and provide explanations about the validity of these bills. We will support this bill at second reading so that it can go to committee. That is very important.

This is directed mainly at the Conservatives, because I know that NDP members do an excellent job in committee. I do not know how many times I have made speeches in the House about the excellent job NDP members are doing in committee. They listen carefully to the recommendations made by experts and then bring them forward in the form of amendments.

We will support this bill. As a number of members have mentioned today, we have been waiting for this bill for a long time. We must strengthen the fight against counterfeiting to ensure respect for the efforts of Canadian businesses and the goods they produce and to protect the health and safety of all Canadians.

Several of my colleagues have given good examples of car parts and other items we use every day that could put our health and safety at risk. That is why this kind of bill is so important. It will essentially guarantee that the products Canadians use are safe.

However, the Conservatives, who are currently in power, have to provide the necessary financial and human resources to implement this bill. We will support it and study it in committee.

I must appeal to the Conservatives once again, because unfortunately, as we have seen many times in the past, they have not been listening. I hope they will listen closely to all of the experts who testify before the committee, and I urge them to take the experts' recommendations into account along with amendments that the NDP and others will make based on the experts' recommendations. I hope they will improve this bill. That would be a first step to show that they are acting in good faith.

*Government Orders*

They could also show they are acting in good faith by investing the necessary money and human resources to ensure all Canadians benefit from a bill that meets their expectations.

The government has been aware of this problem for a long time. Difficulty measuring the scale of counterfeiting and pirated goods in Canada has been a challenge from the start. The OECD's 1998 report entitled "The Economic Impact of Counterfeiting and Piracy" was a first look at the scale of the problem.

I am running out of time, so I will wrap up my remarks. This bill must meet the needs of Canadian consumers and protect health and safety. The Conservatives must reverse their decision to cut the CBSA's budget by \$143 million, a decision that will result in the loss of 549 jobs. Otherwise, this bill will not really benefit Canadians.

• (2340)

**Ms. Hélène LeBlanc (LaSalle—Émard, NDP):** Mr. Speaker, I would like to thank my colleague from Drummond for his speech. I know his area quite well, since it borders my home region in central Quebec.

I would like to speak some more about the industrial landscape of Canada in recent decades, in order to explain the proliferation of counterfeiting. For several years, Canada's manufacturing sector has suffered significant setbacks. Many businesses in the area represented by my colleague have had to shut down, much the same as in my region. Canada's manufacturing has shifted to foreign markets, whether in China or elsewhere. This outsourcing of Canadian jobs and production means that goods from other countries may well be made differently from those made by Canadian businesses.

I would also point out that Canadian incomes have stagnated over the past several years. Canadians are also grappling with high debt, which encourages consumers to look for low-priced attractive products. However, as mentioned by the member for Durham, these products can cause major health and safety problems. These two issues are very troubling.

I would like my colleague to tell me how manufacturing businesses in his region have been affected over the last few years.

**Mr. François Choquette:** Mr. Speaker, I would like to thank the member for LaSalle—Émard for the outstanding work she does every day in committee and as our critic.

In fact, there are two very important points in this bill which, I hope, will be effective. For Canadians to benefit from this bill, the necessary financial and human resources will need to be put in place.

In committee, it will be important to ensure that this bill minimizes the negative impact counterfeit goods have on Canada's economy. I know that my colleague from LaSalle—Émard will be able to see to it that everything happens as it should. We are trying to protect our Canadian industries.

The other important point she mentioned was in relation to the health and safety of Canadians. When products do not meet Canadian health and safety standards, there could be very serious implications. Take, for example, counterfeit automobile parts, whether brakes or airbags. There could be serious repercussions with those types of products.

Once again, I am calling on the Conservative government to invest, to stop these draconian cuts and to stop eliminating positions at the Canada Border Services Agency.

[English]

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, the enthusiasm is overwhelming. I am moved. Especially considering that we are coming to the midnight hour, the enthusiasm New Democrats have for the House of Commons, for democracy and even for debate is stirring and important, because there has been a certain lack of enthusiasm for debate coming from the Conservatives.

The Leader of the Government in the House of Commons will know the actual number. I think we are at 47 or so time allocation motions. On all of these bills, and this is one of those bills, we seek to find some comfort for the Conservatives, who are often looking for comfort, particularly when there is a lot of turmoil in their lives, much of it self-inflicted. They want these kinds of things to move at an orderly pace. We offer them an orderly calendar. A certain number of New Democrats will speak and allow the bill to go ahead, and they still shut down debate, even under those circumstances. One wonders what the motivation is sometimes. I think we are up to 47. Again, if the government House leader rises tonight, he will be able to remind us.

This bill is an important one. The Conservatives say that it is critically important. How critical it is in their minds begs the question, simply because it was first introduced on March 1 of this year, seven or eight years into their mandate and 27 years after the last time the bill was reviewed. My friend from the Conservatives earlier talked with some great expertise about the importance of this thing. If it were important, one would think it would be a priority, and if it were a priority, one would not think that the 11th hour of this particular sitting and session of the House of Commons would be the time they would move the bill. If this were devastating to the Canadian economy, to the intellectual property rights regime in Canada, our ability to trade with other nations and all of these things that have been talked about, it would be a priority, but it is not a priority. It is a panic. When things are panicked, mistakes are made.

It is important for my friends to realize that they cannot quite have it both ways. If they say that this is urgent and desperate and we need to move it through rapidly, then one says that there has been a majority government for two years. Other bills have been moved, some of certainly less consequence or even quality, some would argue. I am thinking of a few bills, such as Bill C-30. My friends will remember Bill C-30, the Internet snooping bill, which the Minister of Public Safety so eloquently justified by saying to the opposition and to all Canadians that one was either with the Conservatives or was with the child pornographers. Do members remember that classic? That was a good one. They got rid of that bill. It was a bigger priority than this piece of legislation.

*Government Orders*

However, let us talk about the bill, because it is important. We will take a look at Bill C-56 and see what it actually would do.

New Democrats have been aware of the importance of protecting intellectual property rights in Canada. It is important both for our own industry and our ability to innovate and design leading-edge technology, as Canada has so often done in the past, particularly when we used to have things like industrial development strategies, but not so much with these guys. We had export policies that said that adding value to our resources in Canada was a priority for the federal and provincial governments, but not so much with that side.

We agree with the merits of this bill and agree with sending it to committee. We believe that we need to hear from the experts. We have one or two experts in the House of Commons who maybe spent a previous life looking at the intellectual property regime in Canada and around the world. I do not claim that expertise, and I think most members of Parliament would not either. We need to rely on the experts, and not just the industry experts, and this is important for us as New Democrats. While those voices are critical to the design and implementation of legislation, we need to hear from the border guards, who are the folks who are going to be potentially seizing some of these products. We will have a very challenging time distinguishing between the bootlegged products people have talked about and other products that would offer serious harm or threats to Canadians' safety and health.

My friend talked about toothbrushes and toothpaste that caused people harm, but it gets even more serious than that. There is medical equipment that is improperly made. It is counterfeit, and Canadians are exposed to this, because they trust the label on the brand. It is not about buying a sweater for a child and hoping that it is the actual brand. Some of these things are quite important. When buying brake pads for one's car, one wants to ensure that they are actually brake pads that will stop the car.

The problem with counterfeit is that it can so often appear as something that is solid and consistent and legitimate. The reason it is so effective is that it looks good.

• (2345)

We have been having a bit of a debate. I do not want to say that it has been a nerd fight, but we have been arguing about the numbers. The numbers do not really help out the government's case in terms of providing help for the border officials who are meant to guard our borders, not just from counterfeit products, which is important, but even more important, from illegal contraband and weapons. They come into this country, some would argue, through our ports, where 2% to 3% of all containers are inspected. That is not a lot, and with those types of odds, some smugglers will just take the chance of getting caught, because the ability to make money is so great.

We have heard from the CBSA itself in this year's report. This is not a report produced by the official opposition. This report is produced by the border agency. We have heard that the government has cut \$145 million from the border agency this year. Excuse me, I want to get the number right. It is \$143 million. I exaggerated. It is not \$145 million but \$143 million. I want to make sure the number is right. I do not want to upset anyone on the other side.

The CBSA's report on plans and priorities indicates a loss, not a gain of 1,000 and a loss. It indicates a net loss of 549 full-time-equivalent positions. If the CBSA is not telling the truth or has its numbers wrong, I would encourage those on the government side to help it out a little. The Conservatives are entitled to their own opinions but not their own facts. The facts of the matter are that there are 549 fewer full-time-equivalent positions. If we are going to ask them to do more with fewer staff, is the law worth the paper it is written on?

We need two things, of course. We need the tools. This is an update of the legislation, and New Democrats support the updated legislation. Things have changed since the last time we looked at these intellectual property regimes that are so important for businesses that are looking to innovate and trade. If we do not look at legislation often, we want to get it right. To the Conservatives who say that one hour of debate is good enough, that we can zip it through committee and get it back out the door and then wait 30 years to correct the errors we make, I say that it is not right.

Nearly 100% of the amendments the opposition moved were based on testimony from experts, from border officials, from those in industry and those who deal with intellectual property. We hope that there is some sort of new openness, because the Conservatives have rejected virtually everything we have offered before, because they can, not because they have any counter-argument.

I have been at the committee hearings where we quote witnesses everybody agreed with when they testified. We move the change the witness suggested. There is no debate or counter-argument from the Conservatives. There is a vote, they kill it and they move on. We just do it over and over again.

A number of pieces of legislation have moved through the House completely unamended. Some of these bills are hundreds of pages in length. They are technical bills amending other acts. Sometimes as many as 60 other acts of Parliament are amended by one bill. The government does not change anything based on the testimony it hears. The testimony we hear, in very specific and technical ways, offers another viewpoint.

It raises the question of what is going on. Why would a government claim to have a keen interest in helping manufacturers and innovators in this country protect their intellectual property and a keen interest in helping consumers, yet not allow border officials to have the tools and services they need?

If we hear from border officials that we should change something in the legislation and New Democrats happen to be the party offering the amendment to the bill, for goodness sake, I hope the Conservatives change some of their patterns and hubris and say that it does not matter which political party moves it. What matters is whether it is a good amendment and whether it is a good improvement. Going through hundreds of pages of laws without any changes smacks of a certain unfortunate level of arrogance.

*Government Orders*

On this legislation, let us make sure that the tools we are offering our border officials also match up with the planning priorities—not the stated planning priorities of the government, not the stated spending priorities, but the real priorities, with real money and training.

We have talked about giving border security officers new powers to play a discerning and defining role in investigating the products to make sure that they are contraband, or not. That requires new training. We all admit it, but we do not see in any spending priorities from the government actual resources for training. CBSA has to take it from something else.

To the government, to all members of the House, let us do what the House of Commons is built to do: study legislation, look at it, take our time and get it right. If we are only going to do this once every generation, and if it is so important for our industry, then let us make sure we get it right.

• (2355)

**Mr. Erin O'Toole (Durham, CPC):** Mr. Speaker, I would like to thank the NDP House leader for his remarks as we approach midnight tonight. I am glad he mentioned hubris, because that concept was coming to mind during his remarks.

Specifically, he addressed the need for training and CBSA needs in relation to some of these changes. He may not be aware that such training is already taking place between intellectual property rights holders, border officials and law enforcement officials. I was personally involved in some of those efforts. However, those are impossible to later act upon without a registry of intellectual property rights or a request procedure, given the volume.

Therefore, I would ask him to comment on whether his party agrees with those provisions of the bill and whether that agreement would change if there were several more weeks of debate on this.

**Mr. Nathan Cullen:** Mr. Speaker, we are under time allocation. There are not going to be several more weeks of debate on this. We are under time allocation for everything.

My friend suggests something that is quite critical. I can read all sorts of quotes and citations from experts on intellectual property regimes that suggest that the ex officio powers being granted to border officials are not now being met with the training required to perform those powers. That should be a concern to my friend and the companies he used to represent, as it should be to all Canadians. We cannot give people new powers over a whole and sophisticated regime without giving them the training to do that, and the experts agree.

In terms of the debate on the bill, he will not remember, because he was not here, but I remember Conservatives in opposition, and Reformers before that, decrying when the Liberals invoked time allocation after a few weeks of study. We are getting time allocation before we start debating a bill. The Conservatives cannot have it both ways. If this place is meant to work on the idea of exchanging new perspectives, on trying to improve legislation, on challenging the government, that is a good thing. They should not take it as a threat; they should take it as an opportunity.

We are challenging them on this aspect. We are saying that their spending priorities do not match up with the priorities they are

saying are so important at the border. They should take that challenge on as an opportunity and rethink the spending priorities for the border. Maybe cutting \$145 million and 349 FTEs is not a great idea if we want a border that is more efficient and more able to do the job we ask of it. That is all. That is how this place works, and it works well when we allow it to do that work instead of shutting down debate almost 50 times now, breaking the record, by almost double, of any government in Canadian history.

[*Translation*]

**Ms. Hélène LeBlanc (LaSalle—Émard, NDP):** Mr. Speaker, I would like to continue along those same lines, because this is a bill I have been waiting for since it was introduced on March 1, 2013. A study was conducted on intellectual property.

We met with a number of stakeholders who mentioned the importance of a bill like this one in its current form. Since March 1, I have been meeting with people who raised questions about the enforcement of this bill and about whether all of the right protections have been proposed, namely protecting consumers and the rights of copyright holders.

I would like to ask my colleague about the work done in committee. We are coming to the end of the session. I would like him to talk about that and about the important role committees play in studying bills.

**Mr. Nathan Cullen:** Mr. Speaker, we can see what the government does: it waits a month and a half to talk about certain priorities. We are just about to adjourn for the summer and the government decides we need to pass this bill. It is impossible to pass all of the bills in the time we have left. The government says it wants to get out of Parliament right away. It wants to leave as soon as possible. That is what it is saying. At the same time, it is saying that we have to pass this bill. The government is saying that it would like to adjourn right now, except all of a sudden we have these priorities. It will have to make up its mind. It is one or the other. It cannot have it both ways.

This is not a priority or a plan. It is panic. That is to be expected with a government that has no plan and that does not like to plan for anything, including the economy, investment or industry.

• (2400)

[*English*]

**Mr. Mike Allen (Tobique—Mactaquac, CPC):** Mr. Speaker, it is great to have the opportunity to speak to Bill C-56. I want to thank my colleagues from Durham, Vancouver South, York Centre, Kitchener—Waterloo and Don Valley West who also commented on the bill.

I will agree with my colleagues from the NDP that this has been a very good debate tonight. It is an interesting debate on an interesting bill. Even though I do not serve on the industry committee, it has been—

**An hon. member:** You want to now.

**Mr. Mike Allen:** Yes, I might want to go to the industry committee now.

*Government Orders*

However, it is really an interesting bill. Before I get into some of the details of the bill, when I was in my consulting realm, I always talked about the change imperative for companies and the reasons for bills and why they were so important.

We have had a bit of discussion about counterfeit products and foods. We have discussed a number of things in the House tonight. We have talked about the level of problems with counterfeit worldwide. Some have estimated it at \$250 billion and some at \$400 billion to \$600 billion. A significant percentage, or at least a good percentage of that, is tied to organized crime, which has to be a concern to the House as well as to the citizens of Canada.

I represent one of the largest potato-growing areas in Canada, with two large McCain french fry plants. There is a significant amount of intellectual property that goes into the development of new potato breeds and those types of things. As well, there is a lot of research into foods. McCain Foods does a tremendous amount on its french fries worldwide. All of this is very important intellectual property for these industries.

Innovation is alive and well in many of our industries. Many of those who represent forestry and agricultural ridings know it is the same for them as well.

The proposed combating counterfeit products act is the latest in our government's ongoing efforts to strengthen and modernize Canada's intellectual property laws. It will help confront the realities and challenges presented by large-scale commercial shipments of counterfeit goods. It will also respond to concerns raised by Canadian consumers and job-creating innovators and will provide a made-in-Canada approach to fighting counterfeiting that is compatible with the approaches of our allies.

Counterfeit goods are more pervasive now than ever before. Seizures of counterfeit goods by the RCMP increased fivefold between 2005 and 2012. Not only is counterfeiting increasingly pervasive, it is increasingly dangerous to Canadian consumers and costly to our economy.

Anything can be the target of counterfeiters, from everyday consumer goods to car parts. We have heard about brake parts and hockey jerseys. Earlier today we heard about Canada Goose, face wash, shampoo, batteries for cars, golf clubs and even wine.

This disturbing trend affecting Canadians' health and safety needs to be addressed right away. Over 30% of counterfeiting now involves harmful products, compared to 11% in 2005. Without these robust measures, these products will make their way into our homes and our children's playgrounds.

As was said earlier tonight, a lot of these products are getting harder and harder to identify. Being an avid golfer, I can speak to the fact that somewhere in the area of two million counterfeit golf clubs enter the market every year, as well as wine. It gets harder and harder to pursue these types of things because it is hard to tell the difference between what is counterfeit and what is real.

The government takes counterfeiting very seriously, and this bill would give Canadian rights holders and law enforcement the tools they need to combat this growing problem that exists at the border

and domestically and to target those who profit from the commercial trade of counterfeit goods.

Specifically, the bill would give the authority to the border services officers to detain suspected shipments. Border services officers would have the authority to detain suspected counterfeit goods that were imported into Canada or that were exported from Canada on their own initiative.

• (2405)

When I was talking before about some of the golf clubs and wine and how hard it was to even trace some of these things, I looked at the website of a company that now provided the scanning tools to try to identify some of these types of things. It is interesting that it was talking about the wine industry and how it was taking counterfeit product and putting it into original-type bottles to be sold. There were 17,000 bottles which were deemed to be counterfeit. It was estimated that it would take 7,000 hours and \$1 million for this to all be assessed.

I know there are many people in the House of Commons who would love to be in on that project and on the committee responsible for assessing these 17,000 bottles of wine. I can think of all kinds of things at midnight that would be interesting to see.

When we talk about the golf club industry, counterfeiting is so pervasive that the industry is actually investing to help the border services officers in the U.S. get the training to identify counterfeit golf clubs. This is because they have a different regime from the one we have in terms of responsibility.

Once the suspected goods are detained, border services officers will have the authority to communicate with the copyright owner or the registered trademark owner to inform them that a suspected shipment has been encountered. This bill would also allow for the creation of a new process, called the "request for assistance". It would allow the rights holders to seek assistance from border services officers by supplying information about their copyright and registered trademarks. The request for assistance would also facilitate communications between border services officers and rights holders.

The bill would provide rights holders with new tools to protect against counterfeiting and to take civil action against infringers. The new civil causes of action would target manufacturing, distribution and possession with the intent to sell counterfeit goods. Currently, counterfeit goods must be sold or offered for sale before a rights holder can initiate a civil action. With the combating counterfeit products act, rights holders would be able to initiate a civil trial earlier in the supply chain, before these goods reached the market where they could deceive and harm Canadians' and steal Canadians jobs.

*Government Orders*

The bill would add new criminal offences to help combat counterfeiting for the purposes of trade. These target the sale of counterfeit goods, as well as manufacturing, importing, exporting and processing counterfeit goods, if they are intended to be sold or distributed on a commercial scale. The bill would also add new offences for exporting and possessing pirated copyright goods. These offences are meant to complement the existing criminal offences in the Copyright Act, such as the sale, rental and importation for sale or rental of copyright-infringing copies.

I really appreciated the comment that was made by my colleague from Durham with respect to his background and experience in this field. He gave us some real context for the House on this debate tonight.

The bill would recognize newer practices, such as applying counterfeit labels just before sale. Sophisticated counterfeiters want to ship goods separately from labels so as to avoid being caught. To deal with this, new offences would target the sale of counterfeit labels or the manufacture, importation, exportation or possession of counterfeit labels for the purposes of trade.

In addition, the bill would introduce minor amendments to the Trade-marks Act, which has not been modified since the 1950s. For example, the bill would remove unnecessary paperwork requirements for businesses during the trademark application process, would modernize the language found in the act and explicitly would allow the registration of non-traditional trademarks, including sounds, scents and holograms. Overall, the bill would improve the Trade-marks Act by aligning the legislation with modern business practices.

The problem of counterfeiting is not just a Canadian problem. It is a global problem in which Canada is one destination among the many for counterfeit goods. As I indicated earlier, there are estimates that the counterfeit market could be \$250 billion, but that does not count some of the DVDs and similar items that are pirated as well. That could take it to well over \$500 billion.

This bill would provide a domestic response to a global problem. It is a made-in-Canada solution that would ensure our intellectual property enforcement regime would be compatible with global standards. It is a domestic approach that draws on the best practices of peer countries.

• (2410)

Let us take a moment to look at border regimes in some of the other countries, because that is important.

In the EU model, customs authorities have ex officio authority to temporarily detain suspected infringing goods. They cannot take ownership and seize or destroy the goods.

In the EU, rights holders may apply to customs authorities for enforcement of their IP rights at the border. In these cases, it is the rights holders who assume all the costs of the border enforcement process, possible ensuing civil action and the storage and disposal of suspected IPR infringing goods. In return, they will be informed of any resulting border detention.

However, in the EU, when the action of IP rights infringement results in the violation of public laws—for example, criminal fraud

or a threat to public safety—the state can also commence criminal investigations and prosecutions, the cost of which is assumed by the government.

In the U.S. model, it is the federal government that is primarily responsible for enforcing IP rights at the border. In particular, the U.S. customs and border protection is responsible for detecting, seizing and disposing of counterfeit and pirated goods found at the U.S. border. If an importer takes issue with the seizure, it is customs and border protection and not the courts that decide the issue, making administrative determinations on the existence and validity of IP rights. Customs and border protection has the authority to impose administrative fines for violations. It also absorbs all the costs of the IP rights enforcement process, ensuing litigation, storage and disposal of goods.

In terms of the overall approach to IPR enforcement, Bill C-56 proposes a made-in-Canada approach, an approach that is appropriate and well-suited to Canada's needs. The bill reflects the fact that the enforcement of intellectual property rights is primarily the rights holders responsibility, while acknowledging some role for federal agencies.

For example, to temporarily detain suspected counterfeit goods and inform rights holders and in the area of criminal enforcement, which will be worked out between them and the RCMP, the determination of whether goods are counterfeit is ultimately left to the courts.

The new request for assistance process will allow border services officers to use information provided by rights holders in their request for assistance document in order to determine whether there are reasonable grounds to suspect that the shipments contain counterfeit goods. If there is a suspicion, the border service officer can detain the shipment and notify the rights holder of a suspected shipment. The rights holder is then given a period of time to decide whether he or she will pursue the matter in civil court.

The RCMP and Health Canada will be given the chance to decide whether the shipment at issue may be a criminal or a health and safety matter respectively.

The detention of suspected goods allows the RCMP or Health Canada to pursue the matter criminally and the rights holder to pursue the matter civilly.

The border services officer does not make a final determination on whether the detained goods are counterfeit. Only a judge in a court has the power to do that. That is a departure from some of the questions that have been asked tonight, because that is the court process. I know I will get some questions on this with respect to the financial aspect of CBSA. That is important for us to know.

*Government Orders*

Since the tabling of the bill in March, many stakeholders have been in support of the bill. These include the Canadian Intellectual Property Council, the Canadian Anti-Counterfeiting Network, Canadian Manufacturers & Exporters, Electro-Federation Canada, the Entertainment Software Association of Canada and Food & Consumer Products of Canada.

While the bill is supported by a majority of stakeholders, some misconceptions have been heard. I will take the opportunity to address these concerns.

Some have suggested that the bill grants border services officers more power without judicial oversight, in a sense expecting these officers to be copyright and trademark experts. This is simply not true. As I mentioned before, they would have the authority to detain goods based on a reasonable suspicion that the goods were counterfeit. The ultimate authority to determine whether goods are counterfeit can only come from a judge in a court.

Some members may have heard the misconception that the bill was the result of international pressures to change our laws. In fact, the bill was developed in response to repeated calls by Canadian stakeholders, including innovative businesses, which we have talked about tonight, that employ Canadians.

● (2415)

As early as 2006, the Canadian Anti-Counterfeiting Network released a position paper on the need for legal reform in Canada to address intellectual property crime. In 2007, it released another report on counterfeiting and piracy in Canada. It was also in 2007 that two parliamentary committees, the Standing Committee on Industry, Science and Technology and the Standing Committee on Public Safety and National Security, both heard several stakeholders on this issue.

Since 2009, the Canadian Intellectual Property Council has also released reports asking for legislative changes in the area. More recently, in 2012, the standing committee that this will be referred to also heard from many witnesses about the issue of counterfeiting. Many others have met with or written to government officials with their concerns. Canadian stakeholders have been clear about the economic and health and safety issues associated with counterfeiting. This bill shows that we have listened.

There should be no concerns that Canadians will have luggage and their personal music devices searched for counterfeit goods and pirated copies. I am glad we have consensus on that. With everybody who spoke to that, it is very clear in the bill that this is not an attack on individuals personally for bringing things across the border.

Personal baggage will not be searched for counterfeit or pirated goods upon entering Canada, nor will personal music devices be searched. In fact, Bill C-56 clearly identifies such goods for personal use to be outside the scope of the legislation. The bill would provide the tools to pursue those who aim to profit from commercial counterfeiting activities: those who manufacture, possess, import, export or attempt to export for the purpose of sale and distribution, as well as those who sell or distribute counterfeit on a commercial scale. We are going after the core of the problem, the criminals, often highly organized and sophisticated, who prey upon unsuspecting Canadian customers.

Intellectual property legislation is always about creating a balance between owners and users. Bill C-56 provides a carefully balanced approach to protecting Canadians against the effects of counterfeiters. A strong intellectual property rights regime is central for any knowledge-based economy such as Canada's in order to foster an environment that promotes innovation, attracts new investment and stimulates economic growth.

As the committee moves forward with the bill, our government remains committed to working with Canadian rights holders as well as our international partners in fighting against counterfeiting. The bill will send a clear message to those who aim to profit from counterfeit goods that what they are doing is against Canadian law.

In conclusion, counterfeiting hurts jobs, threatens growth, and it exposes Canadians to health and safety risks. With this bill, our government continues to stand up for the economy, the rights holders and for all Canadian consumers. I thank all my colleagues in the House and all my colleagues from the opposition parties for their willingness to support this at second reading to send it to committee.

[*Translation*]

**Ms. Hélène LeBlanc (LaSalle—Émard, NDP):** Mr. Speaker, I thank the member who just spoke. He gave a rather exhaustive overview of the bill.

He mentioned the resources, as we did, and the techniques available to detect counterfeiting, since it is becoming increasingly complicated to do so.

Does the government plan on giving the Canada Border Services Agency this type of technology and investing in the kinds of resources needed to properly, effectively and accurately detect counterfeiting?

**Mr. Mike Allen:** Mr. Speaker, I thank my colleague for her question. It is very complicated and I understand that very well.

[*English*]

I also would like to mention that the department is very committed to ensuring that the CBSA has the tools to ensure it can do this work. We have a bit of a difference of opinion on what it will take to do that.

As my colleagues who spoke before me said, there will be some new tools that this legislation will provide, which will be very important for the folks at the border.

The other thing we need to understand, in my view, is that our border officers, who do tremendous work at our borders, face a lot of challenges, depending upon the safety conditions. However, they also currently have the ability to seize commercial goods and those types of things, which they do every day, at least at the border crossings in my riding and I know in the other folks' ridings as well.

However, what I also think is important for us to really understand is that the department is going to complete the mandate and it is going to take the steps to expedite and improve efficiencies at the border, as well.

However, the copyright owner has a lot to do in this in framing the copyright and what it is. Appealing to the courts through civil action will determine that.



*Government Orders*

That is where I see the difference with the U.S. The U.S. would need have significantly more tools because it has the responsibility to determine that copyright when it comes to the border, which is why I used the example of the golf clubs. The actual companies are providing money to the government to train its border services officers because it is important to the industry to do that.

Therefore, there are some things going forward that I think will be good for the committee to discuss. However, I have a difference of opinion as to whether it will take a lot more resources to do that.

● (2420)

**Mr. Erin O'Toole (Durham, CPC):** Mr. Speaker, I would like to thank the member for Tobique—Mactaquac for particularly focusing on a large employer in his riding, McCain Foods. I can assure him that I regularly support the economic development of that important employer, probably a tad too much.

It is key to recognize that these intellectual property rights are held by employers and that loss and erosion of these rights erodes economic development and jobs in our communities, whether it is in New Brunswick, Ontario, Quebec, or elsewhere.

I would like the member to address what employers, like McCain Foods in his riding, feel about our new measures that would allow them to exert their intellectual property rights, protect these, particularly for a large and important Canadian exporter like McCain Foods.

**Mr. Mike Allen:** Mr. Speaker, it is very important to look at these large multinational corporations, especially McCain Foods which has plants all over the world in many different countries and is able to shift production around. When they start shifting this production around, they start introducing new risks to the model of intellectual property as they are working in different countries and different people could get an opportunity to get their hands on their intellectual property.

Therefore, companies like McCain Foods are hugely grateful and that they will be beneficiaries of this. It will be very important for anybody is actually doing research, who holds these patents and copyrights. It will also be very important for business from the standpoint of not eroding its profits in the future, especially when it comes to the food industry.

Another concern I have, and it has not been discussed a lot here tonight, is pirated foods which come in without the safe qualities that we demand of our foods in Canada. In the absence of that, we are setting ourselves up for some very unsafe conditions, and that will be a huge issue.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP):** Mr. Speaker, I greatly appreciate the speech of my colleague. Certainly, it is security that we need to worry about.

My question is particular to the fact that the OECD has made it very clear that there is a need for better data when it comes to counterfeiting. Both under the Liberals and the Conservatives, there has been a big gap.

With respect to this legislation, perhaps my colleague would tell me what the government's plan is with respect to collecting better data and the proposed plan as to how it will actually do this.

**Mr. Mike Allen:** Mr. Speaker, there will be details ironed out in this. However, with the new trademark process, it will make it much easier for companies. The bill would streamline the process for the application of these trademarks and patents, which would make it better for business as well.

The unknown question might be the level of counterfeit that will hit the borders. It is a good question. It is hard to tell what types of shipments and that type of thing will hit the border, what level of information that will be required and how much would CBSA have to do.

Relative to the U.S., Canada is a smaller market, so the U.S. obviously has bigger challenges. Those will be the things that we will have to ensure, that CBSA keeps its commitment that it will put the teeth into the bill and that it will be prepared to carry it through.

● (2425)

[*Translation*]

**Ms. Hélène LeBlanc (LaSalle—Émard, NDP):** Mr. Speaker, I thank the member for Tobique—Mactaquac for his comments. I wanted to say his riding name, which I think is very interesting.

The member gave us a lot to think about in committee, as did his Conservative Party colleagues.

How many committee meetings does the member think it will take to address the points he and other committees raised? I think it will take at least three or four, if not more.

[*English*]

**Mr. Mike Allen:** Mr. Speaker, that is a good question. As the member would know, and I would be the first to say, the committees are the masters of their own destiny. I can speak to the committees that I am on, and we work fairly well with the opposition in trying to get things done, most of the time.

From my standpoint, the desire for this bill has existed for quite some time. There have been a number of things embedded in it from previous reports and committee reports. They are now in this bill. We have achieved a lot of things. With regard to a number of the questions I have heard tonight from the member for Halifax West and others, questions with respect to the cost, it is already in the bill. Therefore, some of the things that individuals were talking about needing to be amended I do not think need to be amended.

As for the protracted discussion on the costing and the idea that we should put another \$140 million back into CBSA, that is not the right answer. It is a matter that CBSA is committed to carrying this out within its existing mandate. I am not going to argue about the numbers, but net there are more border services officers than there were in 2006, and they have more tools. They are using tools like e-manifest and other things for bills of lading and those types of things that go through borders now, which make their process much more efficient. Simply because there are new processes does not mean there must be new money and new people.

[*Translation*]

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Mr. Speaker, I can barely contain my emotions as I rise in the House because I know that the entire nation is hanging on my every word as I weigh in on this important debate.

*Government Orders*

I would like to begin by quoting a 13th century French poet named Rutebeuf. Some 700 years ago, Rutebeuf wrote:

What has become of the friends  
Whom I held so dear  
And loved so much

One could paraphrase his words today:

What has become of the principles  
That I praised so highly  
And boasted of so much

I am, of course, talking about the Conservative Party and the bitter disappointment it has inspired among its supporters.

For years, while it was in opposition, this government said that it would clean up Ottawa, bring change and act according to the following principles: integrity, transparency, freedom of expression and enabling parliamentarians to do their work.

What has happened since the beginning of the Conservatives' majority mandate? Parliamentarians are being prevented from talking, debating issues and making suggestions. The government is imposing time allocation. It is forcing committees to work behind closed doors. It is doing exactly the opposite of what it promised Canadians.

It is good that we are debating Bill C-56, An Act to amend the Copyright Act and the Trade-marks Act and to make consequential amendments to other Acts, the Combating Counterfeit Products Act today. What we are seeing is counterfeit debates. Democratic freedom is being undermined and parliamentarians are being prevented from doing their work.

With this bill, that makes 47 gag orders. Forty-seven motions to limit members' speaking time on government bills. This evening, the leader of the Government in the House of Commons came to announce another gag order. A 48th gag order is coming.

I think that the Conservatives are aiming for 50 before the session ends. They must want to end on a round number or something like that. It must be as simple as that.

However, these are the same Conservatives who would tear their hair out and shout whenever the Liberals dared impose time allocation after weeks of debate. Once in power, these same Conservatives today put their principles behind them and can impose time allocation after an hour or two of debate by saying that it is a matter of urgency and that the bill absolutely must be passed because it is of vital importance.

In the meantime, they tell reporters that the NDP should give consent to adjourn Parliament and go home. It is one or the other: they cannot have their cake and eat it too. They cannot say that a bill urgently needs to be passed and then complain that the NDP is keeping them in Parliament and forcing them to work and answer their questions.

Let me come back to the bill. I come from a family that is well-rooted in the cultural community. My father is a writer and my brother is a musician, so copyright is very important to me. I know

that this bill is about more than just copyright as it relates to artists, but it can have consequences for that.

It is important because copyright and intellectual property are related. These are fundamental to respecting creators and people who develop products, whether we are talking about cultural products, merchandise or high-technology products. This evening we talked about pharmaceutical companies and many other things.

This debate is important to the NDP. We believe that this bill is headed in the right direction. However, members will understand that I will probably raise a concern in a few minutes. The Conservatives often do not walk the talk, as people used to say when I was young. However, this bill does have good intentions.

We have to recognize the importance of innovation in economic development and the fact that the creators of these innovations are entitled to the resulting profits. We must not allow third parties to copy what they have developed, built or imagined and abscond with the fruits of their labour.

● (2430)

That is outright theft of the revenues generated after a product, good, idea or concept is created and developed. It is rather difficult to know what happens surreptitiously, under the table. There are estimates but, in this case, we only have the value of seizures of counterfeit goods by the RCMP. It says that seizures increased from \$7.6 million in 2005 to \$38 million in 2012. That is significant.

As my colleague pointed out earlier, it is probably just the tip of the iceberg. That is just what was seized. There must be a lot of counterfeit goods in the world.

I think that if we have an opportunity to travel around the world, we will see all these young people in tourist areas who sell brand name watches that are fakes. This is just one of many examples of what we can see when we travel around the world.

In 2009, the OECD estimated that the international trade in counterfeit and pirated goods could be valued at up to \$250 billion. I think it is worth studying this issue and doing what is necessary to solve the problem.

Bill C-56 is a step in the right direction but the official opposition would be much happier if we had the resources to serve our ambitions. We are not just talking about the loss of money but a risk to Canadians and Quebeckers. We learned from the testimony of several witnesses that counterfeit goods often pose a risk to the health and safety of consumers.

We heard this evening about counterfeit electrical components that can be dangerous and can cause short-circuits, as well as about poor quality counterfeit winter jackets or vests with unsanitary stuffing that do not do the job. Counterfeiting is of even greater concern to us when it has an impact on the health and safety of our constituents.

However, I must admit that I am sad and disappointed. This bill is so important for Canadian companies and consumers that we would like the Conservative government to allocate the resources needed to enforce it. For the time being, we still do not know where the funding for the enforcement regime set out in Bill C-56 will come from. That is not just a minor detail.

*Government Orders*

This bill imposes significant new duties on Canada Border Services Agency officers at a time when budgets are being cut. That is where the Conservatives' true colours shine through because we know full well that they are imposing an additional burden, additional standards and additional rules on the CBSA. They are proposing measures and then turning around and cutting \$143 million from the CBSA'S budget. The Conservatives are giving the CBSA more work to do and telling them that the work needs to be done, but then they are not giving them the resources they need to do that work.

According to the Canada Border Services Agency's report on plans and priorities, 549 full-time jobs will be cut by 2015. Of course, some of those jobs will be border officer positions. The CBSA will therefore have fewer financial resources, more work to do and fewer employees to do it.

What we heard the immigration minister say this evening was wonderful. Every time we try to show the practical implications of the Conservative government's blind cuts to public services, the Conservatives tell us that our figures are inaccurate and that they are going to give us the facts.

What is funny is that last year they announced \$4 billion in cuts to services for Canadians. They said they would cut the cost of bureaucracy, red tape and photocopies, but that this would not affect services for Canadians. They said they would cut 19,600 positions, but that this would not make a difference or have any impact.

In its report on plans and priorities, the Canada Border Services Agency itself says that 549 jobs are going to disappear, yet the Conservatives say no, that is not true. That happens every time we provide an example. According to the Minister of Immigration, the real numbers show that the budget is going to increase by 27%. He needs to talk to the President of the Treasury Board.

● (2435)

When the President of the Treasury Board announced his budget reduction plan, he said that there would be cuts of 5% to 10% across the board, that no one would escape. However, every time we mention job cuts and the impact on services, the government says that it is not a question of cuts, that there will actually be an increase in funding. There will be more border services officers and the budget will increase.

If every budget cut has turned into an increase, I want to talk to the Minister of Finance. How will he get rid of the deficit in time for the next election in 2015?

The government cannot talk out of both sides of its mouth. It cannot say that it will increase resources for the Canadian Food Inspection Agency, for example, and then put it on the chopping block, as it has done with every other government agency and department.

Last year, I found the first few pages of the budget to be fascinating. They contained an additional \$51 million allocation to the Canadian Food Inspection Agency. In subsequent pages, where the bad news is usually found, the government's three-year budget reduction plan reduced the agency's budget by \$56 million. I went to see a finance department official to ask whether the \$51-million allocation or the \$56-million reduction was right. He told me that

both were right and that they would result in an overall reduction of \$5 million.

The Conservatives obviously do not like to adjust the good news figures they want us to believe to reflect the reality of the cuts being made. We are seeing that, in several departments and in organizations such as Service Canada and other agencies, the Conservatives' budget cuts hurt.

This bill has good intentions, but in practical terms, on the ground, it will reduce services for Canadians. As the Conservative member who spoke before me said, if the government does not give teeth and real resources to this bill, border officers will have to be bold and do the work that the government does not dare do, without the resources that the government does not dare give them. This will be an additional burden on border officers.

That is a concern of ours. Once Bill C-56 is passed, customs officers would be asked to make highly complicated assessments on whether goods entering or exiting the country infringe on any copyright or trademark rights. Such an assessment for pirated copies would include, for example, consideration of whether any of the exceptions under the Copyright Act would apply to a product such as the CD or DVD that the officer is looking at. That is something with which the courts often struggle. We would be asking border officers to do sensitive, detailed work without providing them with enough employees, training or resources to do the job. That is worrisome.

Would traffic at our border crossings into the United States be slowed down? Would that mean that people will have to wait even longer because the border officer has to check the contents of a truck filled with boxes and ensure that those are not contraband or counterfeit goods? In addition, although there used to be two of them to do the job, now there is just one officer. That will increase the burden on border officers, make their task harder and increase their workload, and that is what concerns us.

I would like to talk about the lack of respect the Conservative government has for border officers. The Canada Border Services Agency is in the process of negotiations, and yet, for the first time in the history of Canada's public services, the Conservative government will try to impose a collective agreement based on recommendations published by the public interest commission on June 5.

● (2440)

Once again, the government is not showing respect for free collective bargaining. It wants to increase their workload. It is not even honouring their ability to freely negotiate their contract and collective agreement. Furthermore, the government wants to impose a new contract that would contain salary increases that are lower than what other public servants have obtained or are obtaining.

I want to put this in perspective, because it is absolutely one of the consequences of the Conservatives' attitude towards workers. I wanted to take this opportunity to talk about the government's lack of respect for the border officers in how it is handling the renewal of their collective agreement.

*Government Orders*

I also want to remind members of the Conservatives' attitude towards intellectual property. Earlier this evening, my colleague from Timmins—James Bay said that the assistant to the minister who is now the President of the Treasury Board went to Ottawa to ask that Canada be put on the 301 watch list because of its poor record on protecting intellectual property laws. This list includes countries that are as effective as Yemen and North Korea at protecting intellectual property.

By the Conservatives' twisted logic, being on the black list, being one of the bad guys, being among the world's worst offenders when it comes to protecting intellectual property rights, would actually give us an incentive to enact appropriate legislation. As if we need the whole world to see us as incompetent, unable to protect our own creations, our own inventions, our own innovations. As if we need to be compared to Yemen or North Korea before we can take action.

The funny thing is that, after the President of the Treasury Board's top official intervened, it worked. A few weeks later, Canada was on the list. Everyone here should be ashamed of the fact that our country is on the same list as countries that care so little about such critically important issues as copyright and protecting intellectual property.

I know it is late, but I would like to thank all of my colleagues for their speeches this evening. They were all excellent, and so were the questions. I would also like to thank all of the people who work behind the scenes, people who work for the caucus and the leader's office and who are here to support us and help us do our work even if that means working until 1 a.m.

• (2445)

**The Deputy Speaker:** It being 12:47 a.m., pursuant to order made earlier today, it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the second reading stage of the bill now before the House.

The question is on the motion.

[*English*]

Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Yes.

**The Deputy Speaker:** Accordingly, the bill stands referred to the Standing Committee on Industry, Science and Technology.

(Motion agreed to, bill read the second time and referred to a committee)

\* \* \*

**RESPECT FOR COMMUNITIES ACT**

**Hon. Leona Aglukkaq (Minister of Health, Minister of the Canadian Northern Economic Development Agency and Minister for the Arctic Council, CPC)** moved that Bill C-65, An Act to amend the Controlled Drugs and Substances Act, be read the second time and referred to the Standing Committee on Health.

She said: Mr. Speaker, I am pleased to rise in the House this evening on an important piece of legislation for the health and safety of our communities.

The respect for communities act puts into legislation the high bar set by the Supreme Court for supervised consumption sites and makes sure communities have a say in any decisions made.

We are all well aware of the terrible consequences that drug abuse can have on drug addicts, their families and communities, and Canadian society as a whole. The production and trafficking of drugs not only supports organized crime but feeds the cycle of drug addiction, putting the health and safety of Canadians at risk.

In Canada, the Controlled Drugs and Substances Act imposes necessary restrictions and controls on substances that can alter mental processes and harm the health of both individuals and society when diverted or misused.

The Controlled Drugs and Substances Act has a dual purpose. It provides access to controlled substances for legitimate purposes, such as medical or scientific research, while keeping in place prohibitions to minimize the risk of diversion.

Section 56 of the Controlled Drugs and Substances Act is a constitutional safety valve. It enables the government to provide access to controlled substances in exceptional but legitimate situations. For example, I have authorized section 56 exemptions to the Red Cross so that it can have access to morphine for natural disaster relief efforts.

Exemptions from the Controlled Drugs and Substances Act can be granted if the exemption is necessary for medical or scientific purposes, or is otherwise in the public interest. Most of the exemptions granted in Canada are for routine activities, such as methadone treatment, clinical trials and university research. These exemptions are for controlled substances obtained through legitimate, or what the bill refers to as "licit", sources, such as a licensed manufacturer, pharmacist or hospital.

In Canada we have approved only a very small number of exemptions to use controlled substances obtained through illegal, or what is referred to in the bill as "illicit", sources. Virtually all the exemptions for illegal drugs are for law enforcement, so that they can use these drugs to train police dogs to detect drugs.

Another one is for the well-known facility called InSite, located in a downtown east side neighbourhood of Vancouver. InSite has been operating under a section 56 exemption since 2003.

On September 30, 2011, the Supreme Court of Canada rendered a decision in a case regarding InSite. In its decision, the court upheld the constitutionality of the possession and trafficking prohibitions of the Controlled Drugs and Substances Act. The court also found that a unique set of circumstances existed in the Vancouver downtown east side, and it ordered that I grant InSite an exemption under section 56.

The court was clear that the Minister of Health maintains the discretion to grant or deny such exemptions. The court stated that this decision was not an invitation for anyone who so chooses to open a facility for drug use under the banner of a safe injection facility.

The court also outlined five factors and evidence that the minister must consider when reviewing such application of section 56 exemptions.

*Government Orders*

When we are talking about controlled substances that have been obtained illegally, we need to ask tough questions. We need to know what impact a supervised consumption site will have on the local crime rate, what the local conditions are that led to the need for such a site, what regulatory structure is in place to support the site and what resources are available to support the maintenance of the site. Finally, we need to take into account the position of the community where this site will operate and whether there is support or opposition.

Our government has built upon these five factors in the proposed legislative approach that is being debated here today. For the majority of applicants who are applying for an exemption to use controlled substances obtained through legitimate sources, the process will not change.

For example, the exemption process for individuals applying for a section 56 exemption for clinical trials or other scientific or medical purposes involving licit drug substances will remain the same. While substances obtained through licit sources are potentially harmful when abused, they are developed in controlled environments where activities are regulated through federal or provincial law. They are also not supporting organized crime.

● (2450)

What we are proposing now is to add a new section to the legislation, section 56.1, which would deal specifically with controlled substances obtained through illicit sources. We know that these substances can seriously harm individuals as well public health and safety. They are often unregulated, untested substances produced in uncontrolled environments. They could contain impurities and additives that add to the harmful effects. We also know that substances obtained illegally may support organized crime. For these reasons, the legislation would put in place a separate section in the act to deal with exemptions for illegal substances for medical, law enforcement and other prescribed purposes.

In addition, there would be a specific section relating to exemption applications that involve the use of illicit substances at supervised consumption sites. In this specific section, all the factors outlined by the Supreme Court of Canada have been detailed in the legislation to make clear what information would be required from any applicant seeking an exemption involving the use of illegal drugs at a supervised consumption site. This section would lay out the criteria that must be addressed by the applicant in order to have the application considered by the Minister of Health.

The proposed legislative changes would ensure that applicants address all of the new criteria, which are based on the Supreme Court's decision and would ensure that communities have a voice in the process. This would provide the Minister of Health with relevant information to make an informed decision that balances public health and public safety in accordance with the Canadian Charter of Rights and Freedoms.

Let me take this opportunity to walk members through how the process to apply for this kind of an exemption would work under the new legislation.

First, applicants would have to demonstrate that they have addressed all of the criteria set out in the legislation in their

application. In some cases, the information would have to be provided by the applicant before an application would be considered by the minister.

For example, the applicant would have to provide a letter from the provincial or territorial minister responsible for health describing his or her opinion on the proposed activities, how the activities would be integrated into the provincial and territorial health care system, and any treatment services that would be available for individuals who would use the site. Until this letter is provided, the Minister of Health would not review the application. The applicant would have to provide information on security measures, criminal record checks, record keeping and the establishment of procedures for the safe disposal of controlled substances and anything that facilitates their consumption. Until this information is provided, the Minister of Health would not review the application.

For some of criteria, information would have to be submitted by the applicant only if it existed. For example, an applicant would not be required to undertake new studies to create information on crime or public nuisance near the proposed site. However, if the information already existed, the applicant would have to provide it. The Minister of Health would also have the opportunity to ask the applicant to provide additional relevant information as required to help in making a decision.

Given the importance of understanding the impact that supervised consumption sites may have on the communities in which they exist, there is a heavy emphasis on public consultation. Our government recognizes the importance of consulting with relevant community groups about a proposed supervised consumption site. We need to hear from those who are already present on the ground in that community and who know the specific characteristics of that community that may or may not be affected by the presence of a supervised consumption site.

The proposed legislation includes a requirement to provide letters of opinion from public health and municipal officials. The act requires that all perspectives from law enforcement, public health professionals, provincial/territorial or municipal governments to the public would be taken into account.

● (2455)

In addition to these requirements, the act also allows the Minister of Health to post a notice of application regarding a proposed supervised consumption site for a 90-day public comment period. This provides a clear chance for Canadians to provide their thoughts on any proposed application directly to the Minister of Health. Any relevant feedback would be taken into account in her consideration of an exemption application.

This is why the short title of this legislation is the "respect for communities act". This consultation will be an essential part of the application process for a supervised consumption site. We need to know what those living, working or going to school near the potential supervised consumption site think of the proposal.

*Adjournment Proceedings*

The changes in the legislation would also require the applicant to consult with a broad range of relevant community groups to ascertain their opinions on the proposed site and provide a report outlining their views and describing how the applicant would respond to any relevant concerns raised during the consultation. This information is crucial, as well as other specific and clearly defined application criteria meant to balance public health and safety consideration.

This new legislation provides greater transparency concerning the application process for exemptions to use controlled substances at supervised consumption sites. It also provides the minister with the necessary information to balance public health and public safety concerns in accordance with the charter when considering an exemption application for activities where illicit substances are at a supervised consumption site.

As I have mentioned, one of the main purposes of the Controlled Drugs and Substances Act is public safety. As part of the application review process, there will be a pre-inspection to verify that the information provided in the application is accurate. For example, if an applicant states that specific security measures exist on site, this will be verified.

Given the inherent threat posed to public health and safety from controlled substances obtained through illicit sources, it is common sense that exemptions to undertake activities with them should be limited to rare or unique circumstances.

When an exemption granted under the new regime is set to expire and the applicant applies for a new exemption, the applicant would have to address all legislated criteria. In addition, where possible the applicant would have to provide the following information, dating from the time the first exemption was first granted, to the time of the most recent application: information on any change in crime rates in the vicinity where the site is located, and information on any impacts of the activities at the site on individual and public health.

This new approach will bring greater clarity and transparency to the way in which future applications to establish supervised consumption sites will be assessed. The proposed approach provides the legislative structure needed to properly address public health and safety concerns. Most importantly, it allows the public and key community stakeholders to have a voice.

By supporting these changes in our laws, we can help to protect public health safety. I urge all sides of the House to support the bill.

• (2500)

**The Deputy Speaker:** That concludes the time we have for debate, leaving 10 minutes for questions and comments at the resumption of debate.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

SUPREME COURT

**Mr. Jean-François Fortin (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ):** Mr. Speaker, on April 15, during question period, I asked the government about the political involvement of Supreme Court justices in the 1982 patriation of the Constitution, which historian Frédéric Bastien addresses in his book entitled *La bataille de Londres*.

I would remind the House that Ottawa referred to a Supreme Court ruling in order to force a constitution on Quebec that it still refuses to sign to this day.

Mr. Bastien lays out evidence that former Supreme Court chief justice Bora Laskin provided the governments of Canada and Great Britain with privileged information about the court's deliberations on the legality of the patriation of the Constitution. The fact that the chief justice at the time was providing privileged information not only to the Government of Canada but also to the Government of Great Britain about the Supreme Court's deliberations raises a serious issue about the fundamental principles of separation of powers.

This is such a serious move that it undermines the legitimacy of the Supreme Court's ruling and, accordingly, the legitimacy of forcing the Constitution on Quebec. This is not merely a breach of elementary rules, it is a violation of the principles forming the very basis of our democratic institutions.

In our opinion, the Prime Minister must show some statesmanship, launch an independent public inquiry and commit to releasing all the unredacted documents that can shed light on these events.

Despite repeated requests from the Bloc Québécois, all members from the National Assembly of Quebec and the people of Quebec, most of whom are calling for this inquiry, it is still impossible to find out more about the circumstances surrounding this pivotal time in Canadian and Quebec history.

In light of the allegations surrounding this saga, the only thing that is clear is that the Conservative government, with the complicity of other federalist parties, continue to refuse this legitimate request by Quebec.

Under pressure, the Supreme Court did a cursory verification of its own documents, but did not find anything, it said, to confirm the point made by historian Frédéric Bastien.

Not surprisingly, any entity investigating itself in such circumstances tries to avoid the controversy that this type of revelation provokes.

The perception the Government of Quebec and Quebecers have of the highest court in the land is heavily laced with scepticism. No less than 39% of the people polled during a recent survey said that the Supreme Court is not neutral and independent. The government must take note and act accordingly by taking its responsibilities and allowing this dark time in Quebec's history to be clarified as quickly as possible.

*Adjournment Proceedings*

When will this government take the opinion of Quebecers into account and stop encouraging the culture of secrecy and absolute confusion surrounding a significant and defining event for Canada?

The 1982 repatriation of the Canadian Constitution is a defining event in our political history. Although it may not be of interest to the Prime Minister and the Conservative government, this event is very significant. The rules of the game were changed without the consent of Quebec, which, ever since, has been trapped by a framework that was created without an acknowledgement of its refusal to be a party to repatriation. This is the position of Quebec's federalist and sovereigntist parties alike, which, regardless of their political allegiance, have always refused to add Quebec's signature.

Unfortunately, my presence here proves that the crux of the matter remains unresolved. Given the facts brought to light, I believe that a national inquiry is vital to a proper understanding of the events surrounding the 1982 repatriation of the Constitution. It is clear from recent developments that Quebecers are asking for frank and honest answers. As long as this government represents all Canadians, it must respond to this legitimate demand for an independent inquiry with full access to the documents.

• (2505)

[*English*]

**Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC):** Mr. Speaker, as this government has stated before, we have no interest in reopening old constitutional debate.

[*Translation*]

Our government continues to focus its efforts on the real needs of Canadians: a stronger economy, job creation and the initiatives needed to balance the budget.

[*English*]

While the member opposite continues to attempt to reopen these debates, Canadians can rest assured that our government's focus will be on their real priorities.

[*Translation*]

**Mr. Jean-François Fortin:** Mr. Speaker, that is a very short answer.

However, the government's vision also ignores the fact that the September 1981 ruling of the highest court allowed for the repatriation of the Constitution without Quebec's support.

The judges basically said that the unanimous consent of the provinces was not necessary to repatriate the Constitution. Nevertheless, this was a defining moment. This ruling allowed the repatriation to occur.

The government is constantly saying that this request to reopen an investigation and shed some light on this issue is stirring up old quarrels. However, we see that the government was very enthusiastic about putting its energy into and spending public money on the commemoration of the War of 1812, which was considered a defining moment for the government.

Is there another more defining moment than the controversial repatriation? In our opinion, the government has no choice but to acknowledge those troubled times and look into these serious

allegations by creating an independent commission of public inquiry that will have access to all the relevant documents, including those of the Privy Council.

**Mr. Pierre Lemieux:** Mr. Speaker, as I just said, we are focusing on the real needs of Canadians, namely strengthening our economy, creating jobs and taking the necessary action to balance the budget.

[*English*]

The member opposite continues to attempt to reopen these debates, but Canadians can rest assured that our government will be focusing on the real priorities.

[*Translation*]

## EMPLOYMENT INSURANCE

**Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP):** Mr. Speaker, a few short weeks ago, I had to ask the Minister of Human Resources and Skills Development a question about a media release from the International Monetary Fund concerning the austerity measures implemented in Canada.

The International Monetary Fund, which is not exactly a left-leaning economic organization, is well known for its sometimes extreme rhetoric promoting fiscal austerity to get world economies back on track after a recession.

However, this same organization, which recently publicly admitted that its most renowned economists were wrong about their global budget forecasts and the impact of austerity policies, reversed its position on Canada's policies. Indeed, the IMF stated that it had called on governments to implement austerity plans with caution.

The IMF added that overly sharp budget-balancing could increase risks and also said that decreasing debt is a marathon, not a sprint, and that going too fast will kill growth and further derail the recovery.

The IMF also said that the decline in global growth would slow Canada's economic growth. It anticipates the Canadian economy to grow by 1.7% this year and 2% next year. These predictions reflect drops of two-tenths of a percentage point and one-half of a percentage point, respectively, based on predictions from September. This downward revision leads us to believe that the Canadian economy is and will be dragged down by various global economic problems, such as the weak economy recovery in Europe, decreased commodity prices and economic growth in emerging countries that is not meeting our expectations.

The IMF points out that Canada does not need to be overly zealous in getting its finances in order. The main short-term challenge is to sustain its weak growth and to reduce other economic vulnerabilities, such as decreased commodity prices and the fact that the Conservative government is putting all of its eggs in one basket by focusing almost exclusively on our natural resources instead of ensuring that our country maintain a strong and diversified economy.

*Adjournment Proceedings*

Based on this information, I would like to ask the minister why her government is moving forward with EI reform, when this reform is being widely criticized even by her own provinces. If such draconian austerity measures are not unnecessary, why is the government going after middle-class families who expect to get the services they are entitled to, since they made their contributions?

All this proves is that the reform unnecessarily guts the system and does nothing to improve our economy. On the contrary, these new policies weaken our regional economies, which rely on seasonal industries.

Could the minister explain why she is moving forward with gutting the EI system without any changes or consultation, if it is not in the name of Conservative ideology?

• (2510)

**Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC):** Mr. Speaker, changes were made to employment insurance to help unemployed workers find suitable employment. They help them, their family and the local economy. Everyone wins.

[English]

Let me make one thing perfectly clear. A claimant would not be required to take a job unless it puts them in a better financial position than being on employment insurance.

[Translation]

What we are doing is helping employment insurance claimants re-enter the workforce, not penalizing them.

[English]

We are ensuring that EI is there for people who paid into the system who are without work and who need it.

We also know that not everyone lives the same reality. Personal circumstances are different for everyone. For that very reason, the changes recognize that personal circumstances must be taken into consideration when assessing whether an employment opportunity is suitable.

[Translation]

We take into account the commute, the working conditions, the type of work, the salary, the hours of work and the personal situation. Not one of those factors is more important than the others.

• (2515)

[English]

We know Canadians want to work, but some face challenges in finding suitable jobs. They may not know where or how to find available jobs. They may not be aware that their skills match needs in another industry or occupation. Others still may not know about the supports available to help them in their job search.

[Translation]

The changes we made to employment insurance encourage and help unemployed workers find jobs in their region and in their field.

[English]

We have enhanced support measures, such as job alerts, to help EI claimants with their job search. With the enhanced job alert system, individuals can receive daily notices regarding new job postings that match their profile.

We are helping EI claimants get back into the job market, as they are always better off working than receiving EI.

[Translation]

We are taking measures to connect employers with job seekers and to keep Canadians in the workforce.

[English]

Full-time jobs have been increasing across occupations and in many industries. In fact, since July 2009, employment has grown by over one million jobs. This represents the strongest growth by far among the G7 countries. Of these million jobs, most of them are full-time positions.

Helping Canadians remain active participants in the labour force is important to ensure the economy's continued growth.

[Translation]

Job creation, economic growth and long-term prosperity remain our top priorities.

**Mrs. Anne-Marie Day:** Mr. Speaker, with a million new jobs and employment insurance deductions at source, the fund should be in the black.

I should point out that Canada's unemployment rate is still 7.1%, which is much higher than the unemployment rate prior to the 2008 recession. In addition, the proportion of individuals working is still 62%, which represents a gap of 400,000 jobs compared to the employment rate prior to the recession. That is a net loss.

We are far from back to normal, and this government's austerity policies, as the IMF pointed out, should be cut short in favour of measures that foster growth. The employment insurance reform, which is penalizing thousands of workers who are having an increasingly difficult time accessing benefits, should be completely overhauled.

Canadians deserve a fair and accessible system for all.

[English]

**Mr. Pierre Lemieux:** Mr. Speaker, the changes to the employment insurance program were made to help EI claimants return to work as quickly as possible.

[Translation]

We understand that people who want to work sometimes lose their jobs through no fault of their own. Employment insurance will be there for them to provide them with temporary income support while they look for a job or upgrade their skills.



*Adjournment Proceedings*

[*English*]

Our government recognizes that some Canadians are going through trying times. As I have said many times before in the House, for those who are unable to find work, EI will continue to be there for them, as it has always been.

[*Translation*]

I would also like to add that our government is focused on job creation, economic growth and long-term prosperity. Those remain our biggest priorities.

**The Deputy Speaker:** The hon. member for Québec not being present to raise the matter for which adjournment notice has been given, the notice is deemed withdrawn.

Pursuant to an order made on Wednesday, May 22, 2013, the motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until later this day at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 1:18 a.m.)

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