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Monday, April 28, 2014



Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Monday, April 28, 2014

The House met at 11 a.m.

Prayers

• (1100)
[English]

VACANCY

WHITBY—OSHAWA

The Speaker: It is my duty to inform the House that a vacancy has occurred in the representation in the House of Commons for the electoral district of Whitby—Oshawa in the province of Ontario by reason of the passing of the hon. Jim Flaherty.

[Translation]

Pursuant to subsection 28(1) of the Parliament of Canada Act, I have addressed a warrant to the Chief Electoral Officer for the issue of a writ for the election of a member to fill this vacancy.

* * *

[English]

POINTS OF ORDER

STANDING COMMITTEE ON AGRICULTURE AND AGRI-FOOD

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I am rising today to respond to the point of order raised on April 10 by the hon. member for Edmonton—St. Albert respecting the amendments to Bill C-30, the fair rail for grain farmers act, contained in the second report of the Standing Committee on Agriculture and Agri-food presented on Tuesday, April 8. The government disagrees with the assessment offered by the hon. member.

The amendment in question, which adds clause 5.1 to the bill, is relevant to the subject matter of Bill C-30. It respects the rules and usual practices of the House. It would amend a part of the Canada Transportation Act, a law that is already under consideration in Bill C-30.

The summary of Bill C-30 clearly states that a goal of the legislation, and in particular the part which would amend the Canada Transportation Act, is to “facilitate the movement of grain by rail”. This amendment would provide the tools required in the supply chain to make sure all parties are committed to making this happen.

The sponsor of the bill clearly believes that this clause is relevant and consistent with his policy intentions or he would not have asked his parliamentary secretary to propose that amendment.

Clause-by-clause consideration of the bill followed an ambitious and full series of meetings by the agriculture committee. Many witnesses with interests in this legislation appeared and gave evidence. The government heard what witnesses asked for. In response, it drafted an amendment to fulfill the desire of witnesses.

Furthermore, I understand that the amendment was considered at committee without objection. Not only was it considered without procedural objection, it was adopted by a recorded vote of nine to zero. Every member of the committee voted for and supported the amendment. A competent and informed decision was made when each member reviewed, considered, and voted for the amendment. The unanimously adopted amendment aids and advances the bill's purpose of facilitating the movement of grain by rail.

As the Speaker knows, *House of Commons Procedure and Practice*, Second Edition, at page 766 states:

An amendment to a bill that was referred to a committee *after* second reading is out of order if it is beyond the scope and principle of the bill...Similarly, an amendment which is equivalent to a simple negation of the bill or which reverses the principle of the bill as agreed to at second reading is out of order.

An amendment to a bill must be relevant in that it must always relate to the subject matter of the bill...

Erskine May's *Parliamentary Procedure*, 24th Edition, helpfully defines the scope of a bill at page 6564:

Any amendment (or new clause or new schedule) proposed to a bill must be within its scope. The scope of a bill represents the reasonable limits of its collective purposes, as defined by its existing clauses and schedules. In particular cases difficult questions of judgment may arise. The scope of a bill, particularly of a bill with several purposes, may be wider than its long title, although the long title may help to determine the scope.

Bill C-30's long title is An Act to Amend the Canada Grain Act and Canada Transportation Act and to provide for other measures. Clearly clause 5.1, which would amend the Canada Transportation Act, meets this threshold.

Let me add from page 565 of Erskine May:

An amendment which is outside the scope of a clause may be admissible if presented as a new clause, provided that it is within the scope of the bill.

As I have previously mentioned, clause 5.1 joins other amendments to the Canada Transportation Act to facilitate the movement of grain by rail.

Private Members' Business

Beauchesne's *Parliamentary Rules & Forms*, 6th Edition, addresses the admissibility of amendments to legislation at citation 698. Let me quote from some of the paragraphs of this citation. Paragraph (1) says:

An amendment is out of order if it is irrelevant to the bill, beyond its scope, or governed by or dependent upon amendments already negated.

That is not the case here.

Paragraph (2) reads:

An amendment must not be inconsistent with, or contradictory to, the bill as so far agreed to by the committee, nor must it be inconsistent with a decision which the committee has given upon a former amendment.

• (1105)

This amendment complements and enhances the purpose of the bill. It absolutely is not inconsistent with the bill.

Paragraph 5 informs us that "An amendment which is equivalent to a negative of the bill, or which would reverse the principle of the bill as agreed to at the second reading stage is not admissible." However, this is not applicable because the amendment does not overturn the principle of the bill. I could offer even more quotes from citation 698 to make my case, but in the interest of time, I will not.

Let me take a brief moment, especially as a member of Parliament from Saskatchewan, to acknowledge and thank the opposition members for the work they did; and in fact the non-partisan work they all did, as well as the cordial approach taken during the committee's work to see this important bill considered promptly, expeditiously, and thoroughly.

Members of the House understand extremely well that this amendment is important because it gives tools to the shippers who enter service level agreements. In fact, the proposed amendment further facilitates the movement of grain by rail through the creation of a better balance and accountability between shippers and railways and the strengthening of the strong foundation provided for effective and reliable service. The amendment is something that many witnesses from all commodities have asked for at the committee. The Alberta Wheat Commission said this recently:

AWC would like to recognize the members of the House of Commons and the Standing Committee on Agriculture and Agri-Food for the amendments made to strengthen the legislation and the potential for effective Service Level Agreements between railways and shippers. [...]The need for financial penalties was identified by AWC as a necessary component for Service Level Agreements.

Mr. Speaker, it is for these reasons that you should find it easy to reject the point of order raised by the hon. member for Edmonton—St. Albert and find in order the second report of the Standing Committee on Agriculture and Agri-Food on Bill C-30, the fair rail for grain farmers act.

The Speaker: I thank the hon. parliamentary secretary for his contribution to this question. We will come back to the House in due course.

PRIVATE MEMBERS' BUSINESS

[Translation]

NATIONAL CAPITAL ACT

The House resumed from March 7, 2014, consideration of the motion that Bill C-565, An Act to amend the National Capital Act (Gatineau Park) and to make a related amendment to the Department of Canadian Heritage Act, be read the second time and referred to a committee.

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.):

Mr. Speaker, at this stage of our debate on Gatineau Park, it is important to note that all members of the House agree that Gatineau Park is an immensely beautiful treasure that needs better protection. Unfortunately, that is where our agreement ends right now. We do not agree on what kind of legal protection Parliament should provide for that park, which we all love so much.

The member for Hull—Aylmer believes that her bill, which we are debating here today, Bill C-565, An Act to amend the National Capital Act (Gatineau Park) and to make a related amendment to the Department of Canadian Heritage Act, is adequate.

The Conservative government would rather focus on its own bill, which it promises to introduce soon and which it claims is very similar to bills it has introduced in the past. The Liberal caucus believes that both the NDP and Conservative approaches are inadequate and do not provide sufficient protection for Gatineau Park while respecting the rights of property owners. However, the Liberal caucus is prepared to support Bill C-565 at second reading so that a committee can examine it and make amendments.

Let us consider the magnitude of the problem. Gatineau Park is the only federal park that is not protected by Parliament. Unlike national parks, this park's boundaries can be modified and its land sold, and roads can be built through it without Parliament's involvement.

Gatineau Park is managed by the National Capital Commission, which does not ban commercial or industrial activities or land development. As a result of inadequate legal protection, Gatineau Park has lost a significant amount of land. When the National Capital Commission redrew the park's boundaries in the 1990s, it severed 48 properties, for a total of 1,508 acres. At the same time, 334 acres were allotted for the construction of roads, which were built in violation of the commitments made in the master plan, bringing the total number of acres severed up to 1,842, or nearly 5 km².

All this was done without Parliament's knowledge, let alone its approval. This would not have happened if Gatineau Park were protected under the Canada National Parks Act, which establishes in subsection 5(3) that the size of the park can only be reduced by an act of Parliament.

In addition, because the land management system is inadequate, the NCC has allowed considerable urbanization within the park. Since 1992, 125 residences have been built inside the park.

•(1110)

[English]

Despite repeated NCC commitments to acquire private property, some 296 private properties, consisting of 2,112 acres, remain within Gatineau Park. Moreover, several large private properties remain inside the park that risk being turned into major subdivisions, which would impede the park's evolution as a conservation site intended for public enjoyment.

[Translation]

Gatineau Park must be given the same kind of legal protection and parliamentary oversight as Canada's national parks.

Through amendments to the National Capital Act, the park must acquire the legal status, borders and land management mechanism needed to ensure transparency in its administration and guarantee its long-term protection.

We must give this park the protection framework that various citizens' groups have been advocating for decades and help the NCC fulfill its commitment to gradually acquire the private properties, while respecting landowners' rights to continue to live in the park.

Today, the Conservatives are saying they want to come back to this issue with something equivalent to their Bills C-37 and C-20, which died on the order paper in 2009 and 2011. That is not exactly reassuring.

[English]

These bills did not offer Gatineau a proper legislative framework, failed to meet basic park protection criteria, perpetuated developments and road building, and would have impaired the park's ecological integrity.

[Translation]

Under these bills, the park boundaries could be changed by administrative decree, without oversight or parliamentary debate.

[English]

Now we have the NDP Bill C-565. This bill establishes but a moral obligation to ecological integrity. Measures to ensure the protection, preservation, and management of Gatineau Park for the benefit of current and future generations are put forth with little framework and no real legislative backbone.

•(1115)

[Translation]

In fact, at least three aspects of Bill C-565 could represent setbacks.

First, although Bill C-565 gives the NCC the mandate of acquiring the real property situated in Gatineau Park, it stipulates that:

10.1 (2) The Commission may not, in pursuing its objectives, infringe upon the property rights attached to any real property...located within Gatineau Park.

By so doing, Bill C-565 weakens the NCC, since the existing National Capital Act allows the NCC to expropriate private lands whenever it becomes necessary for the purposes of its mandate.

Private Members' Business

Bill C-565 will create a dangerous precedent by removing the NCC's ability to expropriate land. It will allow large landowners to divide their land and build new residences in the middle of the park, which would be completely contrary to the park's public and ecological purpose and all the park master plans.

The problem with Bill C-565 is that it does not include a mechanism for acquiring the land.

[English]

This is why there is a need for a right of first refusal. Clear regulations would give the NCC the first chance to purchase private property should the private landowner decide to sell, subsequent to which, parkland may be bought and sold on the open market.

[Translation]

People who own land in Gatineau Park could continue to live there and leave their property to their children through estates and trusts. It is important to note that the NCC supported the use of such a right of first refusal when it appeared before a Senate committee in 2007.

Second, although the most recent Gatineau Park master plan clearly establishes that the park's ecological integrity is a management priority, clause 2 of Bill C-565 simply states that the NCC will "protect Gatineau Park's natural biodiversity, as well as its underlying ecological structure and environmental processes".

Simply saying that the NCC is to protect the park's natural biodiversity is not as strong a mechanism for preserving the park's ecological integrity as making that protection the first priority. Let us remember that the Canada National Parks Act considers protecting ecological integrity to be a management priority.

Third, Bill C-565 could open the door to hunting in Gatineau Park. Right now, fishing is allowed in the park, but hunting is prohibited.

[English]

It is clear that serious amendments are needed to Bill C-565, to better back the NCC objectives of long-term ecological integrity while respecting the rights of landowners. Many amendments would be required.

Indeed, the bill provides no mechanism for public consultation, completely ignores the issue of Quebec's territorial integrity, and fails to make conservation the first priority of park management, which, as I said, is a cornerstone of the Canada National Parks Act.

Above all, the bill should provide, subsequent to consultations with the Quebec provincial government, a real protective legislation for Gatineau Park via an amendment to the National Capital Act.

Such a legislative framework by Parliament would support the NCC's role as park manager and would give the park the same kind of statutory protection and adequate parliamentary oversight that is given to national parks throughout Canada.

[Translation]

We have our work cut out for us. We need to conduct an in-depth examination of this issue in committee in order to find legal protection that works for our beloved Gatineau Park.

Private Members' Business

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, I am pleased to be speaking to Bill C-565, concerning Gatineau Park. In my opinion, this park is a real jewel in the Outaouais and surrounding regions.

This natural gem is a mere 15 minutes from Parliament. It is incredible how much there is to do in the park, at any time of year: hiking, swimming, cycling, skiing, camping, picnics, canoeing and so on. There is something for everyone, regardless of age or personal preference. People who live in the Ottawa-Gatineau area love planning their activities there because there is so much to do.

In its 2007 report on the Act to amend the National Capital Act (establishment and protection of Gatineau Park), the Standing Senate Committee on Energy, the Environment and Natural Resources proposed amendments.

At the beginning, the report states:

Gatineau Park is hereby dedicated to the people of Canada for their benefit, education and enjoyment, subject to this Act and the regulations, and it shall be maintained and made use of so as to leave it unimpaired for the enjoyment of future generations.

It also states:

Maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, shall be the first priority of the Commission when considering all aspects of the management of Gatineau Park.

Those are both important points, and they are in line with Bill C-565's objectives, which are to keep the park from being sold off in small parcels by real estate developers, ensure that future generations can benefit from using the park just the way it is, and preserve all of the biodiversity contained in the park. In particular, I am talking about the large number of threatened plant and animal species that are found in the park. In fact, Gatineau Park is home to the largest concentration of threatened species.

The number of visitors to Gatineau Park has grown steadily over the years, as can be seen from the numbers. According to statistics, it is one of the most visited parks in Canada. In 2011, the park received more than 2.7 million visits and generated more than \$25 million in annual economic spinoffs.

However, although this is great news for the region, there are some valid concerns, since all of these visitors could put an already fragile treasure at risk. I will explain, and I want to draw a parallel to another park in the region I am from, just a few kilometres from the riding of Charlesbourg—Haute-Saint-Charles, which I represent.

I want to share a little of the history of Parc national de la Jacques-Cartier, which is located just a few minutes from my riding of Charlesbourg—Haute-Saint-Charles. This park, which is 670 km² in area, is located 30 minutes outside Quebec City, in the Jacques-Cartier River valley, in Quebec. It has over 100 km of walking trails and is frequently visited by people in my riding and the entire region.

In 1895, the Province of Quebec created Parc national de la Jacques-Cartier to be an area protected from colonization and a place for fishing and hunting. In 1972, more than 20,000 residents of Quebec City signed a petition within a few days to oppose the creation of a hydroelectric dam on the Jacques-Cartier River. The park has been legally protected only since 1981.

If the public had not opposed the dam and the park had not received legal protection in 1981, the entire valley would have been flooded and urban development, which already exists in Stoneham-et-Tewkesbury, would have taken over by now.

Obviously, these days, the people who benefit most from the park are the people who live in the region, including those who live in my riding, as well as all of the new generations who are happy to have access to a wonderful historic park.

I want to point out that the NDP has been fighting for Gatineau Park for almost nine years. This issue is very important to us and to the public, and we will not give up.

I want to thank my colleague, the member for Hull—Aylmer, for the excellent work she has done on her Bill C-565 and for picking up where my colleagues from Ottawa—Centre left off. They tried to get a bill passed to have Parliament protect Gatineau Park in 2005, 2006 and 2009.

When we have something precious, our first instinct is to protect it. I do not think Gatineau Park is any different. It is something precious not only for visitors, but also for nature itself and for future generations, as I explained.

• (1120)

Therefore, the NDP is asking that Gatineau Park's boundaries be enshrined in law and given parliamentary protection.

The NDP continues to insist on this because Gatineau Park is not currently protected by parliamentary law and can be sold one small parcel at a time to private interests without parliamentarians being able to do anything about it.

Furthermore, we are unsure of the limits and boundaries of the park. That is one more reason why we should clarify the status of the area that we want to keep out of the hands of private interests for the benefit of the general public and all those who want to visit the park and enjoy the activities available.

We, the NDP members, want the park to have the same legal protections as our national parks. However, we want to be very clear that we are not asking for Gatineau Park to be designated a national park.

I would like to return to the background of this park and the problems it faces. Gatineau Park is operated by the National Capital Commission and for 75 years has not had any special status. Thus, unlike national parks, it has no legal protections or official status. At present, 2% of the land located within Gatineau Park belongs to private interests. What could happen is that development arising from the growing demand for housing could encroach on Gatineau Park.

All available data indicates that the region's population will grow significantly in the years to come. This leads us to believe that real estate developers will look to Gatineau Park for housing sites. That is one of the threats to Gatineau Park that we want to stave off by providing this parliamentary protection and nothing less.

There are many advantages to passing Bill C-565 that will benefit the inhabitants, the environment, biodiversity, future generations and the first nations.

Private Members' Business

By passing this bill, we can prevent the sale of public land in the park and also give the National Capital Commission the mandate to purchase the 2% of private property within the park.

By passing this bill, we are also ensuring that we can maintain the biodiversity of any endangered animal and plant species in Gatineau Park, which, as I said earlier, is home to the largest concentration of species at risk.

By passing this bill, we can leave this heritage for future generations and protect the environment.

By passing this bill, we are reminding Canadians of the importance of the historical ties linking Gatineau Park and the Algonquin people, who roamed the Gatineau hills long before the arrival of Europeans.

It is not just the NDP that wants this special protection: many stakeholders support our position. I am talking about Nature Québec, the Conseil régional de l'environnement et du développement durable de l'Outaouais, and the Ottawa Valley chapter of the Canadian Parks and Wilderness Society, to name a few.

There is also the petition circulated by my colleague, who sponsored Bill C-565. That petition has gathered nearly 5,000 signatures. That many signatures clearly proves that the people overwhelmingly support our initiative.

Furthermore, according to a survey conducted by *Le Droit* in 2009, 86% of respondents wanted the government to bring in legislation to protect Gatineau Park. The government has even shown some signs of openness on this issue. Now we want it to translate words into actions by supporting Bill C-565. After all, the government has recognized that "Gatineau Park is a precious natural resource".

Accordingly, all that remains to be done is to vote in favour of Bill C-565, which is a good bill, because as I said earlier, the NDP has been fighting to get it passed for over eight years now.

• (1125)

[English]

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, as always, it is an honour to speak here in the House of Commons, representing my constituents from Ancaster—Dundas—Flamborough—Westdale, and today, more specifically, all Canadians, as we debate Bill C-565.

I would like to use this time to address an integral issue at the heart of this debate on Gatineau Park, which is the effective and realistic protection of Gatineau Park, its beauty, biodiversity and ecosystems, as well as its integrity, status, and significance as an integral part of Canada's capital region, a larger region that also requires protection for generations to come.

The government has a record of trying to move forward with proposals to amend the National Capital Act that would offer strong and effective protection to not only the park but also the entire national capital region. This record includes Bill C-37 in 2009 and Bill C-20 in 2010, both of which unfortunately died on the order paper, as well the signalled intention to introduce a similar government bill in the near future.

On the other hand, the latest attempt by the opposition to pre-empt our efforts, as embodied in Bill C-565, comes up short by being too narrowly focused and too short-sighted.

I think we can all agree that the key to ensuring the beauty and vitality of not only Gatineau Park but also the entire capital region for generations to come is by taking concrete legislative and administrative steps to protect the natural gifts that we have.

Recognizing this fact, over the past several years the government has introduced Bill C-37 and Bill C-20, both of which sought to strengthen and update environmental protections for the entire national capital region, including the greenbelt and Gatineau Park.

These bills sought to legislate the national interest land mass, or NILM, concept, a designation applied to both Gatineau Park and the greenbelt, which would offer strong protections and oversight, including requiring project proposals to be reviewed by the National Capital Commission and prohibiting the disposition or transfer of property within these green spaces without Governor in Council approval.

Under these previous bills, the Governor in Council would also have enjoyed the authority to oversee the criteria and process for designating property in the national capital region as NILM land. Additionally, these bills required the NCC to manage its properties in accordance with the principles of responsible environmental stewardship, which would have obligated the NCC to always consider possible environmental impacts when managing its properties in the entire national capital region.

By contrast, Bill C-565 is unnecessarily restrictive as it only applies protections to Gatineau Park. As my fellow colleagues have pointed out previously, there is a lot more to the national capital region than Gatineau Park alone. We are also surrounded by the greenbelt and multiple urban green spaces that fall under federal authority and the NCC's stewardship.

Bill C-565, curiously, unfortunately, and needlessly, introduces measures to protect only one of these parks: Gatineau Park. This approach in Bill C-565 is overly narrow and we must ensure that any re-opening of the National Capital Act enhances the protection of all green spaces in the capital region, including both Gatineau Park and the greenbelt.

With regard to protecting the integrity of Gatineau Park and its boundaries specifically, and in addition to their designation of the entire park as national interest land mass, the previously mentioned government bills sought to legislate defined boundaries for Gatineau Park and the greenbelt. By explicitly defining the boundaries in the National Capital Act, these bills would have ensured that the park was protected and that its boundaries could only be altered by the Governor in Council when absolutely necessary, such as when required for the public benefit, for example. This would combine active protection of the park with a necessary degree of flexibility in recognition of the unique characteristics and location of this natural asset.

Private Members' Business

Let us talk about the environment protection of Gatineau Park specifically. Protection of the natural systems and internal integrity of the park figured prominently in the previous government bills in this area, and I can assure the House that these imperatives remain a priority for this government.

As already emphasized during our previous debates on this issue, the government remains fully committed to the protection and maintenance of the park as a destination of natural beauty and recreation for all Canadians as well as for international visitors to our capital. This commitment to environmental protection was evidenced in the previous government bills through their application of the concept of “ecological integrity”.

● (1130)

Ecological integrity is a concept used in the Canada National Parks Act and is applicable to all of Canada's federal parks, with a view to ensuring their protection and preservation. Bill C-37 and Bill C-20 both sought to apply this concept to Gatineau Park, including to all of its ecosystems and biodiversity, in order to provide the park with this high degree of environmental protection.

At the same time, one of the key proposals to protect Gatineau Park in the member's bill is the imposition of an obligation on the NCC to purchase all privately owned properties in the park. We are talking about approximately 377 properties in the park with a roughly estimated current market value of \$100 million. Furthermore, this \$100 million does not take into account the inflation in property prices that would almost certainly materialize as a result of this legislative obligation.

This proposal is also unnecessary. The NCC already has the authority, pursuant to a 2008 order in council, to purchase private properties in the park without seeking Governor in Council approval for each specific purchase. This has permitted the NCC to increase its ownership of properties in the park while also taking into account the availability and prices of the properties, the resources it has available, and the strategic importance of the sites for significant ecosystems, in prioritizing its property purchases in the park. This, in our view, is the most fiscally and environmentally responsible course of action for Gatineau Park and Canadian taxpayers.

Speaking of protecting Gatineau Park for all visitors, I want to address a problematic component of Bill C-565 that seeks to provide hunting rights in the park. Let me say that it is an absolute imperative of this government to protect and ensure the safety of all Canadians as well as international visitors to the park. We are talking about an area visited by over 2.7 million people per year, many of them young children. In light of these facts, it seems rather irresponsible to be proposing such hunting rights in a shared space, which could seriously jeopardize the safety of visitors to the park.

I would suggest that there is little debate that the National Capital Act, enacted 55 years ago, in 1959, could use a significant update. Although the act still effectively governs the National Capital Commission and its activities in the National Capital Region, it is clear that the NCC could benefit from updated enabling legislation in order to even more effectively administer its mandate in the national capital region, including the continued protection of Gatineau Park.

That being said, Bill C-565 does not enhance those protections in an effective or appropriate way and is, at the same time, unnecessarily narrow in its application solely to Gatineau Park. In our view, the bill would have negative consequences for the park, the region, and Canadian taxpayers.

This government has repeatedly introduced legislation in recent years to amend the National Capital Act in order to improve the NCC's transparency and governance structure, strengthen environmental protections, and provide the commission with effective and modernized tools to manage and protect its properties in the national capital region. These legislative proposals are evidence that we are working toward implementing a clear and comprehensive vision for the continued protection and improvement of the entire national capital region and are seeking to provide the NCC with updated legislation to accomplish this goal.

I anticipate that the next government bill in this area will provide another embodiment of this commitment and our continued perseverance in this endeavour and I look forward to its introduction.

● (1135)

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, before I speak to the bill in front of us, I would like to take the opportunity to provide condolences to the family of Marc Robert Nelson, whom people in the House will know as the worker who died recently at the Bank of Canada. This is a day of mourning for injured workers and those who have been killed on the job. I want to provide condolences on behalf of our party and Parliament to Marc Robert Nelson's family. It is a tragic loss, and something that reminds us of the need to look out for job safety everywhere.

The bill we have in front of us has a fairly long history. As has been noted by my colleague from across the way, there have been different iterations of the bill. They have been from me, from the government a couple of times, and now from my colleague.

One thing we should understand is the reason for having this bill in front of us. As has been noted by all members who have spoken to the bill, it is the need to protect a park that many people thought already had protections.

Mr. Speaker, I am sure you have gone there with your family, as others have. When people come to Ottawa, they do not only come to the House of Commons; they usually take the opportunity to visit the region. Gatineau Park is fundamental to the identity of the national capital region.

When we talked to people about Gatineau Park, it was a great surprise to many to find out that it is not a park, in essence, with protections. Rather, it is a park in name. When we think about all of the other parks—frankly, the government has done some good work in protecting parks and creating new parks—the fact that we have not protected Gatineau Park and given it the fundamental protections it needs is something most people find very surprising.

The good news for people who want to see Gatineau Park protected is that I do not see any contention at all with anyone that it should be a park, that it should be protected, and that we should have some legislation to protect it. When people look at Parliament, they often see that there is derision and that people cannot agree on the day of the week. When it comes to Gatineau Park, people agree, and we have heard agreement from the government side, that there should be protections.

In fact, Bill C-20 and Bill C-37 of previous Parliaments would have given just that. I worked with the government on Bill C-20 and Bill C-37 when they came before the House. They were government bills. As I mentioned, I also had a bill of my own. We actually worked together to try and move things forward to protect Gatineau Park for reasons that have been mentioned and are probably worthy of reiteration. It is a place of history. It is a place of biodiversity. It is a place for recreation. It is a place where people come to enjoy and to protect nature. It is a fundamental piece of history for first nations, who were the stewards of the land before there was European contact.

It embodies many of the values, symbols, and history of our country. That is why I am passionate about Gatineau Park. Yes, I am the member for Ottawa Centre, but for people in Ottawa and for those who have experienced the national capital region, Gatineau Park is a shared place. It is not one entity for only those people who live in and around the park. That is why it is so important.

As I said, there is consensus to protect the park.

It was interesting that back in 2008, we were looking at bringing forward legislation to protect the park. I worked with the government at the time. I had my own bill. The government then brought in its legislation. I had a campaign going to get public support behind this, as my colleague from Hull—Aylmer has done. It was then a matter of consulting the community and getting the park going.

Bill C-37 was brought forward. What was not mentioned by the government, just for the sake of facts, is that the reason Bill C-37 did not go forward was that Parliament was prorogued. Let us put that on the record. It could have been passed. We would now be talking about how great the Gatineau Park bill is and that all the things we want to see being done had been done.

• (1140)

Alas, as everyone knows, when Parliament is prorogued, government bills die. Fine, that was okay. We came back and worked with the government on Bill C-20, a government bill, to strengthen the bill, and it was a good experience. It was not a priority of the government. It finally brought it forward just before the 2011 election, and there was not time for it to make its way through. I had pleaded with my friend, the Minister of Foreign Affairs, to get it going and fast-track it, and we could have had it done. That is by way of background.

The government has picked out a couple of things it thinks is worthy of note to suggest that we should oppose the bill. I appeal to those who look at the role of backbenchers and individual members of Parliament to look at the bill and what the government is saying in its critique of it, particularly my friend from the Hamilton region. In his speech, he noted things that could be changed at committee. If

the government wants to protect the greenbelt in Ottawa, there is nothing in the way of doing that.

With respect to my friend across the way and the government members who have been given their points as to why they should oppose the bill, they should actually reflect on the argument. Their argument is that the Gatineau Park bill is too restrictive and does not include the greenbelt here in Ottawa. It is a simple thing to amend it at committee. We could support that. We have no problem with that. In fact, that is what we did with Bill C-20 and Bill C-37.

Note that when private members' bills come forward, members want to make sure that there is a chance that a bill can be passed. They sometimes bring forward bills and the government will say that they are too big. My friend from Hull—Aylmer put this very specifically with respect to Gatineau Park. If the government wants to make the scope bigger, fine, we have no problem with that and will support that.

With regard to some of the other issues, they really are not worth killing the bill.

I know that there is a Conservative member bringing forward an initiative to allow members to have more say in legislation.

One of the things we should honour is that if a bill is not too controversial, we should allow it to at least get to second reading. After all, we only get one shot at this, whether we are on the government side or in opposition. Respectfully, if there is good intent, as there is in this bill, at least let us get it to committee. I plead to the government, because there will be a change of government sometime. Members will be in a position when they will want to bring their private members' bills forward, and we should remember that, because this is about how Parliament functions. The bill could be amended by bringing in best ideas.

I was recently at a conference with legislators from the U.K. and the U.S. When they bring forward legislation and members get behind bills, there is an opportunity to have debate and input. We do it at second reading. It gives life to an issue. I would plead with the government to think about this. This is about protecting the park, but it is also about protecting the integrity of our Parliament. If the bill is not up to the standard the government or backbenchers or frontbenchers or anyone wants, then that can be dealt with at committee.

Let me finish with the following. Everyone agrees that we should protect Gatineau Park. Let the bill get to committee. Let members of Parliament play their role as representatives of their constituents, and let good ideas go forward. Let us not get in the way of a good idea and the participation of everyday members of Parliament on the bill. People want to protect the park. Members agree on that. Let us get the bill to committee so Parliament can do its work, so MPs can do their work, and so citizens can see the value of the work we do here.

Private Members' Business

●(1145)

Mr. Ted Opitz (Etobicoke Centre, CPC): Mr. Speaker, I rise today to share my thoughts with this House on Bill C-565. It is flawed, it is inefficient, and it would cost taxpayers an estimate of up to \$100 million, if not more, which is unacceptable. It also would create administrative confusion between provincial and federal jurisdictions, and of course, the National Capital Commission.

The National Capital Act was passed over 50 years ago, in 1959. It continues, without major updates, to successfully govern one of the most important crown corporations in the capital region, the National Capital Commission. The NCC is mandated by the government to prepare plans to assist in the development, conservation, and improvement of the national capital region so that the nature and character of the seat of the Government of Canada reflect its national significance. The commission is the steward of all federal lands in the national capital region, including Gatineau Park. In collaboration with the NCC, the Government of Canada is committed to ensuring that the NCC can continue to effectively fulfill all of its functions, including the protection of Gatineau Park.

That being said, Bill C-565 does not offer any proposals to assist the NCC in accomplishing its mandate in the capital region as a whole. In more specific terms, Bill C-565 lacks any effective or appropriate mechanisms for future generations.

First, the bill would result in the misspending of millions of dollars of taxpayer money. The bill would amend the mandate of the NCC to require it to purchase all available properties in the park. There are currently 377 privately owned properties in the park. In a normal market, and extrapolating from the prices of acquisitions in the past, the cost to purchase all of these 377 properties would be over \$100 million. If that figure were not big enough, multiply that \$100 million many times over, based on the strong possibility that this legal obligation of the NCC to purchase properties would lead to exponential inflation of private property prices in the park. The result of this scenario would be the NCC being legally obligated to buy hundreds of properties at prices far above their normal market value. Meanwhile, this money could be better spent on the park's protection and maintenance while acquisitions continue to be prioritized based on how they contribute to the long-term sustainability and well-being of the park.

Second, the bill goes into great detail concerning the NCC's obligation to protect biodiversity and to promote education and leisure activities in the park. These ideas are far from revolutionary, as the previous government bills introduced in 2009 and 2010 proposed similar obligations. However, these previous government bills took a more appropriate approach by utilizing the concepts of ecological integrity and environmental stewardship, which are foundations of existing federal parks legislation, including the Canada National Parks Act. The forthcoming government bill would continue to make use of these concepts.

Third, although I appreciate that the bill sets out the same boundaries for the delineation of Gatineau Park used in our previous bills, that is where the similarities end and the problems with the member's bill begin. The bill would absolutely prohibit a sale or transfer of any public lands within these boundaries. This inclusion

shows a lack of understanding of how a park with the size and unique character of Gatineau Park needs to be managed. Sometimes it is necessary, in the public interest or in the interest of the park itself, to perform minor alterations to the boundaries. The NCC requires a mechanism that allows government oversight of the transfer or disposition of a piece of property, as long as the overall area of the park remains the same. Our government bill would ensure that the integrity of the park was protected while the NCC was provided with this necessary flexibility.

In the meantime, the NCC already has in place a designation called a national interest land mass, or NILM. A property designated NILM cannot be sold or transferred without government oversight and approval. Gatineau Park is designated an NILM. This designation has been successfully used for many years in the capital region to protect and manage property the government wishes to maintain for future generations, which includes, of course, Gatineau Park.

Fourth, the bill would create preferential treatment in Gatineau Park for aboriginal peoples and local communities regarding rights of subsistence. It is my opinion that this refers to hunting and fishing rights in the park.

●(1150)

At this time, no hunting is allowed in the park, while a few provincial lakes allow licensed fishing.

Hunting is inappropriate and unsafe in a park that hosts more than 2.7 million visitors per year from around the world. Clearly, there is a safety hazard there.

Furthermore, the bill would put the NCC in the precarious position of deciding who is allowed to do what in the park and who would require regulation and enforcement, at a very high cost to taxpayers. This provision would effectively pit the local community against visitors in a park that is meant to be enjoyed equally by everyone as part of a capital region shared by all Canadians.

Fifth, the bill could potentially infringe on provincial jurisdiction as well as federal relations.

The bill states that the NCC may not, in pursuing its objectives, infringe on real property rights. I would like to remind members that real property rights in Gatineau Park are already protected by the Code civil du Québec. This inclusion in the bill is therefore redundant and unnecessary. I do not know why the chief opposition whip thinks it is necessary for the federal government, through its legislation, to pronounce and interfere on issues of provincial jurisdiction.

The final issue with the bill is its unnecessary amendment of the Department of Canadian Heritage Act. The rationale for this inclusion comes from the transfer of the activity and events mandate in the national capital region from the NCC to the Department of Canadian Heritage, pursuant to economic action plan 2013. However, the member should know that subsequent to this transfer, the NCC and the Department of Canadian Heritage entered into a memorandum of understanding under which the NCC would continue to handle these responsibilities for, among other places, Gatineau Park and the Mackenzie King Estate, while the Department of Canadian Heritage would be responsible for these activities in urban areas of the capital region. This is another example of the lack of understanding and nuance that permeates the opposition whip's bill.

In conclusion, the bill is irreparably flawed. It must be opposed, as it would be extremely costly to taxpayers. It is unnecessarily rigid, blunt, and at times, quite redundant. It could potentially present issues relating to provincial jurisdiction and federal-provincial relations and could create favouritism and controversy regarding hunting and fishing rights in the park. It is unnecessarily narrow in addressing only Gatineau Park within a much larger national capital region.

Shortly the Government of Canada will introduce an act to amend the National Capital Act and other acts that will be similar to the previous government bills. The intention of this forthcoming legislation is to provide the National Capital Commission with all the tools it needs to continue to successfully fulfill its mandate.

For these reasons, I would like to inform the chief opposition whip and members of this House that I oppose Bill C-565.

• (1155)

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I am very pleased to be speaking to Bill C-565, a very important bill introduced by my colleague from Hull—Aylmer, who is also the chief opposition whip. This bill must certainly have meaning for most members of the House because it aims to protect one of the national capital's treasures. I was somewhat familiar with this region before, but I have learned more about it in recent years, now that I come here quite regularly as part of my duties as the MP for Sherbrooke.

Tourists certainly know about the park—it attracts 2.7 million visitors a year. That is quite impressive. One of the reasons why I am pleased to be speaking to this bill is that I love the national capital region, the Outaouais. Of course, I prefer the Eastern Townships, but that is a debate for another day.

There has been some debate about protecting parks in the Eastern Townships. For example, Mont-Orford provincial park created a lot of buzz in the Eastern Townships. The leader of the official opposition knows that topic well, as he was the Quebec minister of the environment at the time. That is why I think it is important to support the bill introduced by my colleague from Hull—Aylmer, which is designed to protect Gatineau Park.

I imagine that the majority of my colleagues' ridings include a number of parks or protected areas. For example, Sherbrooke has

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Bois-Beckett park, a wonderful spot that is protected by a municipal bylaw. There are provincial parks such as Mont-Orford. I am sure that there are parks in every riding. I believe that Drummondville has Voltigeurs park and, of course, the Boisé Marconi wooded area. Those are areas where biodiversity is protected by municipal, provincial or federal regulations. Today in Parliament, we are talking about a park under federal protection.

We need to protect the biodiversity of all these protected areas, giving animals a place to take shelter when there is a lot of construction and more and more people living on their land. It is important to preserve places where biodiversity can continue to grow. Gatineau Park is one of those important places in the region.

This immense park, which covers 7.8% of the greater national capital region, allows species threatened by the growth of areas inhabited by humans to go to places that are safer for them. That is why I support Bill C-565.

Here are some key facts to further the public's knowledge of this park. The park recently celebrated its 75th anniversary and is currently managed by the National Capital Commission. Unfortunately, Gatineau Park is currently not protected.

• (1200)

That is why the bill was introduced. The park currently has no protection. It can be sold to real estate developers. Houses can be built there. The law does not set any limits. The bill would ensure that real estate developers could not start a project in Gatineau Park without approval by Parliament, as is the case for all of Canada's national parks.

Giving an extremely important park like Gatineau Park similar protection—even if it is not exactly the same—is the least we can do. That is what the bill proposes. The bill would not make Gatineau Park a national park like all the others, but it would give it similar protections in order to protect the biodiversity so that the park's 2.7 million annual visitors can continue to enjoy it for years to come and our children and grandchildren can enjoy it as well. This is how we can ensure the sustainability of this massive green space that is part of the region.

It is also important to note that two official residences are located in Gatineau Park, including the residence of the Speaker of the House. Unfortunately, Mr. Speaker, you do not live there, but as the current occupant of the chair, you are entitled to live in the residence, which is located in the park. The Prime Minister's country retreat is also located in Gatineau Park.

The bill proposes a number of things. I cannot list them all, but the bill's main purpose is to establish the park's boundaries and to prevent the sale of public land within Gatineau Park. This bill was drafted following a number of consultations held by my colleague, the member for Hull—Aylmer, who circulated petitions on this matter. It was one of my colleague's campaign promises. This bill is the result of extensive consultations and did not just appear out of thin air.

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Other members have introduced bills in this regard. In the past, the government itself introduced bills concerning the park. Unfortunately, although the park has existed for 75 years, nothing has been done to this point.

When we vote on the bill in a few days, I hope that all my colleagues will follow my example and vote for this bill at second reading. We have heard that some Conservative members want to vote against it. However, I hope that they will change their minds so that we can at least send the bill to committee. I have heard some criticism from the Conservatives, but if the bill does not go to committee, it will be impossible to improve it. I urge those members to vote for the bill at second reading. If they have suggestions on how to improve the bill, they can bring them forward in committee. I urge all my colleagues to vote for Bill C-565, as I will be doing.

Ms. Nycole Turmel (Hull—Aylmer, NDP): Mr. Speaker, I would like to thank my colleagues on both sides of the House for their participation in this debate, which is particularly important to the people of Hull—Aylmer.

I would also like to take this opportunity to thank the dozens of volunteers involved in my “Together let's protect Gatineau Park” campaign. Their passion for our park is truly inspirational.

What I heard during this debate is that, like these volunteers, MPs recognize the exceptional value of Gatineau Park. We all hope that it will be preserved.

However, as we know, good intentions are not enough to protect the park. We now have a responsibility to put words into action.

Over the past seven years, the House has examined several NDP initiatives to meet this objective. All of them died on the order paper. There is no more room for failure. We must move forward if we want to leave a healthy park to future generations.

Whether it be because of its rich biodiversity or its contribution to the economic development of our region, Gatineau Park is clearly a genuine national treasure.

It is unacceptable that Gatineau Park is the only major federal park that has no legal standing and no legal protection.

The measures proposed in my bill are simple. They will remedy this situation by giving our park protections similar to those in place for our national parks.

In practical terms, this means that Gatineau Park would be granted real legal standing. Its boundaries would be entrenched in law and could no longer be secretly changed.

The National Capital Commission's mission would also be changed to include the responsibility to protect Gatineau Park's ecological integrity and to acquire the real property located within the park.

This bill will finally give Gatineau Park—a park that was created 76 years ago—the protection it deserves.

When I launched the “Together let's protect Gatineau Park” campaign in 2012, I quickly realized that the protection of this park is a cause that goes beyond political allegiance.

By signing my petition to protect Gatineau Park, thousands of people in the Outaouais region and throughout Canada have already given me their support. I also have the support of non-governmental organizations known for their expertise in this area, such as Nature Canada and the Ottawa Valley chapter of the Canadian Parks and Wilderness Society.

Today, I urge all members from all parties to support this bill. I urge them to send the bill to committee so that we can truly discuss the very foundation of the bill and its benefits and, by working together, find a solution to protect our park.

I urge them to respond to the call of our volunteers from across the country, from citizens and organizations who care about the future of Gatineau Park.

We cannot let this opportunity pass us by once again. I know that people are hesitant and have questions, but those cannot be sorted out in the House. We can only answer these questions by sending this bill to committee, having an open discussion, and listening to the public and organizations as they make recommendations, offer suggestions and tell us exactly what they expect.

As I mentioned at the start of my speech, everyone agrees that Gatineau Park needs to be protected. In 20 years, we will no longer be able to say that we forgot, that we dropped the ball and that we should have done something when we had the chance in the House.

Now is the time to act. Now is the time to think about this and to protect our park together.

● (1205)

The Acting Speaker (Mr. Barry Devolin): It being 12:09 p.m., the time provided for debate has expired.

Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And five or more members having risen:

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•(1210)

The Acting Speaker (Mr. Barry Devolin): Pursuant to Standing Order 93, the recorded division stands deferred until Wednesday, April 30, immediately before the time provided for private members' business.

GOVERNMENT ORDERS

[English]

PROTECTING CANADIANS FROM ONLINE CRIME ACT

The House resumed from November 29, 2013 consideration of the motion that Bill C-13, An Act to amend the Criminal Code, the Canada Evidence Act, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act, be read the second time and referred to a committee.

Mr. Randy Hoback (Prince Albert, CPC): Mr. Speaker, I am pleased to speak about Bill C-13, the protecting Canadians from online crime act, which would update the Criminal Code to respond to the pernicious issue of cyberbullying. Bill C-13 achieves this goal by proposing new criminal offences of distribution of intimate images without the consent of the persons depicted.

Further, to ensure that police are properly equipped to investigate and enforce the proposed new offences and other criminal offences that involve the use of the Internet or that leave behind electronic evidence, the bill also proposes to modernize the Criminal Code's investigative tools. Similar modernization updates are being done to the Mutual Legal Assistance in Criminal Matters Act and the Competition Act to ensure that they remain responsive and relevant to the requirements of modern technology.

The bill has received considerable attention in the media, including for the proposed amendments to the investigative tools. I would like to focus my remarks on those elements of Bill C-13 that deal with the investigative tools amendments.

It is not uncommon to hear people talking about how technology has changed their lives. The Internet allows us to book airline tickets from the comfort of our homes, at any time of day or night. GPS systems allow us to get from Montreal to Saskatoon without a road map and without stopping to ask for directions. It has also changed the way that we communicate with each other. Mobile phones keep us connected to each other no matter where we are, and text messaging has made communications so fast and cheap that it is easy to stay in touch with people halfway around the world.

Canadians are world leaders when it comes to using the Internet. In 2012, 83% of Canadians over the age of 16 used the Internet in their personal lives, and that number continues to rise. The possibilities and opportunities that these technologies open up for us are nothing short of incredible. However, just as these technologies can be used to bring people together, they can be used for nefarious ends. Technology can facilitate a wide range of criminal behaviour, including the sexual exploitation of children, identity fraud and, as we have seen most recently, serious forms of cyberbullying.

Technology has also introduced us to new crimes that simply did not exist before there were computers. Crimes like computer hacking and denial of service attacks have been added to the criminal justice lexicon.

Technology has changed the types of evidence that are left behind after a crime has been committed. Previously, a telephone number may have revealed the identity of a suspect; this information may now be found in the transmission data of an email. Conspiracies can be created in online chat rooms, and people even speak of electronic fingerprints.

It is time to update the offences in the Criminal Code to reflect these new ways of committing old crimes, as is the case when we think about bullying versus cyberbullying. The amendments in Bill C-13 would update the investigative powers in the Criminal Code and the Competition Act to ensure that investigators have the tools they need to deal with the evidence in this new technological environment.

Some of the proposed Criminal Code modernization amendments found in Bill C-13 would update existing offences, while some of them would update existing investigative tools or create new ones.

With regard to the existing Criminal Code offences, Bill C-13 proposes to update the crimes of conveying false information, indecent communications, and harassing telephone calls found in section 372. Currently these three offences contain language related to outdated technologies, such as the telephone and telegraph. With the proposed amendments, these same acts would be punishable when committed using email, text messaging, or any means of telecommunications.

As much of the prohibited conduct in section 372 is currently relevant to traditional bullying, for example, repeated and harassing phone calls, the proposed amendments would ensure that these offences are also responsive to cyberbullying.

Further, the bill proposes minor updates to other Criminal Code offences. The amendments are part of the government's efforts to modernize the Criminal Code as it relates to new technologies. For example, amendments to the offence of possession of a device to obtain telecommunications services are also being made to another possession offence in the Criminal Code in relation to the possession of computer hacking tools. These amendments make the two similar provisions consistent with each other and, in an effort to increase transparency, update them to reflect the current jurisprudence in the areas that hold that a device includes a computer program.

On this particular issue, it has been very wrongly reported in the media that Bill C-13 proposes to criminalize the theft of cable signals. In fact, the theft of cable signals has been in the Criminal Code since 1960.

•(1215)

As to Bill C-13's proposed modernization of investigative tools, these amendments are designed to target electronic devices and tailored to ensure minimal intrusion on privacy and civil liberties.

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There has been some confusion about some of the investigative tools included in the bill. I hope to dispel some of these myths today as I explain the rationale and the reasoning behind these necessary changes to the criminal law.

First, the bill proposes two new tools aimed at preserving volatile electronic evidence. They are called preservation demand and preservation orders. I would like to emphasize that preservation should not be confused with data retention schemes.

Nothing in this legislation would require Internet service providers to collect everyone's information and keep it on hand indefinitely. A preservation demand or order would require a person or a business that is not the target of the investigation to preserve a prescribed set of computer data, for example, an intimate image found on a website. The data could be preserved only for a limited amount of time in association with a specific investigation.

A good way to think of this particular tool is as a "do not delete" order; it simply asks the person to preserve or save the information already in his or her possession for a limited period of time. This tool is essential to enable the police to conduct effective investigations in the area where crucial evidence can be deleted with a simple keystroke.

The preservation demand or preservation order would provide the police with enough time to go to a judge and get the warrants or orders needed to obtain the highly volatile evidence. The police can do this without fear that the data they need will be lost or deleted, either intentionally or inadvertently as a matter of regular business practices, during the period that it takes to obtain a warrant or production order for that data.

The duration of the preservation order would be limited to 21 days for domestic investigations and 90 days for international ones. This means that if a police officer does not get the court order or a warrant obtained for the preserved data before the demand expires, that data would not be retained in the ordinary course of business and would be destroyed. The data would not be provided to the police without a court order or warrant.

If the duration of the preservation order needs to be extended, the police would have to return to a judge or justice to obtain a preservation order. The police would then be given up to 90 days to get the production order or a warrant to obtain the data that has been preserved. If the police do not get the production order or the warrant by the time the preservation order expires, the person in possession of the preserved data is required to destroy it, unless his or her business practices otherwise require that it be retained. This means that only specific computer data would be preserved under this scheme for a limited period of time and only for the purpose of an investigation.

An even more fundamental privacy safeguard of the scheme is that the computer data that would not otherwise be kept by a business would be destroyed as soon as it is no longer needed for an investigation.

These safeguards exemplify our efforts to respect privacy throughout the bill, and to respect privacy under Canadian law.

In addition to the preservation scheme, the bill proposes to update the existing production order regime. A production order is a judicial order that requires third parties, such as a bank, to provide the police with documents containing data in connection with an investigation. This is in contrast to a search warrant that would also be issued judicially but would allow the police to search for the material themselves.

There are currently two types of production orders in the Criminal Code. These are production orders for a very particular type of basic financial information, such as the status and type of bank account, as well as the more general production order for any type of data that might be needed to conduct an investigation.

Often the requirements of an investigation are quite targeted, and general production orders could provide the police with a lot more information than they require in certain circumstances. In those cases, it makes sense to have specific tools, such as a financial data production order, that would allow the police to obtain the specific data they are looking for and that are designed to reflect the expected privacy associated with that particular type of data.

One way of thinking about this kind of tailoring is as privacy with precision. Instead of using one big tool for every problem, we would be providing several tools that are more precisely suited to specific types of problems.

The bill proposes to retain two existing categories of production orders already found in the existing Criminal Code. In addition, it is proposing three more to deal with specific types of data associated with modern technology.

● (1220)

In particular, Bill C-13 proposes to create production orders for historic tracking data, which would permit police to determine, for example, the pattern of bank card usage for a period of time; historic data related to the routing of telecommunications, such as the time an email was sent, and to which address, which would be known as transmission data; and historic data designed to trace specific communications.

The last type of production order would be a very important tool to address the complexities of modern communication, as it would allow the police to trace the origin of communications that may have gone through several different service providers before it reached its destination.

Other changes that are being proposed in Bill C-13 would impact the existing tracking warrant provisions. This is different from the production order for tracking data which provides information about past movements.

Police have been able to get judicially authorization tracking warrants for over 20 years, which permit them to track the whereabouts of a person in real time. As one can imagine, technology has changed a lot in that time. Where police were once able to track people with limited accuracy, there are now technologies that can track objects much more precisely and closely.

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Bill C-13 proposes to split the existing tracking warrant provisions into two types of warrants: one for tracking people, and one for tracking the location of a transaction or the movement of such things as a car.

The warrant for tracking things would continue to be available on the standard of reasonable grounds to suspect, like the existing tracking warrant provision. However, this legislation proposes to increase the threshold necessary to get a tracking warrant in the situation where people would be tracked. This would mean that when police officers apply to the judge or justice for a warrant to do this more continuous and accurate type of tracking, the officer would have to meet a higher test to convince the judge that the tracking warrant is needed.

This is a dual approach, which would allow the police to retain the efficiency of the lower threshold warrant while increasing the privacy protections in situations where the greater privacy interests are at play.

Another warrant provision which Bill C-13 is proposing to update is currently known as the number recorder warrant. This permits the police to monitor the phone numbers dialed from a particular telephone and the numbers which call a particular telephone.

Although it is true that some of us still use traditional telephones to communicate, few old-fashioned dialing mechanisms are still in use. An increasing number of Canadians are using smart phones, text messaging, email, and other high-tech methods to communicate. Police need to be able to capture the routing information that these new technologies produce, the same way that we can currently capture the phone numbers under existing warrants. The proposed transmission data recorder warrant and the new production order for transmission data would allow police to do just that.

Where police could previously only get the phone number of someone who was dialing, they would now be able to get parallel updated forms of communication destination information like email addresses as well. This would provide for much-needed modernization in this area, since technology has moved well beyond telephone dialing.

I think it is important to emphasize that this warrant would retain the Criminal Code's existing privacy protections. Neither the warrant nor the production order would allow police to obtain the content of people's emails, text messages, or phone calls. They would not even get the subject line of emails using this warrant. In essence, Bill C-13 would permit police to get information about where a communication is coming from or where it is going to. That is the only kind of information they are going to get with this warrant and production order.

Besides these new and improved investigative tools, Bill C-13 also proposes to clarify and safeguard the common law powers of police. Section 487.014 would be amended to remove the requirement for police to be administering or enforcing an act of Parliament before they can ask for information. The current wording has been creating problems for the police in performing everyday duties, such as getting information for the purpose of notifying a next of kin.

There has been some concern about this amendment removing the limits on what police can ask of persons who voluntarily provide information. Let me be clear. The common law powers of the police are rooted in legitimate police business, which is one limit. Further, the existing restrictions on the provider of the information would remain. They can only provide information that they are not otherwise prohibited by law from disclosing. Indeed, providers of information will be governed by federal or provincial privacy legislation that will restrict the disclosure of personal information. To be clear, the primary purpose of this provision is to ensure that police do not need a production order every time they want to ask a question.

These amendments are the result of extensive consultations, both on the elements relating to the proposed new offence of non-consensual distribution of intimate images and on the modernization of investigative tools.

• (1225)

The proposals in Bill C-13 were recommended in recent federal, provincial, territorial reports on the issue on cyberbullying and non-consensual distribution of intimate images, which was released in July 2013 and supported by the federal, provincial, territorial ministers in November 2013.

The report strongly recommends both the proposed new offences and the reintroduction of the elements related to the modernization of investigative tools. The report also recommends that the enactment of new offences be supported by updated investigative tools.

Bill C-13 would provide police with a set of tools which would allow them to be effective and efficient in conducting a complex investigation in the modern world. This would apply to serious forms of cyberbullying, including the proposed new offence of non-consensual distribution of intimate images as well, or other offences that occurred in cases of cyberbullying, such as criminal harassment or extortion.

Our government is committed to combatting cybercrime in all forms. This bill is a necessary addition to the legislative tool kit.

When we look at the legislation, it is important that we really highlight the fact of what is going on. The reality is technology has changed, the environment in which our police services work in has changed, and they need modernization of the tools so they can go about doing the job they have been asked to do for many years.

We need to ensure they have access to the tools and the information, so we can still protect our families and our loved ones when they are victims of cyberbullying or cyber crime. When we see situations where someone is trying to entice someone to do something wrong, or when we see situations where people are being bullied or harassed, we will have the tools to prevent that from leading to something more serious.

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It is important that we see proper legislation move forward. It is very important that we balance the privacy rights of the individuals with the rights of the police and the rights of the victim. The way this legislation is drafted, we have done just that. We will allow the data to be retained, but at the same time the police officers involved will have to receive the warrant before they can use the data. That is relevant and it makes a lot of common sense. I think a lot of Canadians would understand that.

I just hope that all members appreciate the importance of this bill. It is very important that we modernize our laws and our abilities to take advantage of new technologies as they become available, and to take on new criminal activities that are using the new technologies, ensuring we have the tools for our police officers to ensure these new technologies are not abused but are used for what they were originally intended, for public good.

I hope all members of the House will support the need for modern tools for modern times. Bill C-13 would provide just that. I look forward to questions.

[*Translation*]

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, the NDP will be voting in favour of this bill, because it is very similar to the bill introduced by my colleague from Nova Scotia. However, I find the lack of prevention included in the bill really unfortunate.

I understand that the government wanted to focus on criminalization, but could the bill not have been improved by placing greater emphasis on prevention, as well as criminalization?

The House of Commons wants to protect as many young people as possible from the scourge of bullying, and right now, I do not see much in the way of prevention in this bill.

[*English*]

Mr. Randy Hoback: Mr. Speaker, the member brings up a good point. The bill is one part of the equation. I am sure the Minister of Justice and others would agree with this, but I do not want to speak on their behalf.

If we look at this, it is just one piece of the puzzle when it comes to cyberbullying. Education as well as the exact things the member is looking for are very important things that we should be considering as we debate the bill through committee.

The reality is we need to ensure we put the tools in place for the police forces so they have the ability to take on these criminals. That does not mean this is the end all and be all. This does not solve what we are looking at; it is part of the puzzle to solve the equation.

Education and other factors need to be looked at. We have to ensure that our kids are kept safe. Not only that, we have to ensure that our kids understand the consequences of their actions when they send text messages or images. They need to understand there are consequences, and that they could be hurting someone when they make that anonymous note in an email, text or tweet. Their actions will have consequences and will impact someone's life. Just because we are not looking at them, we should not think it is not happening.

It is very important that this be a part of many things to tackle cyberbullying.

• (1230)

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I thank my colleague for outlining some of the effects of Bill C-13 and how it would help to modernize the tools available to our police forces to investigate, to actually reflect the fact that there are many changes in modern technology.

A number of years ago I introduced a private member's motion in the House, Motion No. 388, which sought to clarify an offence in the Criminal Code of encouraging someone to die by suicide. While it currently is an offence in the Criminal Code, it was not clear in the code as to whether that included telecommunications and Internet technology. Motion No. 388, which passed unanimously in the House, called on government to implement some of those changes.

I was pleased to note that in the comments made by my colleague and also some comments I was able to read that the bill would actually give police better tools to track and trace telecommunications, their origins and destinations. Could my colleague highlight how the bill would make it impossible for those who would presume to hide behind the anonymity of the Internet to continue to do that kind of devious work?

Mr. Randy Hoback: Mr. Speaker, it is a disgusting act to go online to convince somebody to take his or her own life. I think everybody in the House would agree with my colleague that his motion was an honourable one, a motion that definitely needed to come forward. I hope to see it enacted as we move forward.

One of the important things we are seeing in this, and which he highlighted in his question, is the fact that we are giving police the tools to actually trace where information comes from and who is doing this type of stuff. It is not being done to just one person; it is being done to multiple people. It is a sickness that needs to be dealt with. I call it a sickness because I do not know what else to call it. It is very disgusting when someone takes on the role of convincing somebody else to take his or her own life.

Having said that, we need to ensure we have balance. We need to ensure we preserve people's rights, dignity and privacy, and we want to ensure that exists. We also want to ensure that when we come across a situation where this is happening, police officers can have the data preserved so they can get court orders and warrants to do the proper investigation. There has to be a proper process put in place, which has been done in Bill C-13.

I look forward to seeing what impact these changes would have and that hopefully this bill would solve the issues involved in cyberbullying and the people who are disgusting enough to try to convince somebody else to commit suicide.

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Mr. Speaker, for me this issue is very important. As a young woman, I have grown up with a lot of technology around and have learned to be wary over the years. Certainly young people need to know how to protect themselves, et cetera.

My colleague from Chicoutimi—Le Fjord raised the importance of preventive measures. He presented a motion on a national strategy to prevent and end bullying. Unfortunately, the Conservatives voted against that. I would like to know why my colleague voted against that and believed it was not a good way forward to prevent bullying.

Government Orders

Mr. Randy Hoback: Mr. Speaker, preventive measures are very important, which I think we would all agree on, but we also have to ensure we put a process in the bill, which we have done, that allows individual privacy to be protected, data to be retained and preserved, and a court order to be garnered before existing data is used. Police officers cannot simply say that they are going to start an investigation and grab all the information just for information sake. They actually have to ask for it to be preserved. They have to go the court to seek the appropriate legal warrant to use the data and then proceed with the criminal investigation. That is why Bill C-13 is so much better than what was proposed by the opposition.

• (1235)

[*Translation*]

Mr. Dany Morin: Mr. Speaker, the hon. Conservative member opposite mentioned that the government's approach was better than the approach taken in the two bills introduced by the opposition, the NDP.

Based on my motion calling for a national bullying prevention strategy, we could have tackled many different kinds of cyberbullying. The Conservative bill deals only with sharing intimate photographs without people's consent. Many young people in Canada are being bullied in ways that do not include nude pictures being passed around. This can include hateful or threatening comments. Unfortunately, the government bill does not cover that.

Not only does the Conservative bill not meet Canadians' expectations, but it covers only one small part of the equation of cyberbullying.

Given what I just said, how can my Conservative colleague say that the NDP approach, which was more comprehensive, was not as good as the government's approach, which covers only the sharing of intimate photographs without consent?

[*English*]

Mr. Randy Hoback: Mr. Speaker, it is very important that we look at what we are trying to achieve here. We are not trying to get into partisan politics. We are not trying to say that ours is better than theirs, or theirs is better than ours. What we are really trying to do is focus on the fact people out there are being cyberbullied.

There is a process that needs to be put in place. There are tools available to the police services that they are not able to utilize. This bill would allow them to be utilized. It would also take on the fact that privacy would have to be respected. The bill would put in place a process to not only protect the data, but to ensure that the RCMP or the police services involved would have to get the legal warrant before they could continue on with their investigation.

The bill would safeguard privacy and would put in place tools so police forces could be effective in doing their job. These are tools that the police, at this point in time, are unable to use.

I am not going to get into partisan politics on which bill is better or who could do this better. I look forward to the debate at committee, because it is a great place for all of that to be discussed. There might be some better ideas that need to be added.

The reality is that this is a really good step. This proposed bill will save lives. It will address cyberbullying. It will address intimate

images being used in cyberbullying attacks. I hope the bill will also address the disgusting act of convincing somebody to commit suicide over the Internet. It is a step in the right direction. Not only that, it is part of the bigger picture and the bigger puzzle. Education and other items of knowledge need to be passed to our kids so they understand exactly what they are doing when they send that text message or that email.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, I must start by thanking my NDP colleagues for allowing me to speak on Bill C-13 today, because as a result of the application of time allocation for what I think was the 58th time, many of my colleagues will not have an opportunity to speak on this bill. Despite all of my colleagues obviously being New Democrats, we are a very diverse caucus with different experiences, and we represent different kinds of ridings here in the House of Commons.

I have risen to speak in favour of Bill C-13, but I do so with some reservations.

Unfortunately, the bill is, in effect, yet another omnibus bill that mixes together many other issues with the one that should have been central—that is, bullying and cyberbullying. Instead we have a rather mixed bag of provisions instead of a focused response to the urgent challenges of bullying and cyberbullying.

Rather than trying to address all the issues in the bill, I want to focus my remarks today on two aspects: first, the need for effective action to combat bullying; second, the proposed amendment to the hate crime section of the Criminal Code which, surprisingly, also appears in the bill in clause 12.

Since 2011, we in this House have had several opportunities to act on the issues of bullying and cyberbullying, but unfortunately we have made little progress. Nearly 18 months ago my colleague, the member for Chicoutimi—Le Fjord, put forward a motion, Motion No. 385, which called upon the federal government to develop a national strategy with concrete steps to combat bullying. Unfortunately, the Conservatives voted down the motion, dismissing it as a call for further study, when in fact it was a call for leadership from the federal government in the fight against bullying and cyberbullying.

Last summer, on June 17, the member for Dartmouth—Cole Harbour introduced a private member's bill, Bill C-540, which would amend the Criminal Code in order to make the non-consensual making or distribution of intimate images a criminal offence. At that time, we asked the government to expedite passage of the bill in order to try to prevent further tragedies like the suicide of Rehtaeh Parsons, which took place as a result of cyberbullying. Unfortunately, the government preferred to wait for its own bill, which has delayed action on this critical issue for nearly a year.

What we have before us now in Bill C-13 is much narrower than a strategy to combat cyberbullying, though it does have some provisions similar to those the member for Dartmouth—Cole Harbour proposed many months ago.

Government Orders

We are, of course, supporting the bill going to committee, precisely because some legislative action against cyberbullying is necessary, but again I want to emphasize that focusing on bullying after the fact can only be part of the solution.

Today I want to reiterate two points I made when speaking 18 months ago in support of our motion for a national anti-bullying strategy. They relate to the pervasiveness of bullying in our society and to its amplification by the existence of new technologies.

The prevalence and pervasiveness of bullying in Canada is truly shocking. In fact, bullying is happening around us all the time. In one analysis of Toronto-area schools, it was found that a student is bullied every seven seconds.

Egale Canada conducted a survey of homophobia and transphobia in schools across Canada. It found that 74% of transgendered students, 55% of lesbian, gay, and bisexual students, and 26% of non-LGBTQ students reported being verbally harassed. More than half of those reported that this bullying occurred on a daily or weekly basis.

One UBC study of students in grades 8 to 10 found that 64% of students reported they had been bullied. Even more saddening for me is their acceptance of that inevitability, because 64% of these same students said they found bullying to be a normal part of school life.

People are bullied for an almost infinite number of reasons, but almost all of those reasons are connected to hostility toward deviation from the perceived norm: for being too short, too tall, too fat, too thin; for where they were born, the colour of their skin, the language they speak at home; for having an accent, for the clothes they wear, for sexual orientation, for their gender, for their gender presentation, for what they are able to afford. The list goes on and on, but the result is always the same: creating a sense of exclusion for the victims of bullying.

As technology has advanced, so has the means of bullying, with social networking, smart phones, and the Internet becoming second nature to people in Canada, especially young people. So has utilizing these resources for bullying. As a result, bullying has become intensified and its impacts more widely distributed.

Bullying is no longer a problem that only happens at school, on the school bus, or on the playground. It is no longer just a workplace problem. It can now follow victims home and invade their lives 24 hours a day each and every day of the year.

• (1240)

The consequences of bullying and the effects of bullying need to be taken seriously. We all know that the impacts of bullying on youth can be drastic and long-lasting. Young people who are bullied are more likely to face depression. It is estimated that male victims of bullying are five times more likely, and females victims three times more likely, to be depressed than their non-bullied classmates.

People who are victims of bullying are more susceptible to low self-esteem and are more likely to suffer from anxiety and illnesses. Young people who are bullied are more likely to engage in substance abuse and self-harm, and in recent years we have seen the tragic rise in the trend toward youth bullycide. The list of those young people

who have taken their own lives as a result of bullying is already too long, and unfortunately continues to grow.

The costs of bullying are found not just on its impact on individuals. Bullying has wider social costs. One study has found that of elementary school bullies, one in four will have a criminal record by the time they are 30 years old.

We can and must move beyond our platitudes and expressions of concern about bullying and not limit our responses only to actions taken after the damage has already been done.

We all know that these bullying behaviours are learned. People are not born with hearts full of hate. At the root of our response to bullying must be efforts to build a more open and accepting society. If there was a real intolerance for discrimination and hate, then bullying clearly would not be so pervasive.

We could make a good start by calling bullying what it really is. We need to recognize that most bullying is rooted in sexism, racism, homophobia, transphobia, ableism, and classism. These are serious prejudices that most Canadians find unacceptable in theory, but for some reason they are deemed acceptable when they are expressed in the form of bullying.

The need for a broad strategy as well as for anti-bullying legislation is so obvious. Unfortunately, what we find in the rest of the bill is a mixed bag of only tangentially related provisions, some with no clear connection to the problem at all.

Some things in the bill have been brought forward from the previously failed Bill C-30, but fortunately in this version it looks as if the important principle of judicial oversight of police access to Internet communications may be preserved. I look forward to hearing from Canadians about this aspect again when the bill reaches committee.

One surprise in Bill C-13 was the inclusion of clause 12. This section proposes the addition of some important provisions to the hate crime section of the Criminal Code. I am at a loss to explain why this proposal has suddenly appeared in the bill, but I think it is a positive thing.

Bill C-13 suggests adding national origins, age, sex, and mental or physical disability to the existing provisions of the hate crime section of the Criminal Code. While the connection to the other aspect of the bill is not immediately obvious, as I said, I do believe this is a good thing, but what is missing from this section is gender identity. This House has twice voted in favour of adding gender identity to the hate crime section of the Criminal Code, yet it is not included in clause 12 of the bill.

Government Orders

My own private member's bill, Bill C-279, is still stuck in the Senate more than a year after being passed in this House, and while I remain hopeful it will be adopted soon, there is an obvious potential problem in the conflict between Bill C-13 and my own private member's bill. Unfortunately, if the Senate does pass Bill C-279, clause 12 of Bill C-13 would inadvertently undo half that progress. Bill C-13 in its present form would actually remove gender identity from the hate crime section of the Criminal Code if my private member's bill has already passed, so when we get to committee, we will be having a serious discussion about an amendment to add gender identity to fix this omission.

It was more than three years ago that this House, in a minority Parliament, voted to add gender identity to the hate crime section of the Criminal Code, and, as I said, more than a year ago we voted to do that in my own private member's bill, so I am hoping that this proposed amendment to the hate crime section was inadvertent in its omission of gender identity and that this omission can be fixed in committee.

Let me return to what I believe is the important question that should be at the centre of Bill C-13, which is that there is an urgent need for Parliament to provide national leadership in the fight against bullying.

Despite our concerns about the bill being an omnibus bill and despite many of the other things stuffed into Bill C-13, we are supporting sending the bill to committee so that we can continue the dialogue on the important issue of bullying and cyberbullying.

What is of concern to me, as I mentioned at the outset, is the attitude that has become prevalent on the other side of the House that when three or four members have spoken, it is time to end debate. The very root of the word "Parliament" means a place where we can talk about the important national issues.

• (1245)

I feel it is a great privilege to stand here and speak to Bill C-13 as a man who comes from the LGBTQ community, which suffers inordinately from bullying. I think I bring a perspective somewhat different from that of some other members of the House. As someone from Vancouver Island, where we have a lot of early adapters of new technology, I know we see huge problems of bullying and cyberbullying in local schools. Frankly, teachers are at their wits' end in trying to find ways to deal effectively with it.

One thing that has been common in the responses I have received is a warning that we not look simply to criminal sanctions for youth to combat cyberbullying and that criminalizing bullying for young people could in fact be a serious problem.

I come back to the idea that we cannot just focus on what happens after the bullying. We have to provide national leadership in coming up with ways to attack this problem before the damage actually takes place. Some may say that is not a federal responsibility, but it is in the sense that when bullying and cyberbullying reach their most vicious levels, they often result in criminal acts. Since the Criminal Code is the responsibility of this federal Parliament, then we do have a responsibility for crime prevention. I would argue very strongly that a national strategy to prevent bullying and cyberbullying is a matter of crime prevention.

On the other side of the House we hear a lot of discussion about victims. We share the concern for victims in Canadian society, but how can we do our best job in addressing the needs of victims? We can do that by preventing victimization. Once again, there is a responsibility for the House to look at what we can do to make sure that victims are not created through bullying and cyberbullying.

When we get to committee, I would ask members on the other side to keep an open mind about those other things that we can do. We do not need just to find criminal sanctions, although there are some things here that I agree are necessary and that will be useful in the most extreme cases, but there are many more things we can do to make this the Canada that we all love and believe is a great place that includes a space for all Canadians.

Unfortunately, the evidence of bullying and cyberbullying shows that is not always the case. Whether we are talking about immigrant communities and their desire to contribute to Canada fully or whether we are talking about the LGBTQ community and our desire to be accepted in Canadian society and play our role very fully or whether we are talking about those with disabilities who are often sidelined in our society, we have to take all the measures that we can to make our country more inclusive and make it one we can all be even prouder of than we are now.

How do we do that? I come back to this argument again and again. We put forward a motion calling for a national strategy to combat bullying and cyberbullying, and this is where Bill C-13 falls short. It has measures looking at what we can do after the fact to investigate criminal cases of bullying. It has measures to help apprehend those people who ultimately have performed criminal acts when it comes to bullying, but it does not have measures that would help reduce this problem in our society.

I will return to my concern over Bill C-279.

It is a difficult situation for some people to understand. My bill should have already passed through the Senate and should already be law. We now have a situation in which transgendered Canadians are subject to hate crimes and bullying and are the group most subject to violence of all groups in our society. If that private member's bill—which passed the House a year ago, as I said several times today—had already been passed, we would have some of the tools we need to combat the epidemic of violence against transgendered people in Canada.

Canada is not alone. Transgendered people are the most subject to violence everywhere around the world. I remain very sad that the Senate has taken so long to get down to business on passing Bill C-279. It held hearings and heard witnesses a year ago in June at the human rights committee. It essentially finished the process of examining the bill and found it acceptable; then, because of prorogation, the process had to start over.

Government Orders

•(1250)

I am at a loss to see why the bill has to go back to another committee, this time to a legislative and constitutional affairs committee. We have had the promise from the senators that they will take up the bill in committee soon; however, that promise was made in February and we are now in April.

I am emphasizing this in Bill C-13 because this is where the two bills come together: in clause 12 and those amendments to the hate crimes section of the Criminal Code that are in this bill but fail to include gender identity. We have this unfortunate grinding of gears between the two Houses here. If in committee we are able to add gender identity to Bill C-13, that would be a good thing, because as a government bill it would make its way through the Senate expeditiously. I have now begun to fear that Bill C-279 will face the same fate as the previous bill on transgender rights and that it will die in the Senate without action before the next election. If we can get half a loaf here in Bill C-13, I am prepared to work for that. I look for support from the other side in correcting what I hope was an inadvertent omission of gender identity from those amendments that are in clause 12.

When we go back to our ridings when Bill C-13 is in committee, I know that all of us will hear from members of our communities about the urgency of what we are doing. And I know we will hear again from the Conservatives about the urgency. However, I have to emphasize that we have had many opportunities since 2011 to actually take action on what I call “remedial actions”, those things that take place after the fact. Again, I remain disappointed that the Conservatives would not expedite the private member's bill from the member for Dartmouth—Cole Harbour, and we could have already had the non-consensual distribution of sexual images in the Criminal Code by this time. We would not still be waiting for that to happen. Of course, we could have already had a committee that had prepared a national strategy with concrete actions to combat bullying and cyberbullying.

As we near the summer recess, I am hoping Bill C-13 will actually get through, but then it also would face the hurdle of the Senate. Would the Senate deal expeditiously with this bill? Would it actually get these provisions passed in a timely manner? I can only hope that it would, but the irony is that Bill C-13 would go to the Constitution and legal affairs committee of the Senate where my private member's bill is also supposed to be going. The chances of both getting through before we get to summer seems kind of small. We have both the broader group of all those who face bullying and the narrower group of those trans Canadians who are depending on the Senate to take effective action soon. However, that just does not seem to be the way the Senate proceeds.

An hon. member: It is a mystery.

•(1255)

Mr. Randall Garrison: Mr. Speaker, as one of my colleagues said, it is a mystery to me.

We had Amnesty International provide leadership, in creating a letter from 100 civil society organizations, which was sent to the Senate earlier this year, asking it to take urgent action on Bill C-279. Within two days, there was a response saying that it would act immediately and nothing has happened. So obviously the sense of

what “immediate” means in the Senate and in this House is quite different.

My plea with senators today is to deal with Bill C-279 expeditiously and also, when this bill gets to them, as I am sure it will before we recess for the summer, to also deal with Bill C-13 expeditiously. I have to say that I am not optimistic that this will actually happen.

In conclusion, let me say I am proud to stand in this House today and speak to Bill C-13. It does contain things that we need to take action on, but, and there is always this unfortunate “but” when it comes to legislation from the current government, too many things have been stuffed into the same bill and so we are going to have to have some serious discussions in committee about some of the other things that have been tacked on to this bill. One of those is something I am very interested in and that is the question of gender identity in the hate crimes section of the Criminal Code.

I hope we will have co-operation in committee and that we will be able to get that amendment made, get Bill C-13 through this House, and take at least some limited action against bullying and cyberbullying before we recess for the summer.

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, my colleague from Esquimalt—Juan de Fuca is right that this bill is a bit of an omnibus bill. It covers everything from terrorism to telemarketing, cable stealing and hate speech.

I wonder if the member, who is very rightly concerned about the overlap between this bill and his private member's bill, Bill C-279, which is stuck in the Senate, thinks that splitting off all the provisions that relate to cyberbullying into a separate bill, which would allow the committee to leave aside examining the other parts of the bill, would be a better strategy to at least pass part of the bill and make sure it is coordinated with his own private member's bill and get it through the Senate before we rise for the summer.

Mr. Randall Garrison: Mr. Speaker, as usual, the hon. member for Kingston and the Islands takes a reasonable approach to these matters.

I would point out that when Bill C-13 was introduced, on this side we offered exactly what the member suggested. We told the government we were prepared to take out those urgent matters dealing with cyberbullying, have them in a separate bill, and pass them expeditiously through the House. It rejected that approach to doing so. Therefore, while I take seriously that the government wants this action to happen, I remain concerned that at each turn there is more and more delay on things that could have been done much earlier in the House.

[*Translation*]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, I would like to congratulate my colleague on the tireless work he does on behalf of transgendered people.

I feel it is important to mention during this debate that the NDP has tabled bullying prevention measures. I would like to mention the initiative of my colleague from Dartmouth—Cole Harbour, who introduced Bill C-540, as well as the work done by my colleague from Chicoutimi—Le Fjord, who moved Motion No. 385 to create a national bullying prevention strategy.

Government Orders

We asked the Conservatives to work with us but, unfortunately, they played petty politics with this very important issue.

As my colleague mentioned, the government often uses its bills to impose measures that have nothing to do with the bill's objective. We have seen the same thing with omnibus bills.

Could my colleague explain the link between cyberbullying and the fact that this bill includes a two-year sentence for stealing cable signals?

• (1300)

[*English*]

Mr. Randall Garrison: Mr. Speaker, I did not suggest that there be theft of cable signals in this bill. It is a good example of this tendency to stuff a bunch of other things into a bill which is called the prevention of cybercrime as kind of a catch-all title for the bill. Therefore, it makes it very difficult for us as members of Parliament to debate and vote on bills when the government has a bunch of unrelated things put into the same bill.

As I have mentioned, in this case we have seen bills that were dropped, such as Bill C-30, brought back into this bill, admittedly in a better form. However, I am not sure what that has to do with bullying or cyberbullying.

There have been a lot of things mixed together in this bill, which makes it difficult for us to debate and make decisions on this. When we get to committee, perhaps there will be some opportunity to narrow the focus of the bill or improve the focus of the bill. I certainly hope that is the case.

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, my colleague, who spoke so well, talks about the privilege of speaking here today. I have to say I do feel privileged as well on this issue, especially with respect to the comments regarding the LGBTQ community. My riding of Burnaby—Douglas was home to the great Svend Robinson, who was the first openly gay MP, and Bill Siksay, who was the tireless champion of the LGBTQ community. Now I have the privilege of sitting beside my friend, who is our critic for this area and who I would say is probably the foremost champion of LGBTQ community issues in the House. I thank him for his work. I was struck by his comments about the absence of transgender rights in this bill and was wondering if he cared to comment on that more and what we should do to fix that in committee.

Mr. Randall Garrison: Mr. Speaker, I thank the member for his kind comments. It is a privilege to share a desk with him here in the House of Commons. I get the benefit of his very sharp sense of humour, which does not always appear through the microphones.

I thank him for his kind words. Like all members of the NDP caucus, he has been a firm supporter of LGBTQ rights, and I am very proud to be the spokesperson for our party. It is the only party that has a spokesperson for LGBTQ rights in the House of Commons.

I guess that I am feeling charitable today. I am going to say that I hope that the omission of gender identity from the additions to the hate crimes section was inadvertent. Sometimes, we make Machiavellian conclusions about what is happening in the House when they are not really deserved. I am just not sure.

If we were going to amend that section and the House has already pronounced twice on the issue, it would seem to be obvious then that gender identity should have gone into clause 12 of Bill C-13. When we get to committee, we will certainly be suggesting that it be dealt with at the committee stage.

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, it is my turn to thank my colleague for the work he is doing on bullying and to also thank my colleagues from Chicoutimi—Le Fjord and Dartmouth—Cole Harbour. They are part of a group of MPs who have worked very hard on this issue over the past few years.

The specific question I have is about one of the subjects the member alluded to during his speech, namely the fact that new technologies sometimes make bullying harder on young people. Bullying used to happen in the schoolyard and, once students were out of the yard, there were far fewer ways to connect with young people than there are today.

Why is it important that we, as legislators, adjust our laws to these new technologies, which make it possible to engage in other types of bullying?

• (1305)

[*English*]

Mr. Randall Garrison: Mr. Speaker, the member's question reminded me of my own experience, which was of course back when dinosaurs roamed the earth and I was in elementary school. I lived in a rural area, and the bus ride home was hell for me because I was perceived, even at that age, to be insufficiently masculine. As a result, I faced severe bullying on the school bus each and every day. I have to say that I did not face it in the classroom at school and, of course, I did not face it at home. I was literally terrorized by the bus ride every day, and my parents had a hard time understanding why I begged them to drive me to school and begged my grandparents to take me to school. I never wanted to ride the bus.

However, for me, it was a very short period of the day when I was subjected to it. Once I was home, either at my parents' home or my grandparents' home, where I spent a lot of time, I was safe from that bullying. That is the big difference now. Technology has brought that bullying into peoples' homes. It has made it not just a short period of the day, but something that people have to live with and deal with constantly.

Additionally, the anonymity that is sometimes provided by the Internet gives people licence to be even meaner, more vindictive, and more prejudiced than they might otherwise be if their names and faces were assigned to the comments that they are making.

Technology has expanded the time and the places in which individuals are subject to bullying, and it has expanded the intensity of that bullying. It is time to recognize the difference. It is not the bullying that took place when I was a kid. This is something new that is much more pervasive and much more intense.

Government Orders

Mrs. Cathy McLeod (Parliamentary Secretary to the Minister of Labour and for Western Economic Diversification, CPC): Mr. Speaker, I am pleased to speak to Bill C-13, the protecting Canadians from online crime act.

I would like to first set out a bit of context in terms of where we have come from. Members might be aware that it was 25 years ago when the first test was done on the World Wide Web. We have to look at how far we have come in 25 years.

Facebook, a powerful tool, was introduced in 2004. I might be dating myself a bit, but I remember going to my first tutorial to learn about the World Wide Web, and it was very complicated. There were DOS commands and giant computers. Now we have the ability to take a picture with something the size of our palm and distribute it immediately around the world. That is an absolutely incredible change over a relatively short 25 years.

Before I go into the details of the bill and why it is so important, I need to reflect on the fact that this tool in some ways has been fabulous for Canadians and people around the world. I remember a colleague telling me how his grandmother in Argentina every night read a book over Skype to put his child to bed.

We have the ability to pay our bills by email. We have the ability to interact immediately with family around the world. It is much easier to keep those connections we treasure and value.

As politicians we have seen the dark side of the Internet. Anyone who has a Twitter account or a Facebook account regularly sees some of the very vicious comments that come in through those forums. As my colleague across the aisle just said, these comments are often anonymous and vicious. As politicians, we deal with that, but that is nothing compared to really overstepping the bounds and the issues some children and adults have had to deal with.

A quick Google search on cyberbullying immediately brings up hundreds of names. There is Ryan's story, Bronagh's story, and Megan's story. Look at Rehtaeh Parsons and Amanda Todd. Just recently we heard she allegedly fell victim to someone on the other side of the world.

Times have changed incredibly, and we need to change with the times.

This legislation proposes changes to the Criminal Code, the Competition Act, and the Mutual Legal Assistance in Criminal Matters Act. The bill would create a law to address the behaviour that can occur in cases of cyberbullying. This new offence would be called non-consensual distribution of intimate images. Investigative powers need to be updated to ensure that they are in line with the modern technology I just talked about, where in one minute, something as small as one's hand reaches across the world.

I would like to expand a bit on the amendments to the Criminal Code and highlight how they are designed to ensure appropriate privacy protection in the face of the new technology. It is a difficult balancing act, because we need to ensure that privacy is protected while providing the tools to tackle these horrendous issues.

There are a few areas I would like to talk about. I will start with preservation orders and demands and updates to the tracking warrant

provisions, which are essential tools to ensure that effective investigations are conducted in Canada when the police are faced with crimes involving technology.

What is this new preservation order? The preservation order would create new powers, to be used in both Criminal Code and Competition Act contraventions. The goal of these two new provisions is to ensure that volatile computer data will not be deleted before the police have time to get a warrant or court order to collect it for investigations.

The need for these tools is obvious. Not only is computer data easily deleted but it can also easily be lost through carelessness or just in day-to-day business practice.

A preservation order or demand would legally require a person to keep the computer data that is vital to an investigation long enough for the police to seek the judicial warrants and orders necessary to obtain the information. This tool would ensure that the police could get the investigation under way without the loss of really important evidence.

• (1310)

People may have concerns about the impact of these amendments on a person's right to a reasonable expectation of privacy. They might have heard about Europe's data retention regime and worry that our legislation is going to import that to Canada. That is not what Bill C-13 is doing.

Data retention would allow the collection of a range of data for all telephone and Internet service subscribers for a defined period of time, regardless of whether or not the data was connected with the investigation.

Bill C-13 does not provide for data retention. It provides for data preservation, and that is a very important fact. It would require that specified computer data in connection with a specific investigation and specific people be preserved for a limited period of time.

It is important to understand that this data would not be turned over to the police unless they first obtained a judicial warrant or court order for that disclosure. Also, any of the data that was preserved and whose presentation was not otherwise required for regular business purposes would have to be destroyed as soon as it was no longer needed for the investigation. This would protect the privacy of Canadians. This would also ensure that the regime created in this bill did not inadvertently result in the kind of data retention I have just described.

As members can see, the data preservation scheme the government is proposing is actually quite constrained in its focus and has been designed as a stop-gap measure so that the judicial warrants and the court order police obtain subsequent to access to the evidence are not rendered useless. Again, it is a really important intermittent tool.

Another change Bill C-13 proposes is updating the Criminal Code's existing tracking warrant provision. Of course, this warrant was created in the early 1990s. Police could obtain and use this warrant to track people, cars, or objects. Again, as I described earlier, so much has changed in tracking technology since then and in the accuracy of this tracking technology. The continuity with which it can track things has also improved.

Because of the improvements, the existing tracking warrant is outdated, and its privacy safeguards no longer reflect the reality of modern tracking technology, which could allow for greater privacy invasions than before. This is an important thing we thought we had to tackle.

Bill C-13 proposes to heighten privacy protections for the most invasive uses of tracking technology. This legislation would do this by creating a dual threshold for tracking warrants. The police would be able to get the first kind of tracking warrant the way they have always been able to get one for the less invasive type of tracking: prove to the judge or the justice that they have reasonable grounds to suspect that the warrant will assist in the investigation of an offence. The police would use this warrant to track objects, vehicles, and transactions.

However, for the more invasive technique of tracking a person using a device usually worn or carried by the person, such as a cell phone, the police would have to get a second type of warrant, which would provide for greater privacy protection than the first.

Bill C-13 would provide that to get such a warrant, the police would have to prove to the judge that they had reasonable grounds to believe that the use of a tracking warrant would assist in the investigation of the offence.

Legally, this is a tougher standard to meet, and as a result, it would provide more privacy protection than the first type of warrant, which is about tracking objects. This is an important distinction, as it reflects a higher level of protection, commensurate with the more intrusive potential of tracking persons, which is reflected in the second type of tracking warrant. It was designed to very carefully meet that difficult balance in terms of giving the police tools in the modern day that ensure that there are appropriate safeguards in place.

To bring things to a conclusion, I talked about two specific measures. Canadians have understandably been outraged by the crimes committed through the use of the Internet, including massive fraud and horribly cruel incidents of cyberbullying. I believe that Bill C-13 is both a necessary and balanced response. It would enable law enforcement to have tools to respond to these criminal activities. I encourage all members in this House to support Bill C-13.

• (1315)

[*Translation*]

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, I thank my Conservative colleague for mentioning the names of some of the young people who, in the time since we were elected in 2011, unfortunately took their own lives to end the pain caused by bullying.

These days, many cases of cyberbullying do not involve the non-consensual distribution of intimate images. What does the member's

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government propose in Bill C-13 for those particular cases of bullying?

I read this voluminous, 75-page bill and I did not see any measures for protecting our young people from cyberbullying that does not involve the non-consensual distribution of intimate images.

Can my Conservative colleague elaborate on that?

[*English*]

Mrs. Cathy McLeod: Mr. Speaker, as the hon. member knows, a crime is a crime, regardless of whether or not it is on the Internet.

More importantly, we have talked about the distribution of non-consensual intimate images and the ability to remove them. He should talk about the issues we looked at in terms of some of the people. For a good majority of them, the issues are around the distribution of intimate images. We are taking an approach that is going to give police the investigative and legislative tools to truly tackle this issue.

Of course, we need to continue to do the very important work, outside of a legislative process, that is focused on education and making sure that Canadians are aware of this issue. Anything this big requires a multi-pronged approach.

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, my colleague was rather sanctimonious as she spoke at length about bullying, which of course is the matter at hand today.

I wonder why the Conservatives voted against the bill introduced by our colleague from Dartmouth—Cole Harbour, which would have filled the gaps in the current legislation. It seems that part of his bill is included among the other measures in this bill. Why did the Conservatives refuse to work with us when they had a very fine opportunity to do so in the House? Today, the government is introducing more or less the same thing. Why did they refuse to work with us?

• (1320)

[*English*]

Mrs. Cathy McLeod: Mr. Speaker, this is typical of the fundamental difference between the NDP and the Conservatives. The NDP regularly wants to have national discussions that go on and on, whereas our government is a government of action. We are a government of giving the police the tools they need. We are a government that will see that criminals receive the criminal sentences that should rightfully be coming their way.

Again, we are a government of action, not a government of continuing to talk and talk about issues.

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[*Translation*]

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, as is the case for the vast majority of my colleagues in the House, the subject of cyberbullying and bullying in general is something I am deeply concerned about. This issue is so important to me that I decided that my one and only bill to be debated and voted on in the House would be about bullying. That is why, almost two years ago, I introduced a national bullying prevention strategy. The Conservatives and the Bloc Québécois voted overwhelmingly against it.

Ten minutes is not a lot of time for me to say everything I want to say about this. Before I begin my speech, I would like to respond to my Conservative colleague who has just finished her speech and answers. The parliamentary secretary talked about how proactive her Conservative government is when it comes to dealing with bullying. That is a lie. It is not true. This is 2014 and we are debating Bill C-13.

In 2011, 15-year-old Jenna Bowers-Bryanton took her own life. She lived in Truro, Nova Scotia. When the media reported the news, Jenna's parents, family and friends spoke about what this young woman had gone through. They said that she had been bullied via social media. She was receiving vicious messages and comments from anonymous sources. In these messages, she was even told that she should kill herself.

According to her parents, Courtney Brown, another Nova Scotian, was bullied via Facebook in 2011. She too committed suicide when she could no longer deal with the situation. These are two cases of young Canadian women who, in 2011, were victims of Internet bullying, which is called cyberbullying. The Conservative government, which was in power at the time, did nothing.

Meanwhile, the opposition introduced two bills. We are proactive in the NDP. I spoke about how my initiative to implement a national bullying prevention strategy was defeated. The bill introduced by my colleague from Dartmouth—Cole Harbour focused strictly on closing loopholes in Canadian legislation to prevent the distribution of intimate images without consent. The Conservatives voted against this measure twice.

I therefore do not believe the Conservative member when she says that her government is proactive. That is not true. This debate has been very emotional for me. I was talking about this earlier with my parliamentary assistant, Steve Slepchik. We sent some messages back and forth about how sad we felt when preparing my speech, which is still somewhat off the cuff. We researched the number of young people who had committed suicide as a result of bullying since we were elected in 2011. Some took their own lives as a result of cyberbullying. Others were bullied at school. We in the House of Commons know the difference, and we know that bullying in schools falls more under provincial jurisdiction. However, we also know that telecommunications fall under federal jurisdiction, and that is why the federal government must play its role in that regard, a role that goes beyond the measure this government has proposed.

I would also like to remind members that the NDP is in favour of this bill since it is quite similar to a bill that we ourselves proposed. What is more, when it comes to cyberbullying, we agree with the part of this 75-page brick that closes the loophole with regard to the

distribution of intimate images without consent. However, cyberbullying has a much larger scope than that.

I have another example, and it always makes me sad when I talk about it. Todd Loik, a youth from North Battleford, Saskatchewan, also took his own life at the age of 15. He was being taunted and teased online, but it was much more than that. He was threatened and bullied on Facebook, until the night he decided to take his own life because he could not take it anymore. Even his mother, who read with great sorrow the Facebook messages to her son, called them disgusting.

• (1325)

She even said that he received these insults on his cell phone and home computer.

The cyberbullying of young people in Canada and around the world is more than just the distribution of intimate photos without consent. Passing Bill C-13 and giving it royal assent will not give the Conservatives—who boast about enforcing law and order, but actually do very little about it—bragging rights about having done something to set limits on and curtail cyberbullying in Canada. The distribution of intimate photos without consent is just one aspect of cyberbullying.

Youth suicide is covered extensively by the media, but that is just the tip of the iceberg. Parliamentarians in every Canadian province and territory have admitted that they were victims of bullying. I am one of them. We have to do something. We must adopt a national bullying prevention strategy that will give parents more tools.

In Canada, parents who know that their child is a victim of bullying or cyberbullying do not have the tools to deal with it. The government can use the means at its disposal to inform the Canadian public and to provide parents with documentation that will help them do their job and defend and equip their children.

The Conservatives' approach would simply have us criminalize cyberbullying instead of preventing it. Unfortunately, bullying leaves scars. When a young person is the victim of bullying over the course of months or years, the harm has been done, even if the bully is punished. However, the victim is sometimes no longer even alive when the bully is punished. Is that fair? I do not think so. The families and loved ones of bullying victims, even those who do not resort to suicide, are left with scars.

I would not want any young person in Canada to be the victim of bullying, but bullying most often involves young people. It could be a matter of carelessness or cruelty on the part of these darling angels who are not aware of how much their actions can hurt others. Some young people imitate their parents or loved ones. When they see their parents saying negative things about a colleague or being mean-spirited, the children absorb this information and emulate this kind of behaviour at school, on the bus or on the Internet.

I wish we could pass legislation requiring Canadians, teens and children to show love for one another, so that we can put an end to bullying and cyberbullying, but I know that is unrealistic.

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However, it is not too late to take action, and the government must not rest on its laurels. After it passes Bill C-13, it must move forward and impose further controls on cyberbullying. We need to work on prevention.

For example, the committee should look at meaningful measures to ensure that a teen who is bullied via text message, Facebook, Twitter or email can access a government-run website to complain. The teen could take a screenshot and indicate where the bullying took place, so that the police can investigate it. By working with Internet service providers, we could track down the bully and send an email warning to the owner of the IP address, which is likely the parents. That way, the parents could do their job and talk to their child about what they have done.

Those are some concrete ways to combat cyberbullying that the NDP would like to work on.

I thank my colleagues for taking all of this into consideration.

• (1330)

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I am pleased to ask a question of my colleague from Chicoutimi—Le Fjord, who gave a heartfelt speech. I know he has worked very hard on this issue. He has travelled across Canada to speak with young people and try to raise as much awareness as possible regarding this phenomenon and the repercussions it can have. I am convinced that he would have visited every school in Canada if he could have done so. However, that is unfortunately not possible, which brings me to my question.

What more can we do, besides what the government is proposing? As we have heard, the government is suggesting one very specific measure, one that had already been proposed earlier in this Parliament.

What more can we do besides tackling the very serious problem of sharing photos without the person's consent? What other measures can we take to ensure that this problem is taken into account and resolved once and for all?

Mr. Dany Morin: Mr. Speaker, I thank my hon. colleague from Sherbrooke for the question.

The government needs to listen to the opposition members, even if it does not agree with them, and it needs to listen to the Senate. I feel this is an odd thing for me to say. However, about two years ago, the Senate published a report on cyberbullying. As we know, the Senate has a Conservative majority. The report's first recommendation was to create a national bullying prevention strategy.

The report was published shortly after the government rejected my motion. When I read that report, I realized that even the Conservative senators wanted a national bullying prevention strategy, just as I had proposed to the Conservative members in the House. It really saddens me that the government voted against it for partisan reasons. Perhaps it needs to reread the Senate's report. It is a good report.

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I would like to congratulate my colleague on his speech. He spoke with great emotion. His speech was very interesting and quite relevant to the current debate.

When we talk about Canada, we need to talk about the youth who are Canada's future. We need to look after them. This bill is clearly a first step. I also think it is important to support the communities that are doing the everyday work on the ground.

In Drummondville, there are a number of local organizations and committees that are looking at the issue. We have a committee on violence and a subcommittee that works on bullying prevention. They bring together all of Drummond's social organizations.

I believe that my colleague from Chicoutimi—Le Fjord proposed a national cyberbullying prevention strategy. It was a great way to tackle the issue because it is not enough to address instances of cyberbullying; we have to work to prevent it, too.

I would like the hon. member to talk about the important role that the federal government could play in preventing bullying through a national bullying prevention strategy.

Mr. Dany Morin: Mr. Speaker, thank you for allowing me to respond to my colleague.

To begin, I would like to commend the initiative in his riding. He mentioned that there are groups in his riding that help young people deal with bullying. That is wonderful. That is why the fourth pillar of my national bullying prevention strategy called on the government to provide more financial and other types of support to front-line organizations that are already doing good work across Canada. We do not need to reinvent the wheel.

To prove just how important this is, and I will end with this, here is a quote from a 2012 Kids Help Phone report:

...cyberbullying can be very damaging to young people's mental health and well-being. According to recent research, cyberbullying has a range of negative social, emotional, and educational outcomes on victims, from anxiety, to poor concentration and lowered school performance, to hopelessness or helplessness, to depression and suicidality.

Clearly, the government needs to do something, something more than just Bill C-13.

• (1335)

[English]

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, it is always an honour to speak in the House as a representative of Lambton—Kent—Middlesex, particularly today as we speak in support of Bill C-13, the protecting Canadians from online crime act. As we have heard today from all speakers, it addresses the serious criminal behaviour associated with cyberbullying.

This is an issue that affects Canadians across the country, whether in small communities, like mine, or in large cities, in remote areas, or in urban areas. It is an issue of grave concern to all of us. For Barb and me, who are parents and grandparents, as aunts and uncles, as parliamentarians and as Canadians, we take this for what the act talks about.

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We have all heard of the tragic results of cyberbullying. My colleagues who spoke mentioned a number of individuals who have been captured and caught in the effects of cyberbullying. There are stories of children so distraught that they take their own lives because they can no longer handle the barrage of taunts, threats, and humiliation that is absolutely heartbreaking to them and everyone around them.

We have the opportunity to take decisive action now and try to prevent, as much as we can, future tragedies. The legislation before us is one that would move us ahead with reforms to our laws to deter the effects and types of destructive behaviour. Certainly, having stronger penalties in place would act as a strong deterrent to those who would post intimate pictures of someone online without their consent. It is also critical, and we have heard a lot about that today, that every possible step be taken to prevent bullying in all its forms.

In my time today, I want to talk about our government, and specifically Public Safety Canada, which is prepared to establish a number of prevention, education, and awareness activities. As the lead federal department on the issue of cyberbullying, Public Safety Canada is tackling this form of intimidation. This includes supporting programs that work to change behaviours among young people to prevent bullying of all types, whether online or in person.

For example, our government is currently supporting the development of a number of school-based projects to prevent bullying as part of the \$10 million that was committed in 2012 toward new crime prevention projects to address this and other priority issues such as preventing violence among at-risk youth and offending among urban aboriginal youth. Education and awareness are also critical to addressing this harmful and extreme behaviour. We are working on a number of initiatives to encourage youth. We need youth themselves to speak up and to let adults know what is happening.

Our government supports the Canadian Centre for Child Protection, which operates Cybertip.ca, an initiative that started in 2002, and NeedHelpNow.ca. These are websites that Canadians can use to report online sexual exploitation of children and to seek help for exploitation resulting from the sharing of sexual images.

In addition, the RCMP Centre for Youth Crime Prevention offers resources such as fact sheets, lesson plans, and interactive learning tools to youth, parents, police officers, and educators on issues such as bullying and cyberbullying. We also talk about cyberbullying during Cyber Security Awareness Month, which takes place each October.

The focus of Public Safety Canada's Get Cyber Safe campaign is to educate Canadians of all ages on the simple steps they can take to protect themselves from people who want to do harm to them online, or for things like identity theft, fraud, and computer viruses.

• (1340)

Part of helping our people stay safe online includes making them aware of the dangers of cyberbullying and what they can do to stop it. As part of our efforts in this regard, Public Safety Canada launched a national public awareness safety campaign called "Stop Hating Online", in January 2014. It does a number of things. It provides information to youth and their parents about the potential

serious legal consequences around cyberbullying and the distribution of intimate images without consent.

It also informs Canadian adults that they have a role to play in the prevention and reporting of cyberbullying and raises awareness among young Canadians regarding the types of behaviours that constitute cyberbullying and the impacts of that on people. We want to help them understand that they can be more than a bystander, and give them information on how and when they can stand up to cyberbullying.

We want to make sure that we go beyond that. In order to reach as many people as possible, we want to make sure that we cover both adults and youth. Our government wants to work closely with the private sector and other government partners to deliver the campaign using a wide variety of media, awareness activities, but with a particular focus on using social media to spread the word and encourage Canadians.

I hope that members of the House were able to see some of the ads played on national TV networks between January and March. The idea was aimed at parents and youth, the latter being a little more edgy and dynamic to capture the attention of our tech-savvy youth. Both ads illustrated how easy it is for kids to share intimate images of each other through mobile phones and social media, often without much thought. Both ads end with a clear and serious message: that sharing intimate messages and images without consent is not only wrong, it is also illegal—something we are working toward with the legislation before us.

Because the younger generation is not necessarily watching the evening news, the same ads were played online and at movie theatres. The ads drove people to a comprehensive website called "Stop Hating Online", which provides concrete tools and tips for youth, parents, educators, and all those concerned about cyberbullying. The campaign uses social media like YouTube, Facebook, and Twitter to reach out to youth.

This is where we are seeing a significant engagement and positive feedback from youth and parents who are embracing this campaign and telling us clearly that they are not going to accept this destructive behaviour for themselves, their families, or their friends.

In fact, Facebook Canada reported that interest and engagement is much higher than average for the Stop Hating Online initiative. It has also had over one million views of the youth-oriented ad on YouTube since its launch. Facebook accounts for more than 60,000 times its usual hits. We are saying that when we reach out across all media and all types of contacts, it is starting to hit home. As we watch television news and listen to reports of those who have been caught in this, they need to understand the severity of it.

For obvious reasons, as a proud parent and grandparent, I would ask members of the House to support Bill C-13.

• (1345)

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I am pleased to have the opportunity to ask my Conservative colleague a question about Bill C-13.

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I want to ask her a very specific question about why the Conservatives decided to include many things that are not necessarily related to cyberbullying. This bill on cyberbullying has been given a fine title. We are pleased that this bill was introduced and we are going to support it at second reading.

However, I want to know why the Conservatives incorporated things that have nothing to do with cyberbullying, such as the two-year sentence for stealing cable. Can my colleague tell me what exactly this has to do with cyberbullying? Why did the Conservatives decide, as they do in many cases, to include many other measures that are not necessarily related to the original purpose of the bill?

[*English*]

Mr. Bev Shipley: Mr. Speaker, as I mentioned, in our justice bills, and again in this one here, there has to be a significant deterrent for those people who commit cyberbullying, or bullying of any kind, quite honestly. We tend to think of cyberbullying, but it is also the person-on-person bullying, and we have heard examples of that in here not only today but from time to time. We believe on this side that there also have to be significant consequences for those who commit those acts as they have serious consequences for those who are being bullied.

Also, as part of that, I likely have spent more time talking about prevention and assistance in terms of education as I did about some of the penalties, but it has to work hand in hand. We need to have consequences and penalties, and we also need to make sure that we spend our time and resources in making prevention as big an issue as we can.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I would like to continue on the same line of questioning.

Listening to the member speak on the issue of cyberbullying, I was pleased with many of his comments. However, it seems to me that while the government wants to talk a great deal about cyberbullying, if we take a look at the legislation itself, we see that it deals with more issues than just cyberbullying. For example, it was cited in terms of cable theft.

If the government truly wanted to fixate on the issue of cyberbullying and allow for the debate and focus of public attention on that issue, then why would it not just have the bill deal specifically with cyberbullying?

Mr. Bev Shipley: Mr. Speaker, I thank my colleague from across the way who, as we know, is very active on a daily basis in terms of debate, and I think that is great. He raises a number of issues, such as this one.

When we talk about cyberbullying and the Internet, if fraud is taking place, such as identity theft, or if one's correspondence with people is used by someone in an immoral or illegal way, that needs to be part of what we talk about in cyberbullying and needs to be part of what we talk about in Bill C-13.

I am pleased that the member asked that question because we want to make sure that we cover the bases as widely as we can. When the bill goes to committee, we will have another opportunity for input by witnesses. That discussion about weaknesses or concerns can be brought up and looked at in committee also.

● (1350)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is a pleasure for me to rise today and talk to what I believe is a very important issue. The issue of cyberbullying is very real, it is tangible, and it happens every day. It affects the lives of thousands of Canadians throughout our great land. There is a responsibility for government to do its best to ensure that we have the tools that are necessary to make a difference. That is really what we in the Liberal Party want. We would like to see a comprehensive approach to dealing with the issue of cyberbullying. That is what is really important here.

The legislation is one part of it. The additional resources, ideas, budgets, and throne speeches are another part of it, where we see a government that wants to focus its attention on dealing with an issue that many Canadians are quite concerned about. They want the government to demonstrate leadership on such an important issue.

I listened to the member, and I posed a question specifically; I appreciated the frankness in the answer that he provided. However, the point is that we have before us a piece of legislation that deals with a number of changes. Some of those changes I do not think would do any service by being incorporated into the important issue of cyberbullying. We remember the old Bill C-30, which had some fairly significant implications regarding lawful access. The government gave assurances on that bill and it died on the order paper.

Why incorporate some of the things they have into this very important issue? It made reference to the cable industry and cable theft. I suspect that if we canvass the House we would find that there is a great deal of interest in the issue of cyberbullying today. It is nothing new. It has been there for many years. We can talk about the cyber.ca website, and I would recommend that people check it. People can draw fantastic information from it. We need to get more people educated about the process of bullying that takes place.

In 2005, legislation under former Prime Minister Paul Martin was proposed. We have had other members bring it forward. In particular I look to my colleague from Vancouver, the wonderful Liberal Party health critic, who has brought forward the issue of cyberbullying. This issue has been before us for a number of years, and it keeps growing in its seriousness and the importance for the House to take more action in dealing with it.

Today, we have Facebook, Twitter, Instagram, YouTube, and a litany of other programs and applications through the Internet that are used as mechanisms to inflict hurt upon someone else. One cannot underestimate the tragedies that have been caused by the type of cyberbullying or harassment that is taking place every day.

When we look at this legislation in principle, I believe all members, but assuredly members of the Liberal caucus, are quite supportive of taking action that would assist us in dealing with that very important issue of cyberbullying.

Statements by Members

● (1355)

However, Liberals want to go further than that. We want to challenge the government to look at refocusing some of its priorities. The member made reference to advertising commercials. There is a great deal of benefit in using advertising as a wonderful tool to educate our population, because not everyone listens to the 6 o'clock or 10 o'clock news. The member is right that purchasing advertising spots in sports and children's programming would be of great value.

Think of the hundreds of millions of dollars the government spends on advertising its budget, its economic program, or whatever we want to call it. It spends hundreds of millions of dollars on something of no real great value. It is a bunch of spin coming from the government on what it is doing. Why not use some of the hundreds of millions of dollars on good, solid programs that are going to make a difference, such as developing and paying for advertising in our multimedia world today to educate individuals about cyberspace? That is what we should be doing. We challenge the government of the day to be a bit more creative on that front.

We need to work with stakeholders. How can we develop a strategy to educate and encourage people to get a better understanding of such an important issue if we are not prepared to work with the different stakeholders in society? One example would be schools. In Manitoba, there is in excess of 200,000 students attending public school. What is being done to encourage some sort of programming that educates our young people? I do not want to have to rely on Facebook and independent thinking that takes place in a locked room where all sorts of mischievous behaviour could be occurring in terms of educating our young people. It has to be far broader than that. Schools, school divisions, and departments of education all need to play a role.

What about the private sector? We talk about harassment that takes place in the cyberworld. Vindictive attitudes and how quickly individuals attack potential victims by posting pictures or images or making statements on the Internet that have strong, profound negative impacts on people's lives are incredible. Only one level of government, the national government and the Prime Minister, has to realize just how important it is that it is set as a priority issue. Every day that goes by that the Conservative government chooses not to be more aggressively proactive on this issue, we are destroying lives because we allow it to continue to the degree at which it is moving forward today, at a very rapid pace.

Liberals welcome the idea of action, support action to deal with anti-bullying, and want more of a comprehensive, all-inclusive strategy that is going to change more than the criminal law. It is time that the Government of Canada starts working with stakeholders. We could make a much larger difference if the government became interested in doing that.

● (1400)

The Acting Speaker (Mr. Barry Devolin): The time for government orders has expired. The five minutes of questions and comments for the hon. member for Winnipeg North will take place when this matter returns before the House, possibly following question period.

STATEMENTS BY MEMBERS*[Translation]***EARTH DAY**

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I am pleased to rise today to talk about events that were held across the country for Earth Day.

[English]

We all experienced, across Canada and in our home ridings, multiple celebrations, hundreds of them, involving thousands of volunteers, for the 44th Earth Day celebrated in North America.

I was proud to participate with my friend, the hon. member for Thunder Bay—Superior North, in a great concert at the Italian Cultural Centre in Thunder Bay, involving folk legend Valdy, Sarah Harmer, and Rodney Brown.

Back in my home riding, in Sidney, we celebrated Art for an Oil-Free Coast, with Robert Bateman, one of Canada's most loved artists. School kids at Campus View Elementary School organized a great EarthFest. We also heard from Wade Davis, one of Canada's leading photographers and authors on the threats to the sacred headwaters. We marched in Victoria, at Creatively United for the Planet Society, on Saturday.

Together we can say for the 45th Earth Day, let us have accomplished what we need to do.

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SIKH HERITAGE MONTH

Mr. Bob Dechert (Mississauga—Erindale, CPC): Mr. Speaker, *Sat Sri Akal. Waheguru Ji Ka Khalsa Waheguru Ji Ki Fateh.*

This past weekend, I had the pleasure to join almost 100,000 Sikhs at the 29th Annual Khalsa Day parade, in Toronto. People of the Sikh faith donned their traditional multicoloured robes to share their distinct culture, including music, prayers, and traditional foods, on the streets of Toronto.

With April being the first ever Sikh Heritage Month in Ontario, it is a good time for all of us to celebrate the many successes of the Sikh community in Canada and around the world.

While one organization has regrettably chosen to use its resources to fearmonger and spread hate by circulating a racist flyer to Brampton residents, I encourage all Canadians to take this month to reflect upon and celebrate the many contributions that Indo-Canadians have made to our vibrant communities.

*Statements by Members***VIMY RIDGE**

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, on April 9, I was privileged to attend a ceremony commemorating the 97th anniversary of the Battle for Vimy Ridge, the site in France where four Canadian regiments first fought together as a single force and won one of the great tactical victories of the Great War, unfortunately, at the cost of the lives of more than 3,600 Canadians on a single day.

We spent the following day visiting other memorials in Belgium, where Canadians also played a major role: Passchendaele; St. Julien; Essex Farm, where John McCrae wrote *In Flanders Fields*; and the Menin Gate, in Ypres, where literally hundreds gather each evening for a last post ceremony.

I want to thank the Minister of Veterans Affairs for inviting opposition members to accompany him on this trip, thereby demonstrating that it is possible for us to rise above narrow partisanship in the service of Canadians.

Reading the more than 11,000 names, whose final resting place is unknown, on the monument at Vimy, or the names of nearly 7,000 Canadians, among the 54,000 names of the missing on Menin Gate in Ypres, one cannot help being reminded of the diversity of those who served Canada in World War I.

I remain grateful for the opportunity to represent Canada on this trip, not to glorify war but to honour sacrifice. Lest we forget

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DON LLEWELLYN

Mr. Earl Dreeshen (Red Deer, CPC): Mr. Speaker, on April 10, Innisfail lost one of its community builders, Don Llewellyn. Don's father Lewis had once been Innisfail's Mayor, and that dedication to community was passed down from father to son.

Since 1937, Llewellyn Electric has stood for service and commitment. As one of Don's customers, I can truly say that we always felt like family.

Don played for the Innisfail Eagles hockey team for 12 years and remained part of this organization until his passing.

It was Don's love of water skiing that took him and his family to the world stage. His mentorship and love of the sport helped propel his sons Kreg and Jaret to become world champions and world record holders.

Don and his wife Christine continued to watch Jaret, wife Britta, and grandson Dorien, as they, to this day, continue to push the limits of water skiing supremacy.

Don was a role model in so many ways. Our thoughts and prayers go out to Chris and their loving family, as well as their countless friends. He will be missed.

* * *

• (1405)

YOM HASHOAH

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, Yom Hashoah is a day of profound reflection, not only for Jewish

communities in Canada and around the world, but for all Canadians and all members of the human race.

Holocaust Remembrance Day provides the global community with an opportunity to remember the unthinkable evil of the Holocaust, to reject the hatred and inhumanity that fuelled it, as well as the indifference that allowed it to happen. It is the responsibility of all of us to ensure that this dark moment in human history is never forgotten.

Today, my Liberal colleague, the member for Mount Royal, is in Auschwitz to mark this solemn day of remembrance by lighting a memorial torch with the grandniece of Raoul Wallenberg, and to address the March of the Living.

Today I urge all Canadians to recommit that we will never allow such horrors to be repeated. We will not hate. In the words of Holocaust survivor and Noble Peace Prize winner Elie Wiesel, "For the dead and the living, we must bear witness".

* * *

WORKERS' MEMORIAL DAY

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, today is Workers' Memorial Day, a national day of mourning designated for us to remember workers who were killed or injured on the job.

We must take this opportunity to reflect on the sacrifices made in times past. We are fortunate to live in a time where workplace safety has been greatly improved and workers' deaths are much less common.

Those who built the Welland Canal were not so lucky. In my own riding, we are working to honour over 130 workers who perished during the construction of the Welland Canal, which was central to the development of our community. That is why I am co-chairing a community effort to build a monument that will honour the memories of those fallen workers. This will fulfill a promise that the federal government made in 1932. It was a promise that went unkept.

Today we pause to remember the sacrifices made by those men and women who literally built Canada. The best way to do that is by working to ensure that we have safer workplaces today, so that tragic accidents become a thing of the past.

*Statements by Members***ARMENIA**

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, today we commemorate and honour those Armenians who perished in one of the worst atrocities of the 20th century. We recall the horror, 99 years ago, when 1.5 million Armenians were massacred or marched to their deaths in the final days of the Ottoman Empire. We grieve for the lives lost and the suffering endured by those men, women, and children. We are joined in solemn commemoration by thousands here in Canada, and millions across the world.

The New Democratic Party has been consistent regarding the history of what occurred in 1915, and a full, frank, and just acknowledgment of the facts is vital for nations to heal going forward. Peoples and nations are stronger and build a foundation for a more just and tolerant future by acknowledging and reckoning the painful elements of the past.

As we recall the horror of Meds Yeghern, in doing so we remind ourselves of our shared commitment to ensuring that such dark chapters of human history are never repeated.

* * *

FITNESS OF CANADIANS

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Mr. Speaker, I rise to invite members to join with our Minister of State for Sport and Canadian students from Glebe Collegiate to the Queen's Baton Relay on Parliament Hill today, hosted by MyCommonwealth, a youth-led organization that brings people under 30 together to be actively engaged in the Commonwealth.

The Queen's Baton Relay takes place before each Commonwealth Games, during which the baton visits 70 nations and territories and covers close to 190,000 kilometres over its 288-day journey. This year's games are in Glasgow, Scotland, and start on July 23.

Canada is a proud member of the Commonwealth. The very first Commonwealth Games were held right here in Canada, in Hamilton, Ontario. I support the games, along with other projects in which we in the House have been working to make Canada the fittest nation on earth, such as the parliamentary fitness initiative, in which members run, walk or swim together; Bike Day on the Hill; National Life Jacket and Swim Day on the Hill; and National Health and Fitness Day, this year on June 7, which has already been proclaimed by 84 cities across Canada.

Together, let us make Canada the fittest nation on earth.

* * *

FIREARMS REGISTRY

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Mr. Speaker, Canadians want tough-on-crime measures that are effective, efficient, and make good common sense. They do not want half-baked schemes dreamed up by big government Liberals that do nothing to keep Canadians safe.

That is why we ended the wasteful and ineffective long gun registry. It did nothing to prevent a single crime. Here is proof. Since 2009, gun crime in Canada has decreased by more than 25%, despite

the dire predictions of Liberal elite politicians like former Ontario attorney general Michael Bryant, who implied that hunters and farmers were responsible for all domestic violence.

We all know that in reality gun crimes are committed by bad guys and criminals who acquire guns illegally. A good guy with a gun is a law-abiding hunter, a sports shooter, or a farmer. It is about time that the leaders of the NDP and the Liberals quit their long-enduring harassment of these law-abiding Canadians.

I, for one, am a member of this group. We are not part of the problem; we are part of the solution.

* * *

● (1410)

WORKERS' MEMORIAL DAY

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, Kyle Hickey died tragically of extensive burns at his Nova Scotia workplace. His mother said quite perfectly, "You go to work and you're supposed to come home at the end of the day".

In 1991, the House adopted an NDP private members' bill proclaiming April 28 as a national day of mourning for workers killed or injured on the job. First we mourn the dead, and then we fight for the living.

There is no such thing as a workplace accident. Every workplace death and injury is preventable. Since 2004, the criminal prosecution of employers for workplace injuries and fatalities has been possible. I am proud of the work that Alexa McDonough did in the House to ensure that this was possible, through the passage of the Westray Bill.

However, charges have been laid only once. As politicians, we need to make sure that health and safety laws are enforced and that violations are prosecuted vigorously. Unfortunately, the same Conservatives who talk about being tough on crime are soft on corporations responsible for workplace injuries and deaths.

Enough is enough. It is time for all of us who participate in making laws to commit to doing our part in ensuring that those laws are enforced.

* * *

TRAGEDY IN CALGARY

Ms. Joan Crockatt (Calgary Centre, CPC): Mr. Speaker, two weeks ago we experienced a horrific tragedy in Calgary, with the murders of five beloved young Calgarians. At a time when university students should have been celebrating the end of exams and the beginning of the holidays, Lawrence Hong, Joshua Hunter, Kaiti Perras, Zackariah Rathwell, and Jordan Segura were taken from us.

Like all Calgarians, I was absolutely devastated.

Statements by Members

I am sure that all members of this House join me in offering our deep condolences to the families and friends of these remarkable young Canadians. Their loss is all of our loss. Kaiti's drive, Lawrence's volunteerism, Zack's charisma, Jordan's compassion and humour, and Josh's unique beat will always be remembered. Through direct actions in the community, these five gave so much of themselves.

Seeing our city gathered together to remember them over the last week is a testament to the lasting and positive effect that they have left on all of our lives. We will remember them.

* * *

[Translation]

WORKERS' MEMORIAL DAY

Mr. François Pilon (Laval—Les Îles, NDP): Mr. Speaker, today in the House, we mark the day of mourning for the hundreds of Canadians killed in the workplace. This memorial day has been designated in their honour. In 2012 alone, 211 Quebec workers lost their lives.

Before the people of Laval—Les Îles did me the honour of electing me to represent them in Parliament, I was involved with the union representing City of Laval workers. At the time, a worker lost his life. Therefore, I have seen firsthand the grief of families that lose a loved one.

We must work together to develop measures and solutions so that no more Canadians lose their lives when they are just trying to provide their families a roof over their heads and three meals a day.

In a country like Canada, this situation is unacceptable, and we must take action on behalf of our workers, their families and all Canadians.

* * *

[English]

DEMOCRATIC REFORM

Mr. John Carmichael (Don Valley West, CPC): Mr. Speaker, last week our government announced its support for fair and reasonable amendments to the fair elections act. Now, some critics are saying that these amendments would not go far enough.

I just returned from two weeks with my constituents, and I can tell members that Canadians find it reasonable to show ID when they go to vote. Things like buying alcohol and crossing the border require ID. In Ontario, to receive an OHIP card, one must present three pieces of identification to prove citizenship, residence, and identity.

According to last week's Ipsos poll, 87% of Canadians believe it is reasonable to "require someone to prove their identity and address before they are allowed to vote".

Protecting the vote is our government's commitment to Canadians and, unlike the NDP which supports voting without any form of ID, we have listened to Canadians and are moving forward with the bill. It just makes sense.

●(1415)

YOM HASHOAH

Mr. Costas Menegakis (Richmond Hill, CPC): Mr. Speaker, today, on Yom HaShoah, we stand together with Jewish communities in Canada and around the world in remembering the millions of innocent men, women, and children murdered during one of the most horrific periods of human history.

Canadians from all backgrounds will be gathering to reflect on the horrors of the Shoah to pay tribute to the innocent victims and honour the brave survivors.

As the Prime Minister said in his Yom HaShoah statement:

Walking through Yad Vashem, I was struck by how the Shoah was so premeditated, so monstrous and so barbaric. I was reminded of the importance of Holocaust education and remembrance, as well as our responsibility to learn from the brave survivors to combat anti-Semitism in all its forms. [...]

Yom HaShoah reminds us that the Holocaust must never be forgotten and that we must remain vigilant against all forms of prejudice and hatred to ensure that such unspeakable acts of inhumanity never happen again.

* * *

WORKERS' MEMORIAL DAY

Hon. Lawrence MacAulay (Cardigan, Lib.): Mr. Speaker, I rise today to recognize National Day of Mourning, also known as Workers' Memorial Day.

Begun in 1984 by the Canadian Union of Public Employees and the Canadian Labour Congress, this day has spread to over 80 countries.

I urge everyone to take a moment today to remember those who have lost their lives, been injured, or suffered illness due to workplace-related causes.

Sadly, more than 1,000 Canadians lose their lives at work every year.

On behalf of the Liberal Party, our critic, and our caucus, we pay our respects and honour all of those who have been directly harmed from workplace causes, as well as the many families and friends who have been affected.

More remains to be done to identify and prevent dangerous work situations before they occur, and we recommit to working with all Canadians to improve work environments across the country.

* * *

[Translation]

WORKERS' MEMORIAL DAY

Hon. Thomas Mulcair (Outremont, NDP): Mr. Speaker, last Thursday was the first anniversary of the tragic building collapse at Rana Plaza in Bangladesh, in which more than 1,100 people died, most of whom were women. In Canada, over 1,000 people fall victim to workplace accidents every year. Unfortunately, this number has been going up in the past 15 years.

Oral Questions

[English]

In the decade since the House unanimously passed an NDP bill to make companies criminally responsible when a worker was killed or injured on the job, not a single charge has ever been laid. This is why the United Steelworkers and other labour groups have launched a campaign calling on all levels of government to understand that rigorous enforcement of the Criminal Code is necessary and that a workplace accident site where a death has taken place should be treated as a potential crime scene.

Today, as we mourn the loved ones we have lost, let us recommit to keeping our workers safe so that no more Canadians leave for work and never come home.

* * *

NATIONAL DAY OF MOURNING

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, I rise in the House today to mark the National Day of Mourning to honour workers who have been injured or killed on the job or suffer from work-related illness. This day reminds us of the undeniable importance of having and ensuring safe and healthy workplaces for Canadians.

We have made significant progress. From 2007 to 2011, the rate of disabling injuries in the federally-regulated sectors decreased by 22%.

Every life is precious, and each year across Canada, in both provincial and federally-regulated industries, close to 1,000 people lose their lives while working.

Together we can do better. That is why our government will continue to work to ensure that our most important resource, workers of all ages, have fair, safe and healthy workplaces.

Building and sustaining safe workplaces contributes to Canada's continued economic prosperity.

● (1420)

The Speaker: Following discussions among representatives of all parties in the House, I understand that there is an agreement to observe a moment of silence to commemorate the National Day of Mourning and to honour the memory of workers killed or injured at work.

[Translation]

I invite hon. members to rise.

[A moment of silence observed]

ORAL QUESTIONS

[English]

EMPLOYMENT

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, when did the minister responsible first learn that there were serious problems with the temporary foreign worker program?

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr.

Speaker, from time to time we receive complaints at Service Canada about allegations of abuse. Whenever we hear those, we demand an immediate investigation. We have given those investigators additional powers to seize documents and to visit work sites. We now have a much more effective blacklist that we are beginning to use to put a freeze on the use of that program by employers who we suspect have engaged in abuse.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, the power to seize documents, now there is an idea we will be talking about with one of his colleagues in a few minutes.

Let us stay on this topic. The minister has been responsible for the temporary foreign worker program for the past six years. On January 6, the Prime Minister was with a group of specialized media in Vancouver and he had this to say:

—companies importing workers for the sole purpose of paying less than the prevailing wage, companies importing workers for the purpose of permanently moving the jobs offshore to other countries, companies bringing in foreign workforces with the intention of never having them permanent, and moving the whole workforce back to another country at the end of the job.

How come the Prime Minister has had this figured out for some time, but in the six years the minister has been taking care of the program he has never figured it out?

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, what we call the temporary foreign worker program is a bunch of different programs that issue work permits to foreign nationals, including people like visiting university professors and youth coming in on reciprocal exchange programs. The plurality of positions are high skilled. Four of the top five source countries are the U.S., the UK, France and Australia.

However, if there are aspects of the program which are distorting the labour market or are subject to unacceptable levels of abuse, we will deal with those as we demonstrated very firmly last week.

* * *

DEMOCRATIC REFORM

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Abuse is okay, Mr. Speaker, but it is unacceptable levels of abuse that are not okay. I get it.

We would like to know why that minister thinks that compelling the production of documents is a good idea, and yet the minister responsible for the unfair elections act refuses to give the commissioner of Elections Canada the power to compel the production of documents or the power to compel testimony by witnesses on a court order. This is not something that would be aleatory or discretionary. That exists under the Competition Act.

Why will the minister not give that power to ensure that Canada's elections are honest?

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, the Commissioner of Elections Canada already has the power to compel documents on court order.

Oral Questions

Hon. Thomas Mulcair (Leader of the Opposition, NDP): It is not true, Mr. Speaker, that Elections Canada's commissioner has the power to compel the production of documents and compel the testimony of witnesses to a commissioner. The minister knows that is false. Let me ask him another question.

The minister is now saying that he is showing openness because he will allow Elections Canada to advertise and direct it at elementary school students and high school students. It is always good to inform people about their civic obligations, but unfortunately elementary school students and high school students do not vote because they are not of age.

Why will the minister not allow advertising by Elections Canada to encourage people to vote?

• (1425)

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, the member is quite wrong on the issue of production of documents. The commissioner merely has to submit an information to obtain affidavit to a court and a judge can grant him access to any documentation that he seeks from any one from whom he seeks it. That power exists. It is well documented. It has been done on many occasions.

I do not know why the member does not know that. He should have known it after all of the time he spent making false allegations with regard to the robocall investigation. Now would be a good time for him to stand and apologize for those allegations.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, the Commissioner of Elections Canada does not have the power to compel witnesses to testify to an investigator. That is the case.

After hearing all of the evidence, the Federal Court has ruled that in the robocalls case the thousands of illegal robocalls were indeed made using the Conservative Party database. That has been proven. That was a decision of the courts.

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, I did not hear a question. Perhaps he was not watching the news last week when the commissioner, after conducting an extremely thorough investigation, could find no such evidence. In fact, there was not a single person in all of Canada who he found was deprived of his or her vote by an illegal robocall.

All of the false allegations that the member across the way has been making for so many years now have been proven completely bogus, and he should do the honourable thing, rise now and apologize.

* * *

EMPLOYMENT

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, the government seemed surprised last week by reported abuses of the temporary foreign workers program in the restaurant sector. Suddenly there is a moratorium. However, we know there are problems as well in banking, mining and other industries too.

Over a year ago, on the motion by the member for Cape Breton—Canso, Liberals warned about this. To save the program, we asked

for a full review to get rid of the abuses. The government voted no, and the trouble got worse.

The department cannot investigate itself. Is it not time for the Auditor General to get on this file?

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, the Auditor General is free to investigate whatever he deems appropriate, without direction from the government.

In terms of the program, if and when there are abuses, we act clearly and quickly. If we see any distortion of the labour market, we will address that. The program has been under review. We made many very substantial changes last year, which resulted in about a 30% reduction in the number of applications for Labour Market Opinions.

We are about to come out with another phase of further reforms to ensure that Canadians always and everywhere get the first crack at available jobs, and that this program is only used as a limited and last resort by employers.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, the temporary foreign workers program is supposed to fill job market gaps when there are no other alternatives. It is not meant to be long-term employment substitution.

If it slides in that direction, Canadians lose their jobs, young people especially are blocked from first employment, wages are driven down, and foreign workers themselves are left vulnerable to exploitation.

The program has ballooned since 2006 by some 300%. Why will the government not ask the Auditor General to get the whole truth so it can be fixed?

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, there is an ongoing review. The Auditor General determines his own work plan.

The member's statistics are inaccurate. He may want to recall that in fact it was the Liberal government, of which he was a member, that created the general low skilled stream about which he is now complaining.

Hon. Ralph Goodale (Wascana, Lib.): No red herrings, Mr. Speaker.

While the temporary foreign workers program has grown exponentially, the number of landed immigrants coming to Canada to become citizens has stayed pretty flat. That would seem to suggest exploitation: limited numbers on a pathway to citizenship, but big and growing numbers brought in for their labour with no hope of actually becoming Canadians.

In fixing this troubled program, will the government put a sharp focus on stopping exploitation, increasing pathways to citizenship and, above all, recruiting, training and employing Canadians?

Oral Questions

•(1430)

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, that question demonstrates how little the Liberal Party follows any of these issues.

This government has increased, several-fold, the opportunities for permanent residency for people who come here on work permits. We created the Canadian experience class that invites high-skilled temporary foreign workers and foreign students to become permanent residents.

We increased by eightfold the provincial nominee programs, as a result of which some 50,000 temporary foreign workers transition into permanent residency every year.

None of those programs existed under the Liberal government. It is this government that has created those pathways to permanent residency. That is increasing investments in training and linking it to the labour market.

* * *

[Translation]

NATIONAL DEFENCE

Ms. Éline Michaud (Portneuf—Jacques-Cartier, NDP): Mr. Speaker, *L'actualité* journalists Alec Castonguay and Noémi Mercier have exposed the disturbing phenomenon of sexual assault within the Canadian military.

This is a reality that affects many women and men in the armed forces, but these assaults are hidden as a result of a culture of secrecy and intimidation of victims.

Sexual assault cannot and must not be tolerated, regardless of the workplace. Now that the Department of National Defence has committed to conducting an internal review of its workplace programs and policies, could the minister tell us what the timeframe is and whether the report will be made public?

[English]

Hon. Rob Nicholson (Minister of National Defence, CPC): Mr. Speaker, I agree with the hon. member. These types of allegations are truly disturbing and cannot be accepted. Make no mistake, anybody who serves in Canada's armed forces should never fall victim to this kind of disgusting or unacceptable behaviour. I have asked the Chief of the Defence Staff to get to the bottom of these serious allegations. Sexual misconduct has no place in the armed forces, or indeed in Canadian society.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I appreciate that the minister is taking the matter seriously, but what we really need here is action. The investigative report from *L'actualité* outlined how, on average, five members of the Canadian military community are sexually assaulted every day and that previous warnings were ignored within the military.

Now that the minister has asked for an internal review, will he agree to appear before the defence committee, with the Chief of the Defence Staff, and tell us what action his government will take to deal with these very troubling revelations?

Hon. Rob Nicholson (Minister of National Defence, CPC): Mr. Speaker, one thing that has been consistent with this government is we have always put victims first, in or out of the military, in Canadian society. This is why we take any allegations like this very seriously. Again, I have told the Chief of the Defence Staff to get to the bottom of this immediately. This is intolerable and will not be tolerated.

* * *

PUBLIC WORKS AND GOVERNMENT SERVICES

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, we are talking here about re-victimizing victims. In these circumstances, the women and men of our Canadian Armed Forces deserve a better response than an internal review.

Mismanagement of military procurement has also been a hallmark of the government. Now it is refusing to release the so-called public report on the F-35 until it has made up its mind what plane it is going to purchase.

After years of bungling, mismanagement, and even hiding the massive cost of the F-35, Canadians do not trust the government. Now it is hiding again. Will the minister immediately table this taxpayer-funded public report?

Hon. Diane Finley (Minister of Public Works and Government Services, CPC): Mr. Speaker, an independent panel ensured that the evaluation of the options was indeed rigorous and impartial and that the results, to be made public, will be comprehensive and understandable. Non-classified and non-commercially sensitive information contained in the evaluation of the options will be released.

[Translation]

Ms. Éline Michaud (Portneuf—Jacques-Cartier, NDP): Mr. Speaker, considering this is being called a public report and it was paid for using public funds, people expect to be able to access a copy in the public domain.

After completely botching the selection process for the new fighter jets, the Conservatives are making even more mistakes trying to fix their previous mistakes. The report on the options for replacing the defence aircraft will be of no use if the definition of operational requirements remains biased towards the F-35.

Why are the Conservatives refusing to release that report without cabinet approval?

[English]

Hon. Diane Finley (Minister of Public Works and Government Services, CPC): Mr. Speaker, as I just said, those portions of the panel report that do not contain commercially sensitive material will be released to the public. This is a report that was prepared by an impartial panel to review the options and assess the risks, and those portions that can be made public will indeed be made public.

Oral Questions

•(1435)

[Translation]

DEMOCRATIC REFORM

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Speaker, the NDP has shown that, through diligence and perseverance, it is possible to make this government change its mind on certain fundamental aspects of the electoral deform.

We commend the government for its openness, but more is required. Canadians deserve a fair and equitable elections act. Rather than taking revenge on Elections Canada, the Conservatives need to strengthen that institution.

Why are they refusing to give Elections Canada the power to compel witnesses to testify and to require the parties to provide documentation justifying their election expenses?

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, in response to the hon. member's questions, I will first speak about the power to compel witnesses to testify. The police who investigate the most serious and complex crimes in this country do not have that power. If the police can conduct successful investigations without that power, Elections Canada should be able to do the same.

With regard to the production of documents, the parties already have to document their expenses and submit their documentation to an external auditor after each election.

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Speaker, the Competition Bureau has this power, but the government does not want to give it to those who investigate electoral fraud. That is really problematic.

The Conservatives were found guilty of using an in and out scheme to cheat in the 2006 election.

They also cheated in the 2008 election and they are still awaiting trial.

In 2011, fraudulent calls were made with information from the Conservative Party database. The Conservatives tried to stack the deck for the next election before abandoning the move. It is therefore understandable that people are suspicious of the Conservatives' amendments to Bill C-23.

Why are the Conservatives refusing to give Elections Canada the power to compel witnesses to testify and to compel the parties to produce documents justifying their election expenses?

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, when the media reported on the robocall allegations, I was proud to stand up for the Conservative Party. I was convinced that we were right and that the Conservative Party had won the election in a fair and honest manner. I am very pleased that the results of the investigation show that we were correct in saying that the Conservative Party won the election.

Now, the time has come for the NDP to stand up and do the honourable thing. They need to apologize for making those allegations.

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Speaker, I am wondering if the member was proud when the

court found that fraudulent calls were made with information from the Conservative Party database.

Four hundred and sixty academics, two Nobel Prize winners and 18 past presidents of the Canadian Political Science Association have all strongly criticized the Conservatives' electoral "deform". Like us, they are calling for extensive consultation with Canadians and are particularly critical of the fact that Bill C-23 does not give Elections Canada the power to compel witnesses to testify or to compel the parties to produce documentation justifying their election expenses.

Will the Prime Minister acknowledge these comments and make more amendments to Bill C-23 or will he, as Tom Flanagan said, continue to show his vindictiveness toward Elections Canada, which has so often taken the Conservatives—

The Speaker: The hon. Minister of State for Democratic Reform. [English]

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, we brought forward a common-sense bill, and we have agreed to some reasonable amendments. With the adoption of this amended version of the bill, we will eliminate the use of the voter information card as a form of ID. We will require Elections Canada to focus all of its advertising on where, when, and how to vote so that Canadians have that basic information. We will make the investigator independent from Elections Canada. Unlike in the last election, we will ensure that every single Canadian is required to bring ID when they cast their ballot. These are improvements, and we are proud of the bill.

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, Canadians have been telling us they are deeply concerned about the flawed and unfair changes to the Elections Act, but time and time again, the minister insulted or targeted all those who criticized him and stubbornly boasted that his bill was perfect and terrific just as it was. Then suddenly, last week, he claimed he would now agree to some major changes.

Will the minister now admit, at the very least, that the Chief Electoral Officer, elections experts, and the opposition were right about his biased bill, or does he still think his bill is terrific and perfect?

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, we brought forward a common-sense bill, and we have accepted some reasonable amendments to it.

A question for the NDP now. It put forward an amendment on the bill that would allow people to vote without having any ID whatsoever. I want to invite the member to rise in his seat now and indicate if he still believes that voters should be able to walk in without a shred of ID and cast a ballot. I would like him to indicate that right now.

•(1440)

The Speaker: The hon. member for Hamilton Centre.

Some hon. members: Oh, oh!

The Speaker: Order. The members have not even given the member for Hamilton Centre a chance to put his question.

The hon. member for Hamilton Centre has the floor.

Oral Questions

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, common sense would have been to talk to somebody other than those who have Conservative membership cards about the bill before they even brought it to the House.

The bill was supposed to help Elections Canada better investigate voter suppression, so why does the bill still fail to put into law the duty to compel witnesses or the power to demand documents from political parties? Why is the member refusing to take strong action like that against voter suppression?

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, the elections commissioner, who is responsible for investigating, already has the power to have documents produced. He simply has to go to a judge and seek permission through an affidavit. It is a power he has used regularly, and the reason we did not give it to him in this bill is that he already had it.

* * *

[Translation]

SENATE

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, now that the Prime Minister understands that he cannot unilaterally change the nature of the Senate, will he let the Senate fulfill the constitutional role that the Supreme Court has once again acknowledged it has, which is to be a chamber of sober second thought? Will he follow the Liberal leader's example and cut ties between Conservative senators and the party caucus, the Prime Minister's Office and the Prime Minister himself so that Canadians can have a less partisan and more independent Senate?

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, the problem with the Liberal leader's proposal is that he not only wants unelected senators, but he wants the people who appoint senators to be unelected as well. He wants a committee made up of people who have not been chosen by Canadians. That is two steps away from democracy instead of just one. We will work to minimize the costs associated with the Senate and maximize its responsibility at the same time.

[English]

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, following the Supreme Court's unanimous decision to rebuke the Conservative's unconstitutional plan to unilaterally reform the Senate, the current government appears to have given up on reforming the Senate entirely.

As Conservative Senator Segal said, "...there are still changes that could be made that do not...require a constitutional amendment". For example, he said, "There could be a new approach to how you appoint on a consultative basis".

Will the government embrace this non-partisan, consultative approach when filling the current vacancies, or will it be business as usual?

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, the first part of the Liberal proposal is to change Liberal senators into Senate Liberals. The second proposal that the leader has come up with is to put in place a group of non-elected elites to choose who should represent Canadians in the Senate. That would mean that not only would the Senate be one step removed

from democracy, it would be two steps removed from democracy. That is the Triple-E Senate: for the elites, by the elites, of the elites.

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, the Prime Minister might be more credible if the Conservatives were not the only party exercising partisan control over senators, or if Conservative senators Tkachuk, LeBreton, and Stewart Olsen had not doctored a report into Mike Duffy's expenses at the PM's behest, or better still, if he had not appointed senators Duffy, Wallin, and Brazeau in the first place—

Some hon. members: Oh, oh!

The Speaker: Order. I am having a difficult time hearing the member for Guelph, which normally is not a problem. The noise here is preventing me from listening to his question. I will ask members to come to order.

The hon. member for Guelph has the floor.

Mr. Frank Valeriote: Mr. Speaker, eight years of bad judgment and zero reforms. What is it going to be: the status quo or the real, immediate, and transparent reform Liberals have already made?

Cut them loose Prime Minister, and make them independent.

The Speaker: I did not hear a question there, but I see the hon. minister rising to respond.

• (1445)

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, I did not hear a question in any of that, but I was lucky enough to be invited to be an observer at the recent Liberal convention. What did I see? Everywhere I turned was another Senate Liberal, and they had undergone a major change. Of course, a week earlier, they had been called Liberal senators, but then they flipped it on its head, and they became Senate Liberals. They were raising money and helping out with the Liberal convention.

The reality is that the Liberal Party is proposing only to make the Senate even less democratic by putting not only the senators unelected but making those who choose them unelected as well. We will not go down that road.

* * *

EMPLOYMENT

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, a few weeks back, I asked the minister if he planned to ensure greater oversight of the temporary foreign workers program in the oil sands.

Canadian iron workers have been laid off and replaced by temporary foreign workers. The minister claimed that every single laid-off Canadian was immediately re-employed, but according to the iron workers, that is not true. They have asked the minister to step up oversight and enforcement. He said he would "throw the book...at non-compliant employers".

So what action has the minister taken against Husky or Imperial Oil?

Oral Questions

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, there is an ongoing investigation into those particular allegations. I know this is a peculiar concept for the NDP, but under natural justice, one is presumed innocent until proven guilty. We do not sanction anyone unless and until there is a fair process to determine that they have violated the rules.

If they have violated the rules, they would be blacklisted and unable to use the program in the future. If employers lie on their applications to bring in temporary foreign workers, they may commit fraud, which is a criminal offence under the immigration act, punishable with up to five years in jail or \$100,000 in fines.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, time and time again the Conservative government promises to fix the temporary foreign worker program, but time and time again it fails to get the job done.

Canadian employees are having shifts taken away. They are being fired or they are not hired altogether. At the same time, we hear of shocking abuse of the temporary foreign workers brought in.

When will the Conservatives admit they have mismanaged this program, and agree to an independent audit?

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, we would co-operate with any audit by the Auditor General in any area when and if he chooses to do so.

I do find the member's question rather peculiar, given that she has specifically lobbied me to bring in a temporary foreign worker at the request of a constituent who, if I am not mistaken, required a crane operator because he could not find one in Canada. I receive more requests from members of the New Democratic caucus to facilitate the entry of temporary foreign workers than from any other caucus. I just find the hypocrisy a wee bit difficult to take.

[*Translation*]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, last Friday the Minister of Employment and Social Development tried to make us believe that the abuses of the temporary foreign worker program were isolated cases. That came just two days after McDonald's announced that it was putting a stop to hiring under the program, which put the company in an embarrassing situation.

The minister wants the employers alone to shoulder the blame. However, it is his program. He is the minister; he is responsible for it.

Will the minister carry out an in-depth audit of all employment sectors that use this program?

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, the member must know that we put a moratorium on the temporary foreign worker program last week, especially in the food services sector, where there have been several allegations of abuse, which we will never tolerate.

Thus, the general policy is being revised, and we will put in place stricter conditions to ensure that Canadians always get the first crack at jobs.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, for months the minister fought tooth and nail to defend this program in its present form. He must accept responsibility for this fiasco.

Not only have employers exploited foreign workers under this program but, even worse, they have fired Canadians in order to get what they want.

Does the minister realize that employers act this way because they are protected by the government's legislation? Will the minister fix this program?

• (1450)

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, as I mentioned, we implemented a number of substantial reforms a year ago, and this led to a 30% drop in the number of applications for temporary foreign workers. For example, we instituted a charge for all applications submitted by employers.

We will soon make additional changes to ensure the integrity of the program so that Canadians always have the first crack at jobs in Canada. We will not tolerate abuses by employers.

* * *

[*English*]

FOREIGN AFFAIRS

Mr. Ted Opitz (Etobicoke Centre, CPC): Mr. Speaker, Canada fully supports the efforts of the international community to find a political solution to the situation in Ukraine, and of course Canada is also a very committed NATO partner and ally. Recently the Prime Minister announced that Canada will contribute six CF-18s as part of the ongoing support to NATO and as a way of showing Canada's solidarity with the people of Ukraine. Can the Minister of National Defence please update this House as to the status of this most important mission?

Hon. Rob Nicholson (Minister of National Defence, CPC): Mr. Speaker, I am happy to inform the House that, in response to a NATO request to support our collective security and show our solidarity with the people of Ukraine, we will be deploying six CF-18 planes to Europe. They will be leaving from Bagotville and they will be based in Romania. These jets will support air policing and training missions.

I would like to take the opportunity to salute the brave pilots and support staff who will take part in this vitally important mission. All Canadians are proud of them.

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[*Translation*]

PENSIONS

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, the Conservatives' record on retirement security is simply atrocious.

Oral Questions

They refused to improve CPP and QPP benefits even though the majority of Canadians and all the provinces support that measure. They cut the equivalent of \$11 billion from old age security benefits by pushing the age of retirement from 65 to 67.

After doing everything they could to undermine pensions, why are they now considering shifting more of the risk to retirees, instead of adopting a common sense solution and improving the CPP and QPP?

[English]

Hon. Kevin Sorenson (Minister of State (Finance), CPC): Mr. Speaker, why does the New Democratic Party not understand that hiking Canada pension plan costs for Canadian workers and decreasing their paycheques while the economy is still in the middle of a fragile recovery can kill thousands of jobs? In fact, the Canadian Federation of Independent Business estimates that the plan put forward by the NDP's big union bosses could end up getting rid of 235,000 jobs.

Families simply cannot afford higher CPP payroll deductions. Canadians cannot afford higher CPP payroll deductions. Canadians cannot afford the NDP.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, it is only Conservatives who think that benefiting our public pension plan is a tax. The Conservatives are happy to receive their publicly supported pensions, but not Canadians who faithfully pay into theirs every day.

The latest Conservative pension scheme puts all the risks onto the backs of the workers and undermines pensions everywhere. It may even reduce what current retirees are receiving in benefits. Canadians having worked hard all their lives, played by the rules, and paid faithfully into the program deserve better than this.

Rather than targeting Canadian pensioners, will the government do what Conservatives once believed in and support increasing benefits to the CPP, work with the provinces, work with us to benefit the system, and show seniors a little respect for once?

Hon. Kevin Sorenson (Minister of State (Finance), CPC): Mr. Speaker, the New Democratic Party's plan to raise CPP payroll taxes while our economy is still in a fragile recovery can cost thousands of jobs in the economy. Maybe the NDP does not understand how the economy works. It should know that it is very difficult to have a healthy retirement plan today if one does not have a job today.

Despite the NDP's reckless plan, we continue to stand up for lower taxes, job creation, and economic growth for all Canadians.

* * *

TAXATION

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, Conservatives have cut millions of dollars from the budget of the Canada Revenue Agency and reduced our ability to go after tax cheats. Uncollected tax debt has ballooned to tens of billions of dollars in this country and now we learn the government is essentially throwing up its hands after failing to find ways to collect taxes from the \$35-billion underground economy.

When will the minister stop targeting charities that disagree with the Conservative government and start doing her job: collecting taxes?

• (1455)

Hon. Kerry-Lynne D. Findlay (Minister of National Revenue, CPC): Mr. Speaker, the member opposite's comments on charities are completely unfounded. Our government has a strong record of combatting tax evasion and getting tough on tax cheats.

As the member opposite well knows, the CRA has an active program in place to combat the underground economy. We are currently in the process of updating at the CRA its underground economy strategy, which is expected to be completed this year. The CRA is committed to combatting the underground economy to ensure a fair tax system while recognizing that Canada has one of the highest compliance rates in the world.

[Translation]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, the Conservatives have been telling us for three years that they are developing a strategy to deal with the underground economy, but we still have not seen even a hint of a proposal.

Since 2010, the provinces have been urging the Canada Revenue Agency to get tough on tax evaders. While the provinces are struggling to pay for health and education, the Conservatives cannot even properly collect tax revenue. Fraudsters are using new tricks and new technologies to evade taxes.

How does the minister expect to catch tax evaders with a guide that dates back to 2001?

[English]

Hon. Kerry-Lynne D. Findlay (Minister of National Revenue, CPC): Mr. Speaker, as mentioned, this is a strategy that is working and there are new measures in place that we will be announcing to further it this year.

Those who evade paying taxes are taking money that is needed for important investments in schools, hospitals, and other vital governmental services. That is why we do have an active program. This includes a range of outreach, education, and compliance actions that regularly keep pace with the evolving nature of that underground economy.

THE BUDGET

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, when confronted about Ontario's massive transfer payment deficit, the former Minister of Finance said it is just math. However, \$11 billion is some math, and \$9.5 billion infrastructure differential is some math.

The University of Toronto said, "The formula is rigged and dozens of political decisions consistently discriminate against Ontario".

Will the new Minister of Finance from Ontario stand up for Ontario, dump the formula, and redo the math?

Hon. Kevin Sorenson (Minister of State (Finance), CPC): Mr. Speaker, federal support to Ontario has increased by 76% since this government took office in 2006.

Federal support will total \$19.1 billion in 2014-15, a whopping \$8.3 billion increase from under the previous Liberal government.

After years of inaction by the previous Liberal government, our Conservative government took real action to support Ontario. We made changes Liberals refused to make and then voted against, including moving to equal per capita transfer support, a move supported by the former Ontario premier.

* * *

NATIONAL DEFENCE

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, the Conservatives sole-sourced F-35 jets to replace the aging CF-18s without a competition or even an analysis of what Canada might require of its future fleet.

When the Auditor General revealed the true costs had been falsified, the government hit the reset button to deflect the resulting flack.

Now, two years later, a public report has been completed, but again, it is being hidden from the public.

The government's credibility on the F-35s is completely shot so today's vague assurances just do not cut it. Precisely, when will the minister be open with Canadians and release this report?

Hon. Diane Finley (Minister of Public Works and Government Services, CPC): Mr. Speaker, it was the Liberals who first launched the program to replace the F-18s. We are struggling to remedy the problems they created. That is why we launched a seven-point plan. We are working on that plan.

We had an independent panel of experts review and assess the risks of various options. Those parts of the report that are not commercially sensitive or restricted will be released.

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•(1500)

CONSUMER PROTECTION

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, another holiday weekend, and what a coincidence, Canadians were once again squeezed at the gas pumps. Gas jumped 5¢ overnight before Easter and has risen 22¢ a litre from a year ago. Prices have hit a

Oral Questions

three-year high. Conservatives need to listen to Canadians and finally support our call for a gas ombudsman to oversee the market and ensure fair competition.

When will the Conservatives stand up and act on unfair prices at the pumps?

Hon. James Moore (Minister of Industry, CPC): Mr. Speaker, our government has taken action. We have passed the Fairness at the Pumps Act. We put in place legislation and regulation that will do exactly what the member described, which is to stand up to any unfairness that Canadians are seeing and empower the Competition Bureau.

On top of that, we have already seen fines imposed on those who have abused Canadian consumers. Better than that, we have lowered taxes for Canadians.

The New Democrats pretend to stand up for consumers and pretend to be in favour of middle-class interests in this country. They should recognize that it is only this government that has lowered taxes over 160 times, put over \$3,000 back into the pockets of families so they have more power and—

The Speaker: The hon. member for Québec.

[Translation]

Ms. Annick Papillon (Québec, NDP): Mr. Speaker, the price of gas reached a record high in Quebec City today. Gas now costs \$1.49 a litre. That is 18¢ more than this time last year. When the Conservatives came to power in 2006, gas cost \$1.02 a litre in Quebec City.

Canadians are sick of getting gouged at the pump. Why do the Conservatives continue to support and subsidize big oil, while refusing to create an ombudsman position, which would help ensure that consumers pay a fair price?

Hon. James Moore (Minister of Industry, CPC): Mr. Speaker, we have already introduced such legislation to protect the interests of consumers. We have already done this. We are making gas pump inspections mandatory. We have already done this.

[English]

To the larger point here, it is Conservatives who, through all of our budgets, have put over \$3,200 more into the pockets of Canadian families. We believe in having lower taxes so that families can have more choice in how they live their lives.

We have put in place the Fairness at the Pumps Act. We have effective regulation. We have empowered the Competition Bureau. We have lowered taxes for Canadians. We are standing up for everyday citizens.

That is what Conservatives do.

*Oral Questions***JUSTICE**

Mr. Corneliu Chisu (Pickering—Scarborough East, CPC): Mr. Speaker, my constituents are concerned that certain high-risk individuals found not criminally responsible may be granted unescorted trips into the community. They are concerned that this represents a threat to public safety.

This is precisely why our government introduced the not criminally responsible reform act. This important legislation would create a new high-risk designation that would put public safety first.

Can the Minister of Justice please inform the House about the status of this legislation, and how it would benefit Canadian communities?

Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I want to thank my friend from Pickering—Scarborough East for his question and commitment to this issue, and I am happy to report that the not criminally responsible reform act has now passed Parliament and received royal assent.

As the member said, the bill very much puts public safety first, with a high-risk designation for only a small fraction of individuals who represent a risk to the community. Fittingly, the bill was passed during National Victims of Crime Awareness Week. As the member knows, it is intended to keep victims better informed, respected, and protected.

Unfortunately, the Liberal Party fought against these entirely reasonable reforms at every opportunity. Conservatives stand for public safety in their communities; the Liberal Party stands in the way.

* * *

[*Translation*]

FOREIGN AFFAIRS

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, considering the tragedies that are occurring on a daily basis in the Central African Republic—some 140,000 people have already died—does the government plan to support in any way, other than through financial humanitarian aid, the United Nations resolution to create a peacekeeping mission that would include 10,000 soldiers and 2,000 police officers?

• (1505)

[*English*]

Hon. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs and for International Human Rights, CPC): Mr. Speaker, of course, we are very much concerned about the situation in the Central African Republic, and are working with our allies in the United Nations to address the issue.

What is more important is that the Liberal Party, as well as the NDP, would like to put Canadian soldiers' lives in danger out in the region. My question to them is this: who is going to pay to have all of these soldiers go out there? Is it Canadian taxpayers? Have they checked with the Canadian taxpayers to see if they would like to send soldiers out in this zone?

This government will continue working with our allies to bring peace to the region.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, during his trip to Egypt, the Minister of Foreign Affairs promised to raise a number of consular affairs cases. One case of growing interest to Canadians is that of Canadian Sarah Attia's husband, Khaled Al-Qazzaz.

Will the minister update the House on the status of this case, and will the Minister of Foreign Affairs agree to meet with Sarah Attia, who is here in Ottawa this week?

Hon. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs and for International Human Rights, CPC): Mr. Speaker, we are aware of a permanent resident of Canada who is currently detained in Egypt. Although Canada cannot provide consular services in this case because the individual is not a Canadian citizen, our mission in Egypt has been in contact with his wife and with the local authorities to assist as appropriate.

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SPORT

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, today we welcome the Queen's Baton to Canada. The baton, made especially for the 20th Commonwealth Games, is making its way through 70 nations and territories participating in Glasgow next summer.

Of course, later this week, after stops here in Ottawa and then in Toronto, the baton will make its way to my part of the country, Hamilton, which I am proud to say hosted the first games in 1930.

Can the Minister of State for Sport please share with the House what our government is doing to support our athletes in Glasgow this summer?

Hon. Bal Gosal (Minister of State (Sport), CPC): Mr. Speaker, I would like to thank the member for this question. The Commonwealth Games contribute to our sporting heritage and provide an opportunity to promote sports, physical activity, and culture.

Our country's athletes are an enormous source of pride and inspiration for all Canadians. That is why, under the leadership of our Prime Minister, we have committed record levels of funding to amateur sports while still working toward a balanced budget.

I would encourage all Canadians to get behind our athletes when they are headed to Glasgow this summer for the Commonwealth Games. Go, Canada, go.

[Translation]

CANADIAN HERITAGE

Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP): Mr. Speaker, CBC/Radio-Canada plays a key role in ensuring that this country has access to diverse, high-quality news. However, the new round of cuts to the tune of \$131 million is jeopardizing this fundamental aspect of CBC/Radio-Canada's mandate. Forty-seven positions will be eliminated from CBC/Radio-Canada's news service. Even the show *Enquête* will lose three reporters and a producer. By making cuts to *Enquête* and to the news, the government has found another way to go after democracy.

When will the government stop torturing CBC/Radio-Canada and when will it give the corporation a stable, predictable budget so that it can fulfill its mandate?

Hon. Shelly Glover (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as my colleague knows, the government has nothing to do with the decisions announced by CBC/Radio-Canada. CBC/Radio-Canada receives a lot of taxpayer-provided money and makes its own operational decisions. That is the case here.

According to the president of CBC/Radio-Canada, this situation is the result of a decline in viewers in certain demographics and a decline in advertising revenue. Once again, CBC/Radio-Canada has enough money to fulfill its mandate under the Broadcasting Act. It is up to the corporation to decide what shows it will present to Canadians in English and French.

Mr. Jean-François Fortin (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, I do not think the minister understood that the government's cuts to CBC/Radio-Canada are what led to cuts like the ones to *Enquête*. Three journalists and one producer will lose their jobs, which will have a direct impact on the quality of the content. Public affairs programs like *Enquête* play an essential role in democracy. *Enquête* has exposed cases of abuse, scandals and public money being wasted.

Why does the government continue to make cuts to the public broadcaster when programs like *Enquête* end up paying the price?

Hon. Shelly Glover (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as I said, the government did not make any decisions. These decisions were made by CBC/Radio-Canada. CBC/Radio-Canada made these decisions as a result of the declining number of viewers and advertising revenue. It receives enough money from taxpayers to fulfill its mandate under the Broadcasting Act.

I encourage my colleague to talk to Mr. Lacroix about this.

* * *

• (1510)

THE ENVIRONMENT

Mr. Jean-François Fortin (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, TransCanada is conducting seismic surveys in the Cacouna area of the St. Lawrence River. The company wants to build an oil terminal in the middle of a beluga breeding ground, a fragile habitat for this threatened species.

Oral Questions

The National Energy Board has given the work the green light despite the fact that Fisheries and Oceans Canada has indicated that there is a significant risk of harming the belugas. TransCanada is also moving ahead with drilling. That could be the final blow for this threatened population.

How could the government have allowed the National Energy Board to do as it pleases when, according to Species at Risk Act, it has an obligation to protect the beluga, the symbol of the St. Lawrence?

[English]

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans, CPC): Mr. Speaker, DFO's responsibility is to review projects and to ensure that they do not seriously harm protected marine life. This is a responsibility that we take very seriously.

This particular project was subject to review under the Species at Risk Act and approved only contingent on strict mitigation measures. The departmental officials are making sure that those measures are being followed.

* * *

EMPLOYMENT

Mr. Brent Rathgeber (Edmonton—St. Albert, Ind.): Mr. Speaker, the government is fond of saying that it defends those who work hard and play by the rules.

However, the temporary foreign worker moratorium announced last week is going to punish many hard-working restaurateurs and fast food franchisees. In Alberta, unemployment is less than 5% and TFWs are a reality for hundreds of small businesses.

I support enforcing the rules, suspending the LMOs, and prosecuting those who break the rules and abuse their employees, but why is the employment minister punishing those restaurateurs who do work hard and do play by the TFW rules? Why punish all for the sins of the few? What happened to innocent until proven guilty?

Hon. Jason Kenney (Minister of Employment and Social Development and Minister for Multiculturalism, CPC): Mr. Speaker, I guess the Liberals just flip-flopped with that question.

We have been very clear that abuses will not be tolerated, but neither will aspects of the program that might have the effect of distorting the Canadian labour market. We need to be absolutely sure that employers are always, and everywhere, giving Canadians the first crack at available jobs.

That may well mean that some of the member's business constituents should be increasing wage rates, improving working conditions, investing more in training, and doing more to hire Canadians first. That is what they should be doing.

*Routine Proceedings***PRESENCE IN GALLERY**

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of a delegation from the United Kingdom accompanying the Commonwealth Games Queen's Baton, led by the Right Hon. Alistair Carmichael, Secretary of State for Scotland, and Ms. Shona Robison, Cabinet Secretary for Commonwealth Games and Sport.

Some hon. members: Hear, hear!

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POINTS OF ORDER

TABLING OF TREATY

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, I rise on a point of order relative to Bill C-31, an act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures.

To contextualize my point of order, the bill includes in it the Canada-United States enhanced tax information exchange agreement implementation act, legislation implementing Canadian legislation under U.S. legislation known as FATCA.

I am not rising to debate the merits of FATCA, as that would not be a proper use of a point of order. Instead, I rise to seek your ruling as to whether this is properly before the House and now properly before the finance committee, given that Bill C-31 seeks to implement a treaty that has not yet been tabled for the requisite amount of time.

This violates Canada's policy on tabling of treaties now become custom of Parliament. While relatively new, the expectation of conformity with this policy reflects an evolution from the Chair. Indeed, this notion is reflected in the first standing order, which reads:

In all cases not provided for hereinafter, or by other Order of the House, procedural questions shall be decided by the Speaker or Chair, whose decisions shall be based on the usages, forms, customs and precedents of the House of Commons of Canada and on parliamentary tradition in Canada and other jurisdictions, so far as they may be applicable to the House.

To elaborate further on the particular context for this point, Bill C-31 has, in part 5, implementing legislation for the "Agreement between the Government of the United States of America and the Government of Canada to improve international tax compliance through enhanced exchange of information under the convention between the United States of America and Canada with respect to taxes on income and on capital".

Forgive the length of the title; I did not write it.

The text of this agreement is included—

• (1515)

The Speaker: Order, please.

Perhaps the member could give the Speaker an indication of how long he is planning on speaking to his point. For substantial points of order, I will normally wait until after routine proceedings unless the point of order arises from question period.

If the member would like, we can go through routine proceedings and then come back.

Mr. Marc Garneau: I would like to get my point of order out, sir, because I believe that it is very important to—

The Speaker: I am not suggesting you not do that. I am just trying to get an indication of the length of time the member will require.

He is saying five minutes. Perhaps what we will do, then, is go through routine proceedings, and then the member can have the floor back to continue with his point of order.

ROUTINE PROCEEDINGS

[English]

VETERANS AFFAIRS

Mr. Parm Gill (Parliamentary Secretary to the Minister of Veterans Affairs, CPC): Mr. Speaker, on behalf of the hon. Minister of Veterans Affairs, I am pleased to table, in both official languages, the 2012-2013 annual report for the Veterans Ombudsman, "One Veteran: A Matter of Fairness".

* * *

GOVERNMENT RESPONSE TO PETITIONS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, pursuant to Standing Order 36(8), have the honour to table, in both official languages, the government's response to 137 petitions.

The Speaker: The hon. member for Vancouver Quadra is rising on a point of order.

Ms. Joyce Murray: Mr. Speaker, I rise to seek the unanimous consent of the House to instruct the government to table the non-classified report on replacement options for the F-35 jets, the public report on the evaluation of options.

The Speaker: Does the hon. member have unanimous consent to move the motion?

Some hon. members: No.

* * *

TLA'AMIN FINAL AGREEMENT ACT

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

(Bill C-34. On the Order: Government Orders)

April 9, 2014—Second reading of Bill C-34, An Act to give effect to the Tla'amin Final Agreement and to make consequential amendments to other Acts.

Mr. Speaker, there have been consultations among the parties on two motions, which I would like to propose, for which I anticipate you will receive unanimous consent. I move:

That, notwithstanding any Standing Order or usual practices of the House, Bill C-34, An Act to give effect to the Tla'amin Final Agreement and to make consequential amendments to other Acts, be deemed to have been read a second time and referred to a Committee of the Whole, deemed considered in Committee of the Whole, deemed reported without amendment, deemed concurred in at the report stage, and deemed read a third time and passed.

Routine Proceedings

The Speaker: Is that agreed?

Some hon. members: Agreed

(Motion agreed to, bill read a second time, considered in committee of the whole, reported, concurred in at the report stage and, by unanimous consent, read a third time and passed)

* * *

[*Translation*]

THE SITUATION IN THE REPUBLIC OF SOUTH SUDAN

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, the second motion is the following:

That, notwithstanding any Standing Order or usual practice of the House, a debate on the subject of the situation in the Republic of South Sudan take place, pursuant to Standing Order 53.1, on Tuesday, April 29, 2014; that during the debate, no quorum calls, requests for unanimous consent or dilatory motions be received by the Chair; and that any member rising to speak during debate may indicate to the Chair that he or she will be dividing his or her time with another member.

[*English*]

The Speaker: Is that agreed?

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)

* * *

• (1520)

PETITIONS

DEMOCRATIC REFORM

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Mr. Speaker, I have a petition from a number of my constituents. It is a petition to ensure that Canadians have a fair electoral system.

VETERANS AFFAIRS

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Mr. Speaker, I appreciate the opportunity to bring forward this petition, signed by constituents of mine from Fort Francis and Rainy River and also some constituents from the riding of Kenora. They are calling on the government to restore program and administrative funding to Veterans Affairs Canada and to reopen the Veterans Affairs Canada offices in Thunder Bay, Kelowna, Saskatoon, Brandon, Windsor, Sydney, Charlottetown, Corner Brook, and Prince George.

CANADA POST

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, I rise to present petitions from members of my riding of St. Paul's. They want to bring attention to the proposal by Canada Post to close Toronto Station Q, located at 27 St. Clair Avenue East in Toronto. It is right at Yonge and St. Clair. They request that the minister of the Crown stop the proposed closure of this very important postal station for local businesses.

AGRICULTURE

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, I have three petitions to present. They are all from constituents in my riding in Saskatchewan.

The first petition concerns the right of farmers to save, reuse, select, exchange, and sell seeds. They are concerned that ancient practices will be criminalized and will harm farmers, citizens, and society in general. Therefore, they are asking Parliament to refrain from making any changes to the Seeds Act or the Plant Breeders' Rights Act through Bill C-18 that would further restrict farmers' rights or add to farmers' costs in enshrining in legislation restrictions on their ability to save, reuse, select, exchange, and sell seeds.

PROPORTIONAL REPRESENTATION

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, the next petition also comes from constituents in the Saskatchewan area. Their petition is in regard to ensuring that Canadians have a fair electoral system. They are advocating that there be a suitable forum of proportional representation whereby everyone can cast an equal and effective vote to be fairly represented in Parliament regardless of their political beliefs or place of residence and to be—

The Speaker: Order, please. The member has had the floor for some time and there are several members anxiously awaiting to present petitions. I hear he has one more, so I would ask him to very quickly present that one.

UKRAINE

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Thank you, Mr. Speaker, I will do it as quickly as I can.

The third petition calls upon the people of Canada to stand with the Ukrainian people during this difficult time, and to continue to forcefully oppose all efforts to repress the Ukrainian people's rights and freedoms, and to monitor closely and utilize all options that are at Canada's disposal.

[*Translation*]

VIA RAIL

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, I have before me three petitions containing a few hundred signatures all on a related topic, namely, safeguarding VIA Rail service in eastern Canada.

As we know, a section of the rail line between Miramichi and Bathurst might well be abandoned. People in northern New Brunswick and eastern Quebec are very concerned about the fact that VIA Rail service could be permanently eliminated. We hope that the government is listening.

[*English*]

AGRICULTURE

Mr. Mike Allen (Tobique—Mactaquac, CPC): Mr. Speaker, I am presenting two petitions today that are signed by 71 people from around New Brunswick and a few from outside the province. The petitioners are asking the government to refrain from making changes to the Seeds Act and the Plant Breeders' Rights Act through Bill C-18. The petitioners believe that it would further restrict farmers' rights and add to the farmers' costs.

Routine Proceedings

[Translation]

CONFLICT MINERALS

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, today I am very proud to present a petition signed by young people from my riding and by people from the south shore of Montreal. They are calling on the government to pass the bill on conflict minerals introduced by my colleague from Ottawa Centre. The bill aims to end the trade of these minerals and help put an end to the conflicts.

[English]

THE SENATE

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I have a very timely petition from residents in Winnipeg North. The petitioners are asking for the Prime Minister to look at ways to reform the Senate that would not require constitutional amendments. It is very timely indeed.

ASBESTOS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I have a petition signed by literally tens of thousands of Canadians who call upon Parliament and the House of Commons assembled to recognize that asbestos is the greatest industrial killer that the world has ever known; that more Canadians, in fact, now die from asbestos than all other industrial and occupational causes combined; and that perhaps it is fitting on this April 28, the day of mourning for injured and killed workers on the job, that Parliament ban asbestos in all of its forms, institute a just transition program for people affected by this ban, and stop blocking international health and safety conventions such as the Rotterdam Convention.

•(1525)

[Translation]

CANADA POST

Mr. Tarik Brahma (Saint-Jean, NDP): Mr. Speaker, I wish to present a petition signed by residents of Saint-Jean-sur-Richelieu and the surrounding municipalities.

The petitioners believe that the reduction in postal services, the elimination of home delivery for thousands of urban customers and the reduced hours for thousands of rural customers will have completely unfair consequences for seniors, for people with disabilities and, as it happens, for businesses.

[English]

THE ENVIRONMENT

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Wind-
sor, Lib.):** Mr. Speaker, I have a petition containing hundreds of names from around Newfoundland and Labrador itself: on the west coast, from places like Stephenville and Corner Brook; on the east coast, from St. John's; and of course central, from Twillingate, Notre Dame Bay, as well Fogo Island. They are also from as far west as Calgary, Alberta.

The petition deals with the sunken freighter off the coast of Change Islands. It is spewing oil, and has been for the past little while. There has been a temporary solution in place with what they call a "cofferdam" over part of the hull.

However, these constituents are asking for a permanent solution: to permanently take that oil out of the boat so that we can be rid of this potential major environmental disaster.

CRIMINAL CODE

Mr. Jim Hillyer (Lethbridge, CPC): Mr. Speaker, petitioners in my riding are not happy that there is a chance that Canada will have no laws around prostitution and human trafficking. They call upon the House of Commons to criminalize the offence to purchase sex with a woman, man, or child, and to make it criminal for pimps, madams, or others to profit from the proceeds of that sex trade.

CONSUMER PROTECTION

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, I have two petitions to present today.

The first petition comes from constituents, largely seniors, in my riding on streets like Delaware, Symington, and Earls court. They are getting charged an extra \$2, \$3, \$4 a month just to get their bills in the mail. The petitioners call on the government to stop all pay-to-pay fees. I am honoured to present that on their behalf.

EMPLOYMENT

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, the second petition pertains to the safety of workers. The people who signed this petition are calling for a national urban workers strategy, which would, among other things, end the misuse and abuse of unpaid internship programs.

[Translation]

41ST GENERAL ELECTION

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I have the honour to rise today to present two petitions. For the first one, all the petitioners are from Montreal. They are calling on the government to conduct a full, independent and adequately funded inquiry to determine what happened during the 2011 election concerning the robocalls, or fraudulent automated calls.

[English]

THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the second petition is from residents of the Vancouver area who are calling for the 1972 federal-provincial moratorium against oil tanker traffic to be respected as legislated.

Routine Proceedings

[Translation]

SHERBROOKE AIRPORT

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, today I have the honour to present a petition on behalf of a hundred or so people from Sherbrooke. The petition concerns the federal government's decision not to give Sherbrooke's airport facilities the necessary security screening services to operate an air service. This would have been beneficial to Sherbrooke's economy. It might have attracted investors and airline business. The Sherbrooke area is the only pool of 200,000 people or more in Canada that is not served by the airlines.

The petitioners are calling on Transport Canada to give the Sherbrooke airport the necessary security screening services to operate an air service with national airlines.

* * *

[English]

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, the following questions will be answered today: Nos. 314, 315, 316, 320, 321 and 322.

[Text]

Question No. 314—**Mr. Pierre Nantel:**

With regard to the Economic Action Plan 2014: (a) will the \$25 million for the Canada Council for the Arts that will be made permanent be in addition to the \$180 million in funding received by the Council for the Arts for 2013-2014, and if so, will the additional funds be allocated to a particular program; (b) will the \$30.1 million that will be made permanent for the Canada Cultural Investment Fund be in addition to the funds allocated to the Investment Fund for 2013-2014, and if so, will the additional funds be allocated to a particular program; (c) will the \$30 million for the Canada Cultural Spaces Fund that will be made permanent be in addition to the funding for 2013-2014, and if so, will the additional funds be allocated to a particular program; (d) will the \$18 million for the Canada Arts Presentation Fund that will be made permanent be taken from the funding allocated to this fund for 2013-2014, (i) is the balance of the funds allocated for 2013-2014 guaranteed for 2015-2016, (ii) if it is an increase, will the additional funding be allocated to a particular program; (e) is the \$9 million that will be made permanent for the Canada Book Fund an increase in the funding allocated to this fund for 2013-2014, (i) is the balance of the funds allocated to this fund for 2013-2014 guaranteed for 2015-2016, (ii) if it is an increase, will the additional funding be allocated to a particular program; (f) is the \$8.8 million in funding that will be made permanent for the Canada Music Fund an increase compared with the funding allocated for 2013-2014, (i) is the balance of the funds allocated for 2013-2014 guaranteed for 2015-2016, (ii) if it is an increase, will the additional funding be allocated to a particular program; and (g) is it the government's intention to renew the Canada Media Fund in 2015-2016, given that this fund will expire in 2013-2014 like the other funds mentioned above, but it was not mentioned in the Economic Action Plan 2014?

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, with regard to (a), this \$25 million is part of the current parliamentary appropriation for the Canada Council of the Arts and was slated to sunset on March 31, 2015. The government announced in budget 2014 the permanent renewal of these funds starting in 2015-16.

With regard to (b), the \$30.1 million that is being made permanent for the Canada Cultural Investment Fund is the total amount of the budget allocated to the fund and was slated to sunset on March 31, 2015. The government announced in budget 2014 the permanent renewal of these funds starting in fiscal year 2015-16. As a result,

from 2015-2016 onwards, the entire budget of the Canada Cultural Investment Fund will be permanent.

With regard to (c), the \$30 million that is being made permanent for the Canada Cultural Spaces Fund is the total amount of the budget allocated to the fund and was slated to sunset on March 31, 2015. The government announced in budget 2014 the permanent renewal of these funds starting in fiscal year 2015-16. As a result, from 2015-2016 onwards, the entire budget of the Canada Cultural Spaces Fund will be permanent.

With regard to (d)(i) and (d)(ii), this \$18 million, or 53.8% of the Canada Arts Presentation Fund's \$33.4 million annual budget, was slated to sunset on March 31, 2015. The government announced in budget 2014 the permanent renewal of these supplementary funds starting in fiscal year 2015-16. As a result, the entire budget of the Canada Arts Presentation Fund will be permanent from 2015-2016 onwards.

With regard to (e)(i) and (e)(ii), this \$9 million, or 23% of the Canada Book Fund's \$39.1 million annual budget, was slated to sunset on March 31, 2015. The government announced in budget 2014 the permanent renewal of these supplementary funds starting in fiscal year 2015-16. As a result, the entire budget of the Canada Book Fund will be permanent from 2015-2016 onwards.

With regard to (f)(i) and (f)(ii), this \$8.8 million, or 36% of the Canada Music Fund's \$24.6 million annual budget, was slated to sunset on March 31, 2015. The government announced in budget 2014 the permanent renewal of these supplementary funds starting in fiscal year 2015-16. As a result, the entire budget of the Canada Music Fund will be permanent from 2015-2016 onwards.

With regard to (g), in budget 2011 the government announced that the \$100 million would be provided on an ongoing basis, meaning that the entire budget of \$134.1 million is now the permanent funding for the Canada Media Fund, the CMF. In the past, \$34.1 million was provided through the department's A-base funding, while the remaining \$100 million was subject to renewal. For fiscal year 2013-14, the Government of Canada is contributing \$134.1 million to the CMF.

*Routine Proceedings***Question No. 315—Ms. Ruth Ellen Brousseau:**

With regard to the project renewal application submitted on May 24, 2013, by the Maskinongé RCM Community Business Development Corporation for the period from September 1, 2013, to August 31, 2014, under the Skills Link Program identified by file number 12302048: (a) what are the administrative reasons behind a conditional approval for an earlier deadline of March 31, 2014; (b) why did the sponsor receive email confirmation on September 25, 2013, that his request was approved and that his project would be extended to August 31, 2014, and then a short time later was sent contradictory information to the effect that his request for disbursement and change in project deadline would be further delayed; (c) how did the analysis of the change in deadline affect his request for additional disbursement and how did this warrant an interruption of activities already underway; (d) what are the reasons that explain the delay in processing the request for disbursement and the change of deadline (September 2013 to date); and (e) when will the sponsor receive an answer to his request?

Mr. Scott Armstrong (Parliamentary Secretary to the Minister of Employment and Social Development, CPC): Mr. Speaker, with regard to (a), the project was approved for a period of 30 weeks from September 1, 2013, and ended on March 28, 2014.

With regard to (b), contact was established between Service Canada and the organization in September 2013 to discuss the possibility of extending and improving the project, as the organization has the capacity to serve a larger number of participants, 16 instead of 7. The organization received confirmation that it could submit an amendment request and that the request would be processed.

With regard to (c), the project ended on March 28, 2014, as per the agreement.

With regard to (d), ESDC has comprehensive review processes for its grants and contributions, which includes thorough measures for ensuring that due diligence is followed when assessing proposals, approving transfer payments, and verifying eligibility to its programs.

With regard to (e), following the assessment of the application, the applicant was notified that they can submit a new project proposal.

Question No. 316—Ms. Ruth Ellen Brousseau:

With regard to the application submitted on September 19, 2013, by the Carrefour jeunesse emploi de la MRC de Maskinongé for its project "Soutien en Emploi par un Plateau de Travail" under the Skills Link Program identified by file number 012424826: (a) what are the reasons behind the delay in processing the application; and (b) when will the sponsor receive an answer to his application?

Mr. Scott Armstrong (Parliamentary Secretary to the Minister of Employment and Social Development, CPC): Mr. Speaker, with regard to (a), ESDC has a comprehensive review process for its grants and contributions that includes thorough measures for ensuring that due diligence is followed when assessing proposals, approving transfer payments, and verifying eligibility to its programs.

With regard to (b), following the assessment of the application, the applicant will be notified in writing as to whether the project has been approved.

Question No. 320—Mr. Jean-François Fortin:

With regard to the Employment Insurance (EI) Operating Account and previous EI accounts for the last 10 years: (a) what was the actual total cost of the EI program (regular and special benefits); and (b) what was the actual total cost of administering the program for each of the last 10 years?

Mr. Scott Armstrong (Parliamentary Secretary to the Minister of Employment and Social Development, CPC): Mr. Speaker, the information requested is publicly available in the Public Accounts of Canada, under volume I, section 4, at the following link: http://epe.lac-bac.gc.ca/100/201/301/public_accounts_can/pdf/index.html.

Question No. 321—Ms. Jinny Jogindera Sims:

With regard to Labour Market Opinions (LMO) performed by Employment and Social Development Canada and previously by Human Resources and Skills Development Canada for the purposes of the Temporary Foreign Worker Program, for the period from 2000 to the present: (a) what is the total number of applications, broken down by (i) year, (ii) region or province, (iii) industrial classification according to the North American Industry Classification System (NAICS), (iv) program stream; (b) what is the number of applications approved, broken down by (i) year, (ii) region or province, (iii) industrial classification according to the NAICS, (iv) program stream; (c) what is the number of applications denied, broken down by (i) year, (ii) region or province, (iii) industrial classification according to the NAICS, (iv) program stream; (d) what is the average length of time between the receipt of an application and the issuance of a decision, broken down by (i) year, (ii) region or province, (iii) industrial classification according to the NAICS, (iv) program stream; (e) for each year, what was the median length of time that employers reported advertising for Canadian workers before applying for a LMO; (f) how many staff were assigned to process LMO applications in each year; (g) how many staff were assigned to monitor for compliance with LMO in each year; (h) how many staff were assigned to conduct investigations of apparent non-compliance in each year; and (i) how many employers have been sanctioned for cases of non-compliance in each year?

Mr. Scott Armstrong (Parliamentary Secretary to the Minister of Employment and Social Development, CPC): Mr. Speaker, the nature of this request requires significant data manipulation and would produce a prohibitively large document. As a result, Employment and Social Development Canada is unable to answer this question in the time allotted.

Question No. 322—Hon. Ralph Goodale:

With regard to the Canada Research Chairs, for each fiscal year from 2013-2014 to 2027-2028, (i) what are the total funds allocated, (ii) what is the number of chair allocations funded, (iii) what is the amount of funding per chair?

Hon. James Moore (Minister of Industry, CPC): Mr. Speaker, for each fiscal year from 2013-14 to 2027-28, the response is as follows: with regard to (i), as of 2013-14, the ongoing annual program expenditure for the Canada Research Chairs, CRCs, is \$265 million.

With regard to (ii), the number of chair allocations funded at any given time is prone to fluctuation, owing to such factors as time lags associated with program nomination and peer review cycles; retirement or mobility of professors, as chairs are not transferable between institutions; or universities not immediately utilizing all of the chair positions allocated to them.

With regard to (iii), there are two types of Canada Research Chairs. Tier 1 chairs, awarded to established researchers who are recognized as world leaders in their disciplines, are funded at \$200,000 annually. Tier 2 Chairs, awarded to emerging research leaders, are funded at \$100,000 annually.

• (1530)

[English]

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

Points of Order

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, furthermore, if Questions Nos. 309, 310, 312, 313, 317, 318 and 319 could be made orders for returns, these returns would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[Text]

Question No. 309—**Mr. Rodger Cuzner:**

With regard to the Treasury Board's Policies and Guidelines for Ministers' Offices, for each month since April 2006, broken down in each case for (i) each Minister's office, (ii) the Prime Minister's Office, (iii) the office of each Minister of State, what is the total amount of funds dispersed from the Consolidated Revenue Fund: (a) pursuant to section 3.7.1 of the Guidelines, or any other section which may have been in force from time to time, for severance pay for departing exempt staff; (b) pursuant to section 3.7.2 of the Guidelines, or any other section which may have been in force from time to time, for separation pay for departing exempt staff; and (c) pursuant to section 3.7.5 of the Guidelines, or any other section which may have been in force from time to time, for employment assistance for departing exempt staff?

(Return tabled)

Question No. 310—**Ms. Yvonne Jones:**

With regard to government expenditures, what is the amount, program, nature or purpose, file number, and date of all grants or contributions made to Wabush Mines and Cliff Resources since January 2000?

(Return tabled)

Question No. 312—**Mr. Claude Gravelle:**

With regard to the Ring of Fire mining project in the far north of Ontario: (a) what departments and officials sit on the inter-department secretariat for the project; (b) what are the federal responsibilities for this project; (c) what is the federal funding to date for the project's activities; (d) how many First Nations members are currently or projected to receive training in mining related activity to work on the project, (i) from which communities do individuals currently being trained originate, (ii) in what trades, (iii) which federal programs are being accessed for this training, (iv) what is the forecast of skilled workers who will be required; and (e) what meetings have taken place between any officials of the Government of Canada and the Government of Ontario on this project, (i) what are the names of the participants, (ii) on what dates were the meetings held, (iii) what was included in the agenda for each meeting?

(Return tabled)

Question No. 313—**Mr. Glenn Thibeault:**

With regard to the Canada Revenue Agency's Small Business Deduction, broken down by fiscal year, since 2006-2007, up to and including the current fiscal year: (a) how many tax filers have successfully claimed the deduction; (b) what is the total dollar amount claimed; and (c) what is the total cost to the government?

(Return tabled)

Question No. 317—**Ms. Ruth Ellen Brosseau:**

With regard to Employment and Social Development Canada's funding programs, for each program: (a) what is the detailed project approval process (from application submission to final processing, including the Minister's approval); (b) what are the number and titles of the officials at the various stages of the process; (c) what are the deadlines or time limits for each stage in processing an application (including the Minister's approval); (d) what are the standards governing the administrative process

for funding applications and the work of officials responsible for processing them; (e) what were the budget envelopes allocated to each program, per year, for fiscal years 2011-2012, 2012-2013 and 2013-2014; (f) how many sponsors submitted an application under the latest call for projects and how many of them are still awaiting approval; (g) what is the breakdown, by province and by riding, of the number of applications submitted under the latest call for projects, by application status (processed and approved, processed and rejected, or pending approval); (h) what is the breakdown, by province and by riding, of the amounts granted during fiscal years 2011-2012 and 2012-2013; (i) for the fiscal years referred to in (h), were there any surplus amounts, if so, where were they allocated; and (j) are there any studies or reports on the impact of projects completed under the various funding programs, if so, what are they?

(Return tabled)

Question No. 318—**Ms. Ruth Ellen Brosseau:**

With regard to the labour market agreements between the federal and provincial governments: (a) are there any studies or reports on the economic impact of federal transfers to the provinces and, if so, what are they for each province; (b) are there any studies or reports on the social impact of federal transfers to the provinces and, if so, what are they for each province; (c) are there any studies or reports on the impact of a potential amendment to these agreements as a result of the introduction of the Canada Job Grant and, if so, what are they; and (d) is there a plan for the transition between the amendment or elimination of federal transfers and the introduction of the Canada Job Grant?

(Return tabled)

Question No. 319—**Mr. Matthew Kellway:**

With regard to government procurement of garments and textiles since fiscal year 2010-2011: (a) what percentage of these garments and textiles were manufactured, in whole or in part, outside of Canada; (b) of the procured textiles and garments manufactured, in whole or in part, outside of Canada (i) in what countries are these goods manufactured, (ii) what is the total value of these goods, broken down by country of manufacture, (iii) is the name and address of each factory where these goods are made documented; (c) what is the exact nature or purpose of any garments or textiles that are procured by the government and its agencies which are manufactured, in whole or in part, in Bangladesh; (d) what is the name and address of each factory in Bangladesh that produces garments or textiles, in whole or in part, that are procured by the government; (e) what portion of all garments and textiles manufactured in whole or in part in Bangladesh and procured by the government is contracted or sub-contracted by companies that are signatories to the Accord on Fire and Building Safety in Bangladesh; and (f) what portion of all garments and textiles manufactured in whole or in part in Bangladesh and procured by the government is contracted or sub-contracted by companies that are signatories to the Alliance for Bangladesh Worker Safety?

(Return tabled)

[English]

The Speaker: I would like to thank the hon. member for Westmount—Ville-Marie for so graciously ceding the floor so we could get through routine proceedings. I will give the floor back to him so I can hear the rest of his point.

* * *

POINTS OF ORDER

TABLING OF TREATY

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, very briefly, this has to do with whether a treaty has been properly tabled. Its implementation plan is Bill C-31. I will continue where I left off.

Points of Order

I realize, Mr. Speaker, that you may wonder whether an intergovernmental agreement such as the one I have talked about counts as a treaty. While I know it is not the Speaker's place to adjudicate on points of law such as this, I will quote to you briefly from the House of Commons of the United Kingdom on the matter of treaties, wherein the House of Commons reports:

The Vienna Convention on the Law of Treaties...defines a treaty as:

"an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation"

Only a minority of such agreements have "treaty" in their title. Other common names include "convention", "protocol" and "agreement".

That is the case here. I assure you, Mr. Speaker, that it is also the case for Canada. This agreement is indeed a treaty, and is even housed in the "treaty" section of the Department of Finance's website.

With a treaty before us, our attention turns to the Government of Canada's "Policy on Tabling of Treaties in Parliament". I turn the attention of the House to part 6.2 of that policy, which states in part (b):

For treaties that require implementing legislation before the Government can proceed to ratification, acceptance, approval or accession...the Government will:

Observe a waiting period of at least twenty-one sitting days before the introduction of the necessary implementing legislation in Parliament...

I have made a search of the Journals and I am unable to find any notice of this treaty being tabled before this body prior to 21 days before the introduction of Bill C-31. This leads me to believe that the government may have sought to use the exception to this part of the tabling policy, but that stipulates:

If an exception is granted, the Minister of Foreign Affairs will inform the House of Commons that Canada has agreed to be bound by the instrument at the earliest opportunity following the ratification.

That is from 6.3, part (b), of the government's "Policy on Tabling of Treaties in Parliament".

In this regard, I am unable to locate a statement from the Minister of Foreign Affairs regarding this instrument. While I am well aware of press statements released in February from the former finance minister and current Minister of National Revenue regarding the signing of this agreement, it appears Parliament was never informed of this agreement, nor apprised of its contents. As such, I believe these portions of the bill are neither properly before this body or before the finance committee as they do not adhere to what has become the practice of the House.

Mr. Speaker, I draw to your attention the Journals of Monday, January 27, 2014, wherein during the tabling of documents, the Parliamentary Secretary to the Minister of Foreign Affairs laid upon the table no less than five international instruments, many of which deal with trademarks and are now being implemented in Bill C-31. This, I believe, reflects what has become the practice, that treaties are tabled for a period of at least 21 days prior to the government seeking implementing legislation.

It is important to note why 21 days has become the so-called magic number. Here, I cite from the United Kingdom's select committee on procedure's second report from 2000. It says:

The Ponsonby Rule is a convention whereby almost all treaties which do not come into force on signature are laid before Parliament for 21 days before they are

ratified. It was first stated by, and derives its name from, Mr Arthur Ponsonby, former Under-Secretary of State for Foreign Affairs. In a debate in the House in 1924 Mr Ponsonby affirmed that—

"It is the intention of His Majesty's Government to lay on the table of both Houses of Parliament every treaty, when signed, for a period of 21 days, after which the treaty will be ratified...In the case of important treaties, the Government will, of course, take an opportunity of submitting them to the House for discussion within this period. But, as the Government cannot take upon itself to decide what may be considered important or unimportant, if there is a formal demand for discussion forwarded through the usual channels from the Opposition or any other party, time will be found for the discussion of the treaty in question."

● (1535)

I cite this passage because the government's policy reflects British parliamentary practice and I believe this has become the practice of Canada's House of Commons as well. Indeed, our own Library of Parliament has noted:

The way in which Canada negotiates, signs, ratifies and implements international treaties is a constantly evolving process...Today the House of Commons has been granted a louder voice prior to official ratification. This enhanced role for Parliament is an important one...

I believe, if we search the annals of this place, we would find the practice of treaties being tabled well in advance of votes thereupon. Certainly there have been exceptions and the policy itself foresees such situations, yet the House being informed is still a prerequisite to debate. I believe the time has come for clarity from the Chair on whether this policy has indeed risen to the point of custom such that a violation, as appears to have occurred in this case, creates a legislative defect that must be cured prior to its passage.

Arguably, as a matter of principle, the government should explain why it has not respected its own policy in regard to the tabling of treaties before Parliament. As a matter of policy, we should not debate matters that parliamentarians have not been given adequate time to review and study. But, as a matter of practice, the House has established and operated on this custom of tabling for five years as formally enshrined and much longer than that if one looks at historical practice whereby governments have routinely informed Parliament of international agreements signed and ratified.

While I and the Liberal Party of Canada have strong and profound disagreements with FATCA and its implementation, particularly as it infringes on privacy rights and the charter, forces the Canada Revenue Agency to do the IRS' dirty work, and infringes upon our sovereignty, I will save that for a debate for another day. My concern giving rise to this point is that proper procedure has not been followed and the customs of the House have been infringed upon, thus creating a procedural irregularity to be remedied.

I believe, Mr. Speaker, the proper remedy, if you agree with this point, would be to remove those clauses from Bill C-31 that implement this treaty until such time has passed after either the treaty in question is tabled or the Minister of Foreign Affairs informs the House that an exception to the tabling requirement has been sought and the reasoning for this exception. As the matter is before committee, I believe it would be in your power to interpret the committee's mandate relative to the bill as encompassing only those matters that were properly before the House upon its introduction, thereby precluding consideration by the committee of a treaty of which the House was never informed until its accompanying implementing legislation was introduced.

I understand and acknowledge that parliamentary practice has evolved in the realm of treaties and is indeed still evolving. I believe, however, that we have now established a new custom and practice with respect to the tabling of such instruments and that it would be appropriate for the Chair to give expression to the legitimate expectations of members of this place that they be informed of treaties and their contents prior to debate on implementation, as well as to accord Parliament its proper place in the debate on international instruments such as included in Bill C-31.

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I will have a brief initial response and reserve the right to come back further with more details.

I would like to touch on four points.

First, the tabling of treaty policies is not a product of the Standing Orders of the House or any rules of practice of the House. It is indeed a government policy, which can be found on the Government of Canada, Department of Foreign Affairs website. That is where it exists. That is its origin. It is a policy that applies not to the House but rather to the activities of the government. From that perspective, it is not an appropriate point for you, Mr. Speaker, to rule on, that is the question of whether or not the government is complying with its policy. It is not a question of whether the rules of the House are being followed.

First, Mr. Speaker, I would say to you that there is no jurisdiction for you to deal with it.

Second, the policy itself in substance does provide, as the hon. member indicated, opportunity for exemptions for the policy including, for example, for urgency and for other bases. In this case, the fact is that the government, the cabinet, actually did grant such an exemption to the tabling policy. As such, the very words of the policy, the requirements of the policy, have been followed. The processes for obtaining the exemption were obtained. As a result, the requirement that it be tabled in the House 21 days in advance of the legislation being introduced is not necessary and the policy is fully complied with. From that perspective, the point the member raises is interesting but moot as the policy has been complied with.

The third point I would raise is actually the purpose behind the policy, or the objective of the tabling policy. I think this goes to the heart of why an exemption is also appropriate here.

The purpose of the policy is to give an opportunity for the House, if it wishes, to express its views on a proposed treaty and to give an opportunity for a debate and a vote to be had on that matter. In this case, because it is actually being implemented through legislation, the House does have exactly such an opportunity to assess the policy, to vote on it, to deliberate, decide and make the determination on whether or not to proceed forward with the treaty and therefore then allow the government to ratify it. Ratification, as you know Mr. Speaker, is a separate process that is done by the Governor-in-Council, by cabinet.

The purpose of the policy is to allow the opportunity for the House, for the opposition or anybody else who wishes to identify it for debate and to allow that to happen. Because there is actual legislation going forward, there will be an opportunity for the House to pass judgment on it as it has done at second reading and as it will

have an opportunity to do presumably at report stage and third reading. From that perspective, the policy purpose behind the tabling policy is also respected, as well as the actual words of the policy itself.

Finally, it seems particularly ironic that such a point of order would come out of the Liberal Party, whose members for years resisted any such policy and never had it as one of their practices. Liberals maintained full jurisdiction within the Prime Minister and the cabinet to deal with treaties and their ratification without ever bringing them to the House of Commons, without ever requiring an opportunity for members of Parliament to see them before they became law and before they were ratified. From that perspective, I am surprised the Liberals would have the chutzpah to bring forward this argument after years of behaving in an entirely different fashion, but then I am not surprised because that does tend to be the way they do things.

Therefore, I do not think there is any merit to the point of order that has been raised both on the facts and interpretation of the rules and on the jurisdiction that you have, Mr. Speaker, as well as the irony of the Liberals bringing this point of order forward themselves. However, I will reserve the opportunity, since I had no notice of this point of order, to come back with further arguments if that is necessary.

● (1540)

[Translation]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I thank my colleague from Westmount—Ville-Marie for raising this point of order in the House.

Of course, since we had no notice either, we will verify what he said and consider the various points of view. Then we will come back to the House to discuss it. This is extremely important. One million Canadians are affected by these massive changes and a growing number of people across the country are opposed to this.

[English]

Therefore, when the government House leader stands and says that we have to look at the objective or the purpose, the objective or the purpose, I imagine, of hiding this tax information exchange agreement inside a larger omnibus legislation is simply to hide it from the million Canadians who are profoundly impacted by the government's action.

The reality is, as you know, Mr. Speaker, that bilateral tax information exchange agreements are filed in the House. It is quite correct to say that the practice has been to bring it forward to the House and not to hide it in omnibus legislation.

● (1545)

[Translation]

We have seen these practices here for years. There are also the practices the hon. member for Westmount—Ville-Marie was talking about, such as the Ponsonby Rule. That rule comes from another Parliament, but a Parliament that we are modelled after nonetheless. In both cases the practices are the same.

Privilege

I will come back to this point later today. I think it is extremely important and I hope that you will carefully consider this matter before coming back to the House.

* * *

[English]

PRIVILEGE

REMARKS BY MINISTER OF STATE FOR DEMOCRATIC REFORM

Hon. Pierre Poilievre (Minister of State (Democratic Reform), CPC): Mr. Speaker, I rise to respond to a question of privilege raised by the hon. member for Burnaby—New Westminster. He took issue with a comment that I made on the floor, which I will cite verbatim. I stated:

There are regular reports of people receiving multiple cards and using them to vote multiple times. That, too, can be found on the Elections Canada website.

The cards in question are the voter information cards Elections Canada provides to electors who are on the voters list to indicate to them where and when they can cast their ballots.

The second sentence in my statement is as follows:

That, too, can be found on the Elections Canada website.

That, of course, is used as a pronoun here and refers to multiple voting and multiple cards. Therefore, let us check whether Elections Canada's website does, in fact, have cases that deal with either or both of those. I turn members' attention to that website, and I will share a few URLs, which are too long to list here on the floor, but I am sure members will have no problem finding them.

For example, I turn members' attention to the Commissioner of Canada Elections' compliance agreement, which states:

This notice is published by the Commissioner of Canada Elections pursuant to section 521 of the *Canada Elections Act*, S.C. 2000, c. 9 (hereafter referred to as the "Act").

On September 20, 2013, and pursuant to section 517 of the Act, the Commissioner of Canada Elections entered into a compliance agreement with Ms. Laura-Emmanuelle Gagné (hereafter referred to as the "Contracting Party"), of the city of Montréal, Quebec, who was an elector in the electoral district of Rosemont—La Petite-Patrie during the 2011 federal general election.

The Contracting Party has acknowledged acts that may have constituted a failure to comply with section 7 of the Act, which provides that no elector who has voted at an election may request a second ballot at that election.

The Contracting Party has acknowledged that, on May 2, 2011, polling day for the 2011 federal general election, she voted in the Rosemont—La Petite-Patrie electoral district before proceeding that same day to the Laurier—Sainte-Marie electoral district and requesting and obtaining a second ballot.

Specifically, the Contracting Party has acknowledged the following:

During the period leading up to the May 2, 2011, federal general election, she received two voter information cards in her name, one for the electoral district of Rosemont—La Petite-Patrie, in which she resided, and one for the neighbouring electoral district of Laurier—Sainte-Marie, in which she did not reside.

On May 2, 2011, she went to polling division No. 103 in the electoral district of Rosemont—La Petite-Patrie with three unidentified persons and a hidden camera provided by those persons, and voted.

That same day, she went to polling division No. 002 in the electoral district of Laurier—Sainte-Marie, and found that her name had been struck off the list of electors for that electoral district and moved to the list of electors for the electoral district of Rosemont—La Petite-Patrie.

Given that her name had been struck off the list of electors for the electoral district of Laurier—Sainte-Marie, she asked to register using a registration certificate so that she might vote, then requested and obtained another ballot, which she completed before spoiling it.

She erroneously believed that spoiling the second ballot meant that she was not committing an offence under the Act.

The hoax in which she took part was broadcast on May 5, 2011, on *Infoman*, a show produced by Zone3 Inc., on Radio-Canada.

The Contracting Party has accepted responsibility for these acts, and she is now aware of section 7 of the Act and the offence provision at paragraph 483(b) of the Act.

There we have one example of someone receiving multiple voting cards, enabling the possibility of voting more than once. She obtained two ballots as a result of having two voter information cards and having been allowed to use those cards for that said purpose.

I have a second case, which is almost identical. I am not going to repeat all the same language, because it is pro forma, but the second example is of Mr. Simon Poulin, hereinafter referred to as "The Contracting Party", and I quote:

...he voted in the Rosemont—La Petite-Patrie electoral district before proceeding that same day to the Laurier—Sainte-Marie electoral district and requesting and obtaining a second ballot.

● (1550)

It goes on to say:

During the period leading up to the May 2, 2011, federal general election, he received two voter information cards in his name, one for the electoral district of Rosemont—La Petite-Patrie, in which he resided, and one for the neighbouring electoral district of Laurier—Sainte-Marie, in which he did not reside.

On May 2, 2011, he went to polling division No. 103 in the electoral district of Rosemont—La Petite-Patrie with three unidentified persons and a hidden camera provided by those persons, and voted.

That same day, he went to polling division No. 002 in the electoral district of Laurier—Sainte-Marie, and found that his name had been struck off the list of electors for that electoral district and moved to the list of electors for the electoral district of Rosemont—La Petite-Patrie.

Given that his name had been struck off the list of electors for the electoral district of Laurier—Sainte-Marie, he asked to register using a registration certificate so that he might vote, then requested and obtained another ballot, which he completed before spoiling it.

This is evidence of people receiving multiple voting cards, which enables the practice of multiple voting.

I will move on to additional examples.

On December 5, 2011 the Commissioner of Canada Elections, pursuant to section 517 of the Canada Elections Act, entered into a compliance agreement with Mr. Jacques Nadeau (hereinafter referred to as the Contracting Party)...

The contracting party has acknowledged that he voted by special ballot in the office of the returning office for the electoral district of Mégantic—L'Érable on April 20, 2011. He also acknowledged that he wilfully requested a second ballot for the same electoral district at the advance poll on April 25, 2011.

That case, I should point out, did not involve the use of the voter information card. However, going back to my original statement, I referred in general terms to the phenomenon of multiple voting, and this case is one such example.

I will now move on to a fourth example of dealing with the issue of multiple voting. On June 27, 2006, the commissioner entered into a compliance agreement with the contracting party, who is from Montreal, and I quote:

Points of Order

In this agreement, the contracting party admits to acts that constitute an offence under section 7 of the Canada Elections Act, as she registered and requested a second special ballot on January 12, 2006, in the electoral district of Jeanne-Le Ber, after having already voted by special ballot in the same electoral district on December 5, 2005, with the mistaken belief that in the case of the first vote, it was in a by-election.

Now I move on to a fifth example of multiple voting, which is also on the Elections Canada website:

In this agreement, the contracting party admits to acts that constitute an offence under section 7 of the Canada Elections Act, as she registered and requested a second ballot on polling day, June 28, 2004, in the electoral district of Clarington—Scugog—Uxbridge, after having already voted at an advance poll in the electoral district of Huron—Bruce...

This case is where someone voted twice, once in each riding. This was based on the mistaken belief that if a person has two residences, a person can vote twice, something that is obviously not true and something that this particular elector has since learned and acknowledged.

I have a sixth example. On July 20, 2006, the commissioner entered into an agreement with the contracting party, of the city of Stephenville. It is an issue whereby the individual in question requested a second ballot on January 23, 2006, in the electoral district of Random—Burin—St. George's, after having already voted in the advance poll in the same electoral district on January 16, 2006.

• (1555)

There is a seventh example. The commissioner signed an agreement with a citizen from Woodstock, Ontario. The offence, again, was that the person requested a second ballot in the 2004 election in the riding of Toronto—Danforth after having already voted in the advance poll in the electoral district of Oxford.

I have just given seven examples of multiple voting, and I gave two examples where the receipt of multiple voter information cards occurred and led to electors seeking a second ballot after they had already voted. Therefore, if you look to my original comments, you will find that they were indeed accurate.

All the examples I have shared with the House are found on Elections Canada's website, which is precisely what I suggested in my statement. Therefore, my comments are an accurate reflection of the reality people would find if they went to that site, and I stand by the comments.

The Speaker: I appreciate the hon. minister's intervention. I will come back to the House in due course with a ruling on this particular point.

* * *

POINTS OF ORDER

CORRECTIONS AND CONDITIONAL RELEASE ACT

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I am rising to supplement my comments made in an initial response to the point of order raised by the hon. member for Malpeque on Wednesday, April 9, respecting the third report of the Standing Committee on Public Safety and National Security concerning Bill C-483.

I will tackle two matters in these submissions. The first is to address the subsequent response made by the hon. House leader of

the official opposition. The other is to offer some citations in support of my argument.

On April 9, the hon. member for Burnaby—New Westminster intervened and said, "I found the point of order raised by the member for Malpeque to be very compelling. I did not find the intervention from the government House leader very convincing at all".

I found something that the member just might find convincing: his own party's position at committee. On page 2 of the evidence of the April 1 meeting of the Standing Committee on Public Safety and National Security, the public safety critic, the hon. member for Esquimalt—Juan de Fuca, spoke to a question of the scope of the bill and whether the amendments proposed were within the scope of the bill. He said:

...I would have to say in this case, having spent a lot of time looking at the bill, I believe that the amendments by the government make changes that really amend the same sections of the Corrections and Conditional Release Act and they do it by the same means. So to me it would technically seem to meet the scope requirement. It has not moved beyond what was originally suggested.

I will repeat that: "...seemed to meet the scope requirement. It has not moved beyond what was originally suggested".

The member went on to say:

Now I have to say I'm very happy because we raised some concerns in the questioning of witnesses and the vast majority of those concerns have been accommodated in these amendments. So I would also be in a very strange position if I said the government actually listened and then I don't think procedurally they can do that.

If the NDP House leader will not find my arguments convincing, I do hope he will at least find his own colleague's arguments persuasive. I do find the arguments from his colleague, the member for Esquimalt—Juan de Fuca, quite convincing on this point.

It does bear an interesting question for you, Mr. Speaker, of who actually does speak for the NDP: the House leader or its critic. In this case, I would encourage you, Mr. Speaker, to listen to their critic. However, I digress.

The second part of my submission relates to the assertion of the hon. member for Malpeque, that the amendments adopted by the committee go beyond the scope of the bill. This morning, on another matter, the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons read from page 564 of Erskine May's *Parliamentary Practice*, 24th edition on the definition of the scope of the bill. It states:

Any amendment (or new clause or new schedule) proposed to a bill must be within its scope. The scope of a bill represents the reasonable limits of its collective purposes, as defined by its existing clauses and schedules. In particular cases difficult cases of judgment may arise. The scope of a bill, particularly of a bill with several purposes, may be wider than its long title, although the long title may help to determine its scope.

I would supplement that by reading from Beauchesne's *Parliamentary Rules and Forms*, sixth edition at paragraph 698(2):

An amendment must not be inconsistent with, or contradictory to, the bill as so far agreed to by the committee, nor must it be inconsistent with a decision which the committee has given upon a former amendment.

Paragraph 5 of that Beauchesne's citation states:

An amendment which is equivalent to a negative of the bill, or which would reverse the principle of the bill as agreed to at the second reading stage is not admissible.

Government Orders

Despite these amendments, the bill's proposal to enable victims to participate in the hearings to be held by the Parole Board of Canada on certain applications for an escorted temporary absence is preserved. As I mentioned on April 9, the committee's amendments may in fact narrow the extent to which the escorted temporary absence regime in the Corrections and Conditional Release Act would be changed, and thereby arguably narrow the scope of the bill, not broaden the scope of the bill or not go beyond it. It would narrow it.

What has changed is that these Parole Board hearings would not be required in every instance. If an offender is approved for an escorted temporary absence by the Parole Board, a warden could approve subsequent temporary absences, so long as the offender did not breach a condition of an earlier temporary absence. If anything, these amendments would actually strengthen the spirit of the bill, to respect victims. With these amendments, victims would have an opportunity to participate in this process, but they would need not fear being revictimized by receiving invitations to many repetitive and redundant hearings.

Nevertheless, while the scope or extent of the bill may be narrowed here, the amendments do not negate, do not overturn, and do not offend the principle of the bill. Therefore, the public safety committee's report is in order.

• (1600)

The Acting Speaker (Mr. Barry Devolin): The Chair appreciates the points made by the hon. government House leader and will take it on advisement and return to the House if and when necessary.

Orders of the day.

GOVERNMENT ORDERS

[English]

PROTECTING CANADIANS FROM ONLINE CRIME ACT

The House resumed consideration of the motion that Bill C-13, the protecting Canadians from online crime act, be read the second time and referred to a committee.

Mr. Corneliu Chisu (Pickering—Scarborough East, CPC): Mr. Speaker, I am pleased to participate in the second reading debate on the protecting Canadians from online crime act. This is an important piece of legislation for many people in my constituency. I am glad that the government is following through on its commitment in the Speech from the Throne to bring this legislation forward in a timely manner.

The bill we are discussing today is a central part of the government's contribution to addressing the issue of cyberbullying, which unfortunately, with the widespread use of the Internet and social media, is becoming more prevalent in today's modern age. This bill is another key element of the government's continued agenda to stand up for victims and punish criminals who wish to prey on innocent, law-abiding citizens. As we are all aware, Canadians have fully embraced the Internet and other mobile communications technologies, such as smart phones and social media, for communicating with family and friends, seeking

information, making new social connections, and creating blogs and websites.

As all members can attest to, the Internet is a large part of being an MP. We use the Internet to stay connected with our constituents, to post relevant speeches and announcements, and even to stay in contact with our families back home.

However, while most people use the Internet in a constructive manner, there have been an increasing number of tragedies where people are using the Internet or other electronic media to engage in malicious and mischievous conduct that leads to serious consequences for the victim.

With this legislation, our government was required to examine the nature of cyberbullying as it manifests itself in today's digital age. Although the issue of bullying itself is an age-old problem, technology has irrevocably changed the nature and scope of bullying. For example, bullying conducted over the Internet is faster, easier, and nastier than ever before. It also has the potential to remain in cyberspace permanently and to be done anonymously. Furthermore, perpetrators may be more likely to engage in bullying behaviour online because they cannot see or hear the effects of their actions, and because it is possible to be anonymous online. This leads me to the severity and potentially tragic nature of cyberbullying.

When we think about the bullying of the past, where some kid might have stolen our lunch money or pushed us into a puddle, we rarely associate further ramifications to these spiteful yet seemingly minor actions. However, over the past few years cyberbullying is alleged to have played a part in the decision of some young people to take their own lives. The recent stories which we are all familiar with are truly heartbreaking. I am sure I speak for all Canadians when I express our deepest condolences for the families of the victims of these tragic events. However, these incidents also prompt us, as lawmakers, to ask what the federal government can do to prevent similar tragedies.

This was the motivation behind the federal-provincial-territorial working group on cybercrime. In July, the Department of Justice, on behalf of all federal-provincial-territorial partners, publicly released its report on cyberbullying and the non-consensual distribution of intimate images. The working group studied and considered whether or not cyberbullying was adequately addressed by the Criminal Code and whether or not there were any gaps that needed to be filled. This working group made nine unanimous recommendations with respect to the criminal law response to cyberbullying.

The first recommendation in the report calls for a multipronged and multi-sectoral approach to the issue of cyberbullying and calls for all levels of government to continue to build on their initiatives to address cyberbullying in a comprehensive manner. This recommendation recognizes that cyberbullying cannot be adequately addressed by one initiative by one level of government. In fact, most experts agree that bullying and cyberbullying are most effectively addressed through a multipronged approach. Criminal law reform only represents one small portion of a much larger situation.

Getting back to the bill that is before us today, I am pleased to note that all of the proposals contained in the bill were recommended by the federal-provincial-territorial working group and are supported by provincial and territorial attorneys general.

• (1605)

The bill has two main goals: to create a new Criminal Code offence of non-consensual distribution of intimate images and to modernize the investigative powers of the Criminal Code to enable the police to effectively and efficiently investigate cyberbullying and other crimes committed via the Internet or that involve electronic evidence.

I would like to focus the remainder of my remarks on the proposed new offence. The proposed offence would fill a gap related to a form of serious cyberbullying behaviour with respect to the sharing or distribution of nude or sexual images which are later used without the consent of the person depicted. It is important to emphasize that the goal of this offence is not to criminalize the making of these images or even the consensual sharing of these images, as between intimate partners or friends. Rather, this offence would focus on the behaviour that is more often becoming associated with these images, the distribution of them without the consent of the person depicted.

Specifically, this new offence would prohibit all forms of distribution of these types of images without the consent of the person depicted. Quite often the perpetrator of this behaviour is the ex-partner or ex-spouse of the person depicted in the images who is seeking revenge or looking to humiliate or harass them.

To secure a conviction for this offence, a prosecutor would be required to prove that the accused knowingly distributed the images and that the accused distributed the images either knowing the person depicted did not consent to this distribution or being reckless as to whether or not the person consented.

A key element of the proposed offence is the nature of the image itself. The bill proposes a three-part definition of intimate image to guide the court in determining whether or not a particular image is one that could be subject to the proposed offence. An intimate image is one in which the person depicted was nude or exposing his or her sexual organs, or anal region, or engaged in explicit sexual activity. The Criminal Code uses a similar definition in the voyeurism section 162 and child pornography section 163 offences. However, the content of the image on its own would not be enough to qualify the image as an intimate image. The court would also need to be satisfied that the image was one that was taken in circumstances that gave rise to a reasonable expectation of privacy and that the person depicted in that image still retains a reasonable expectation of privacy in the image.

These two elements are key to ensuring that the proposed offence is not cast too broadly and does not capture images in which there could be no reasonable privacy interest. For example, if a person took sexual images of themselves in the privacy of their own home for their own personal use, the image would likely be found to be an intimate image. However, if that same person then posted those images on a public website it is less likely that the court would find that the individual retains a reasonable expectation of privacy,

Government Orders

despite the fact that the initial recording of the image was privately done.

The proposed offence would be supported by several complementary amendments in the Criminal Code to provide protection to victims of this particularly contemptible form of cyberbullying. These complementary amendments would permit the court to order the removal of intimate images from the Internet and other digital networks as well as make an order for restitution to cover some of the expenses incurred in having the images removed.

Further, the court would be empowered to order the forfeiture of tools or property used in the commission of the offence, such as a smart phone or computer, as well as a prohibition order to restrict the use of a computer or the Internet by a convicted offender. This prohibition order would be especially useful in cases of repeat offenders.

The legislation also proposes to permit the court to issue a peace bond against a person who has intimate images in their possession where there are reasonable grounds to fear that a new offence would be committed by that person.

The proposed new offence and complementary amendments fill an existing gap in the criminal law and aim to provide broad protection to victims of this behaviour.

I understand that this legislation will not address all of the concerns that stem from cyberbullying, however, I believe this a great leap in the right direction and I strongly urge all members to support this piece of legislation.

• (1610)

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, it is a pleasure to rise today to speak to Bill C-13, an act to amend the Criminal Code, the Canada Evidence Act, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act, the protecting Canadians from online crime act.

It will come as no surprise that I will be supporting the bill at second reading. There are elements in the bill that I think we have waited too long to implement. At the same time, we have to be very conscious that when we deal with legislation, it needs to be concise but it also needs clarity.

I wonder what kind of message we send to Canadians when the title of a bill has so many components that it leaves many people wondering what the bill is really about. The fact that there are so many subheadings to the bill shows that it is not just looking at cyberbullying and consequences to update our legislation. This is another example of legislation where the government has cobbled together various pieces of its agenda and thrown in something on which I would say we have unanimous agreement.

We did request unanimous consent that the bill be divided to allow similar provisions from our colleague from Dartmouth—Cole Harbour, who, by the way, has done amazing work on this file, that is Bill C-540, and the aspect that relates to the non-consensual distribution of intimate images. We asked that it be adopted rapidly in committee, since it has all-party support.

Government Orders

This is where frustration sometimes sets in this House. This is something we could have done, all-party, everybody in agreement, with that particular component of this legislation. We are all in agreement. We could have separated it and passed it; I believe that component has been debated many times. Then we could have spent our time debating the rest of the bill.

There are some problems with the rest of the bill, but that part of the bill that encompasses Bill C-540, the non-consensual distribution of intimate images, could have been adopted unanimously and it could have gone on to the next stage.

I urge my colleagues across the way to consider doing that. They have a majority and could make it happen. They would certainly get consent from our side to separate it that way. We could get something moving in a very timely manner.

The world has changed since I went to school. The kinds of bullying and activities in school are very different now. Bullying is bullying. However, we have different types of bullying. There was a time that if an individual were bullied by somebody at their school, they had to write them a letter. That would happen very rarely because they did not want to get caught, or they would bully the individual to their face. With cyberbullying now, people can bully an individual 24/7 using social media.

I am often amazed at how many of our youth have cell phones. They are not just phones; all of the social media and the Internet are on there. Our youth are very actively engaged. They carry their phones with them, which brings the bullying right into their homes, 24/7.

● (1615)

By the way, I am not saying that we should ban all cell phones for young people. I can see our young people in the House looking at me, wondering if that is where I am going. Not at all. However, I am saying that because technology has changed how our young people interact with each other, so must our legal system. However, we have seen the shortfalls of our legal system. It was not equipped to deal with some very tragic circumstances. Because of that, we have to update our Criminal Code and law enforcement.

However, more than anything, I think we also have a responsibility to educate. Media literacy is very important. We taught children, long before we had all this technology, how to communicate in a positive way and not to hurt each other's feelings. In a similar way, I think our schools, as well as parents at home, have to work with our young people to teach them ways to manage this new world. Even though we may not live in that world, we have to help to construct a safety net for our students and young people, which is what this legislation is all about.

Months ago, we could quite easily have separated and dealt with cyberbullying in the bill proposed by my colleague, the incredibly hard-working member of Parliament for Dartmouth—Cole Harbour. Instead, here we have a very complex bill, which will now take time. Some of my colleagues will say that it does not have to take time if we agree to everything that is in the new bill. However, I cannot. There are problems with many parts of the bill before us, and I know we will be bringing amendments when it gets to committee stage.

I always want to use the word “student”. Being a teacher all of my life, that is how I think. However, for our young people, we have to do the responsible thing and try to take the politics out of dealing with this safety issue. This is an issue that has been sensitized because of a number of recent tragedies. I have talked to young people who have told me how terrible it is and how alone they feel when they have been bullied through cyberspace.

I would not say that words do not hurt because they do hurt. I can remember being at school when people got yelled at, and I could see the look of hurt on their faces. Sometimes they were beaten up because children can get into fights. However, what we are seeing with cyberbullying right now is that it is 24/7, and there is no escape.

We know the young people who are vulnerable. We know that it is people from, let us say the gay and lesbian community, the students who are not out. Even the students who are out can also become a target, through the use of anonymity and fake IDs that people can create in this world.

However, to quote the Information and Privacy Commissioner of Ontario on Bill C-13, “the federal government is using this pressing social issue as an opportunity to resurrect much of its former surveillance legislation, Bill C-30”.

We remember when a certain minister was told what was thought of that bill. They feel that this proposed legislation is a resurrection of that bill and the government is trying to sugar-coat it by throwing in a much-needed bill to protect our children.

● (1620)

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, if we look across the aisle during this debate, we are all feeling the importance of making sure that we address this issue.

As a father, it is important that when my kids come home from school we make sure we watch to see what they are doing on the Internet. There is some concern there, and all parents need to be concerned.

I also know that in my great riding of Sudbury, the police, through Sergeant Tim Burt and the cyber unit, have been going to schools talking about the importance and impact of cyberbullying. It is important for us to recognize the importance of this and to get on this.

It is concerning, when we see other things have been added to this. It is something that we could have done very quickly. I would like to hear my hon. colleague's comments on that.

Ms. Jinny Jogindera Sims: Mr. Speaker, I want to congratulate my colleague for the amazing work he has done regarding the everyday pressures on Canadian families as they struggle to make ends meet. Whether it is rising gas prices or credit card fees, he knows how to handle that file and does a great job.

Members do not have to take my word or one group's word for the fact that the government has cobbled together legislation in a way that was totally unnecessary. The essential piece of it could have been passed just like that, but it was not.

Let me quote David Fraser, a Halifax-based lawyer, who said something about this piece of legislation which I think is cynical and disappointing. He stated:

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There's a whole bunch of irrelevant or other stuff in here that's going to distract from the legitimate discussion on how to fine-tune this to get this absolutely right.

• (1625)

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, I have heard discussion, a few times, about splitting the bill. I am the chair of the justice committee, and it has done a very good job, in my view, of listening to witnesses, and suggestions and amendments by the opposition, on a number of items. There were amendments accepted from the opposition. A Liberal member sat in the last time the committee did a review and accepted amendments from the other side and was in a bit of shock that this was the kind of co-operation that happens at committee.

What I do not understand is why opposition members would want to split the bill up. Do you not have confidence in the committee system and your own members being able to bring forward amendments at the time they are discussed and debated at committee? Based on those who have requested to appear at committee, I think there is going to be a fairly long and extensive review of this bill.

The Acting Speaker (Mr. Barry Devolin): I would remind all hon. members to direct their comments to the Chair. I have confidence in the committee process.

The hon. member for Newton—North Delta can answer the question.

Ms. Jinny Jogindera Sims: Mr. Speaker, I have absolutely no confidence in the government doing anything right when it comes to dealing with young people's safety.

Michael Geist, a Canadian research chair in Internet and e-commerce law at the University of Ottawa, compared a number of provisions included in Bill C-13 to the controversial Internet snooping legislation. We know how divisive that was. Bill C-30 was killed by the former justice minister in the face of widespread criticism.

You had this mountain of opposition and you withdrew the bill. Now you bring it forward, and in it you bury something that is so important. It is all about protecting our young people from cyberbullying. That is playing politics.

The Acting Speaker (Mr. Barry Devolin): Before we continue, I would just remind this hon. member, as well as the previous member, to direct their comments to the Chair rather than directly to their colleagues.

It is also my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Ahuntsic, Citizenship and Immigration; the hon. member for Saanich—Gulf Islands, Rail Transportation; and the hon. member for Edmonton—Strathcona, Employment and Social Development.

Mr. Mark Adler (York Centre, CPC): Mr. Speaker, I rise to speak in support of Bill C-13.

This bill proposes amendments to the Criminal Code, the Canada Evidence Act, the Competition Act, and the Mutual Legal Assistance in Criminal Matters Act in order to bring them up to date with 21st century technologies.

These updates to the law would respond to new challenges posed by modern technology in the context of bullying, often referred to as cyberbullying, in a number of ways, including by creating a new offence of non-consensual distribution of intimate images.

Bill C-13 would also revise investigative powers to make sure they respond to modern technologies so that police have the tools they need to investigate offences arising in the context of current communication technology, including offences that can occur in the context of cyberbullying behaviours, such as the proposed new offence of non-consensual distribution of intimate images.

I would like to take this opportunity to expand on some particularly important and innovative aspects of the Criminal Code amendments, and in particular the new concept of transmission data. I think the proposals in Bill C-13 for changes in this area are going to have a really positive impact on how investigations are conducted here in Canada.

First I would like to tell the House about the new transmission data warrant.

For the past 20 years, the police have been able to ask a justice for a warrant that would permit the police to find out phone numbers dialed by a suspect or by someone phoning that suspect. Such warrants could be issued by the justice when there were reasonable grounds to suspect that this information could assist in the investigation of a crime.

However, these days this sort of information, sometimes referred to as call identifying information, encompasses not just telephone numbers but also the Internet equivalents of telephone numbers and includes some technical data that all kinds of more advanced calling features can generate on a network.

It is unfortunately the reality for police today that investigators face challenges when working with the existing dialed number recorder warrant. It is sadly out of date, as it was not designed for the kinds of things that can be part of call identifying information today. The provision was created in 1993 for traditional telephones.

Another change in the way people communicate that has had significant impact on investigations is the increased use of the Internet since 1993, which means that voice telephony is far from being the only way that people regularly communicate.

An additional impact on investigations comes from the convergence of different communication technologies. Nowadays the lines between traditional telephones and the Internet are certainly blurred.

Many cellphones today can be used to access the Internet if, for example, people want to see something on the Internet or send a message. Phones can also rely on the technology of the Internet to make a traditional call. Millions of subscribers use VoIP, or voice over IP, which enables the phone to make use of the Internet to make a traditional voice telephone call.

The result is that the technology uses IP, or Internet protocol, addresses in addition to telephone numbers. It is a sort of hybrid. This kind of hybridization creates problems for investigators. It was also never envisaged 20 years ago, when communication was done through the traditional phone lines for which the current warrant was designed.

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This is important. These changes in communication technology have led to the proposal in Bill C-13 to update the existing dialed number recorder warrant in section 492.2 of the Criminal Code and replace it with a transmission data warrant. The proposal in Bill C-13 to create an updated warrant, called a transmission data warrant, makes sense. This new warrant will reflect the new realities for communication technology and investigative techniques.

The sorts of address data police now need to conduct investigations cannot be obtained using telephone records or standard equipment for older technology such as a dialed number recorder. The updates to the law would ensure that a criminal would not be able to avoid police investigative techniques because he uses modern technology, such as VoIP, to make his calls instead of a traditional telephone.

• (1630)

A new legal concept was needed for this update to the existing number recorder warrant to encompass the greater complexity of call identifying information in the modern telecommunications context. Bill C-13 proposes a way to create this new concept, a new category of information called transmission data, which would apply to Internet routing information as well as traditional telephone numbers.

Transmission data would be specifically restricted to certain parts of what is called the header data, which includes things like the email address and information about the mail servers that transmitted the email, but the concept is carefully designed to explicitly exclude the content of any message so that invasions of privacy are minimized. This means police would not be able to use the transmission data warrant to find out what a person has typed in as the subject field. More importantly, police will not be able to use this type of warrant to find out what was typed into the body of the email.

In addition to updating the dialed number recorder warrant provision by replacing it with a new transmission data warrant, Bill C-13 also proposes a new judicial production order aimed at obtaining transmission data when it is stored. This is a change to the structure of the existing number recorder warrant, which included a production order within the warrant provision. Bill C-13 proposes a separate production order to obtain transmission data located in the same place in the Criminal Code with the other production orders.

This proposal is part of the overall approach of Bill C-13 of creating a slate of specific production orders that provide specific tools for police to use to obtain particular types of information. The bill proposes specific and tailored new production orders for transmission data, for tracking data, and for tracing a communication, along with the existing specific and tailored production order for financial data and the existing general production order, all of which together compose a new scheme of production orders proposed by Bill C-13.

The threshold for the specific and tailored production orders is “reasonable grounds to suspect an offence has been or will be committed”, as these orders are narrower in scope and less invasive.

In contrast, the threshold for the broader general production order is “reasonable grounds to believe an offence has been or will be committed” to reflect its greater intrusive potential. These thresholds

are consistent with the current approach to thresholds for production orders in the Criminal Code.

This approach is designed to provide tailoring to particular privacy interests through giving police specific tools designed for specific access, which allows a judge to assess each type of request to the appropriate standard.

Given the discussions currently occurring both domestically and internationally around access to metadata, it may be useful at this point to speak briefly to the distinction between metadata and transmission data as proposed in Bill C-13.

“Metadata” is a term that can be used to describe any data about data. It can encompass a fairly broad range of information, including information that would not be part of the definition of transmission data.

“Transmission data”, as set out in Bill C-13, is carefully and more narrowly defined. It is information relating only to the dialing, routing, addressing, or signalling of telecommunications. As I mentioned earlier, it is explicit in the definition of transmission data that it cannot reveal the substance, the meaning, or the purpose of the communication.

It is important to understand the limited, specific, and focused ambit of what is being proposed in Bill C-13 in relation to transmission data, as these limits address some concerns that some people have expressed about broad abilities to access all kinds of information with ease. Bill C-13 proposes a clear framework for particular types of access to data, in particular transmission data, if granted by a judge or justice.

The transmission data warrant and production order will provide police with some of the investigative tools they need to fight crime in a world of changing technology. It has been precisely designed to do so with appropriate privacy safeguards.

I therefore encourage all members to give Bill C-13 their full support.

• (1635)

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, I think that all of us here in this House would agree that protecting our children is paramount, and it does give one pause, on the one hand, that the provisions in the bill that actually go toward protecting children from cyberbullying were first introduced 10 months ago by my hon. colleague, the member for Dartmouth—Cole Harbour. Leave it to the current government to take 10 months to play politics with what I think all of us can agree is a very serious issue.

Then, on the other side, I spoke with many of the residents in my riding of Davenport in Toronto about the proposed online spying bill, and I did not meet a single person who could support that bill.

We have seen the government throw a lot of additional measures into its bills. Why, in this particular one, if the government wants to protect young people from cyberbullying, does it also have a measure in there to add a two-year sentence for someone who is stealing cable?

•(1640)

Mr. Mark Adler: Mr. Speaker, the member raises a point in claiming this is an omnibus bill. The opposition seems to see omnibus bills at every turn.

The fact of the matter is that Bill C-13 is not an omnibus crime bill. It combines a proposed new offence of non-consensual distribution of intimate images to address cyberbullying with judicially authorized tools to help police and prosecutors investigate not only the proposed new offence but other existing offences that are committed via the Internet.

I would urge the member, if he is serious about combatting Internet crime and giving the police new tools to protect the most vulnerable people in our society, our children, to support Bill C-13.

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, I want to thank my colleague for his speech on Bill C-13. I would remind my colleague that the New Democratic justice critic, the member for Gatineau, in her opening speech, wanted the bill to get to committee for a complete examination. I would like to quote from that member's speech:

I think the minister wants as many members as possible to support his bill. I therefore hope that he will be open to allowing us to study this aspect carefully. We will have some serious arguments to make in committee about these aspects of the bill.

My point is this. I think this is our third or fourth day of debate and I think there may be one more day of debate on this item. Then we need to get it to committee, because my understanding is that a tremendous number of people want to come to speak to it.

Would the member tell us why it is important for us to get the bill to committee to be studied as soon as possible?

Mr. Mark Adler: Mr. Speaker, the hon. member for Burlington raises some very important and compelling points. I have to tell members it is very important that the bill expeditiously make its way through House and get to committee. The bill seeks to address a very serious problem in our society. The first piece of legislation in 1993, as we are trying to address here, does not give the police the right investigative tools to address this problem that we have in our society.

I have to say that our government is not alone in proposing this kind of legislation and in supporting this kind of legislation.

As examples, Carol Todd on *Canada AM*; Lianna McDonald, of the Canadian Centre for Child Protection; David Butt, counsel to the Kids Internet Safety Alliance; Dalhousie University law professor Wayne MacKay; Allan Hubley, Ottawa city councillor; and Jeff McGuire, Niagara Regional Police Service chief have all said categorically that this is the kind of legislation we need to give police

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the investigative tools and the kind of legislation that we need to protect our most vulnerable in society, our children.

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I thank my colleagues for their welcome this evening. I am pleased to rise to speak to Bill C-13. This bill is close to my heart, and it deals with a sensitive issue that can also be emotional for some of my colleagues.

I commend the government for introducing this bill to create a national strategy on cyberbullying and cybercrime, which could also be included. The NDP will support any measures that combat cyberbullying, as such measures are in line with our principles on the right to privacy.

Such measures are almost exactly what we need, in response to rapidly developing technologies that are changing the way young people interact with each other every day. I said that the measures were almost perfect because this bill contains one measure that is in line with a measure that we presented in the House. The rest of the bill still has several flaws, which I will talk about in my speech today.

We also regret the fact that it took a number of high-profile cases, such as the ones in Nova Scotia and British Columbia, before our government finally decided to take action to combat cyberbullying and bullying in general. Bullying is not restricted to the Internet. It can happen in person every day, especially at school.

We also regret that the Conservatives refused to support the sensible, direct and simple Bill C-540, introduced by my colleague from Dartmouth—Cole Harbour. It is odd that the content of the government's Bill C-13 is nearly identical to the bill we introduced that was not supported by the Conservatives. One has to wonder whether the Conservatives were playing politics. I will give them the benefit of the doubt. It is up to them to answer that question.

Two years ago, in the 41st Parliament, my colleague from Chicoutimi—Le Fjord moved Motion No. 385, which suggested that the government create a national bullying prevention strategy to address the issue of bullying in general—not just cyberbullying—but the motion was not supported by the Conservatives.

The Conservatives, who today are saying that they are the great protectors of our youth and that they want to fix the situation, actually had the opportunity to help us do that in the past. Unfortunately, they did not support us.

It is sad that the government sometimes seems to wait for tragic events to happen before taking action. We have also seen that with other files. We could prevent rather than react to these very tragic situations that often result in loss of life.

Therefore, we need legislation to prohibit the non-consensual distribution of intimate images. We support this part of the bill that will prohibit the non-consensual distribution of intimate images because we had proposed this same measure in 2013, about 10 months ago. The Conservatives did not support this measure then, but it is being reintroduced and we will support it. Had this been the only focus of the bill, we could have supported it right away. Unfortunately, that is not the case.

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● (1645)

A number of things have also been included in Bill C-13, such as parts of Bill C-30. Members will recall that, in the first session of the 41st Parliament, if my memory serves me well, the minister of public safety—who is no longer an MP—introduced the now-defunct Bill C-30. This bill raised the ire of Canadians across the country. The minister was eventually forced to back down and withdraw the bill, dubbed the electronic surveillance bill. It was not well received by the public. As I was saying, the Conservatives eventually withdrew the bill.

Unfortunately, a number of the measures in Bill C-30, for which there was no consensus, are found today in Bill C-13. That is one of the reasons why we cannot support this bill in its current form. We will support the bill at second reading in order to try to fix the bill in committee. However, as we told the government, we would have been open to splitting the bill in order to study only the part that members seem to agree on and to pass it quickly. We could then have focused on the somewhat more contentious parts.

Bullying is a very important issue that particularly affects youth aged 12 to 14. According to research, they are the most likely age group to be victims of cyberbullying. This scourge has a serious impact on the mental health and well-being of young victims. Studies are painting a negative and troubling portrait of the impact that cyberbullying is having on our youth. It results in anxiety, poor school performance, hopelessness and helplessness. It can also lead to very tragic situations, such as those we have recently witnessed.

According to the 2012 impact report by Kids Help Phone, cyberbullying victims and offenders are almost twice as likely to attempt suicide, unfortunately. That is a very worrisome finding.

When talking about bullying, we do not always mention the negative impact it can have on the victims who often find themselves in a very difficult situation. They clearly need help right now. That is why we support the first part of the bill, which would give those responsible for enforcing the law another tool to crack down on this scourge. We could bring those who hurt others to justice.

In addition, we realize that this issue affects far too many children in Canada. We also need to work on prevention. Punishing those at fault is not the only answer. We need to be proactive about preventing bullying before it happens. That is a foreign concept for the Conservatives. Often, they present measures that punish those in the wrong. That is fine, but we also need to put plenty of effort into preventing cyberbullying to simply avoid having victims. If we successfully prevent it, we can reduce the number of victims because some crimes will not happen in the first place. It is more important to prevent it before it happens, especially given the negative impact it can have on the victims. That is all the more true today, in 2014. Young people are increasingly exposed to new technology through the Internet. This means that, in some cases, they are now being bullied not just when they are in the schoolyard but also 24 hours a day, 7 days a week.

I am ready to answer questions.

● (1650)

[*English*]

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, I agree that prevention is an issue we need to continue to look at in all aspects of our justice legislation. It is easier to prevent something from happening than waiting until it happens. I have no qualms with that approach.

I do not understand why the New Democrats want to split the bill. They are okay with making cyberbullying a criminal offence. It seems fair to them and something they can support. However, they do not seem to want to support the aspects to enforce a criminal offence. We cannot have a criminal offence and attack the issue that makes it an offence, that allows that criminal activity to occur.

I do not understand why the New Democrats want to split up that part. Do they just want cyberbullying to be an offence on paper with no real effect?

● (1655)

[*Translation*]

Mr. Pierre-Luc Dusseault: Mr. Speaker, I am pleased to respond to my colleague. As I explained, we clearly would have liked to have been able to quickly pass the first part of the bill.

Once this becomes an offence under the Criminal Code, the police and other law enforcement officials will be able to crack down on offenders and make sure that anyone who violates the Criminal Code is brought to justice.

As I was saying, we cannot accept the bill at this time because the rest of it contains far too many other measures.

We will support the bill at second reading. I would like to remind my colleague of that because he does not seem to have understood. We will support the bill at second reading so that work can be done in committee to try to improve the parts that are inadequate.

We would have preferred to quickly pass the part of the bill on which there was consensus, but sadly the Conservatives did not want to do that. That is unfortunate for those who are currently being bullied and who will continue to be bullied until this bill is passed.

Ms. Éline Michaud (Portneuf—Jacques-Cartier, NDP): Mr. Speaker, I would like to thank my colleague from Sherbrooke for his eloquent speech.

I would like to come back to something he mentioned in the answer he just gave to the member opposite. The member opposite is criticizing the NDP for not wanting to pass certain aspects of the bill we are discussing today, which have been controversial since Bill C-30 was introduced. My colleague already addressed this issue in his speech.

The Conservatives' attitude toward today's debate is the same attitude they adopt every time we try to make amendments to a bill.

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My colleague from Chicoutimi—Le Fjord proposed a national bullying prevention strategy that was defeated by the Conservatives, who wanted nothing to do with it. What is more, my colleague from Dartmouth—Cole Harbour introduced Bill C-540, which received broad support. However, the Conservatives decided not to do anything about it and to instead develop a much more complicated bill to try to pass measures that Canadians do not agree with.

I would like my colleague to elaborate on how the NDP's approach is a much better way of finding a real solution than the Conservatives' divisive approach. I would like him to explain a bit more about the advantages of working together in the House, rather than trying to divide people, as we unfortunately see with all of the bills that the Conservatives introduce.

Mr. Pierre-Luc Dusseault: Mr. Speaker, I thank my hon. colleague for her excellent question.

Indeed, the Conservatives tend to use more partisan tactics to try to achieve their ends. I do not wish to impugn their motives when it comes to this bill; perhaps they are in a better position to answer this question themselves.

All too often we have seen the Conservatives use sensitive, topical issues that evoke a reaction when drafting their legislation. Then they sometimes send emails to their supporters just a few minutes later to try to raise money. All too often we have seen the Conservatives use sensitive, important issues to play politics. I do not wish to attribute them such intentions in the case of this bill. I think they are acting in good faith when it comes to bullying.

However, this is not a common sense approach for legislators. They should be doing things better than that.

[*English*]

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, I am privileged today to stand here speaking to Bill C-13, the protecting Canadians from online crime act. The legislation would prohibit the non-consensual distribution of intimate images. It would empower a court to order the removal of intimate images from the Internet, and it would permit the court to forfeit a computer, cellphone, or other device used in an offence outlined in this legislation.

Amendments to the Criminal Code would include creating a new offence to prohibit the non-consensual distribution of intimate images, with a maximum sentence of five years' incarceration or six months' imprisonment on summary conviction. It would also direct the sentencing judge to consider upon conviction whether that person should be restricted from use of the Internet for a specified period of time.

It would also authorize the judge to order the removal of an intimate image from websites if the person depicted did not consent to the image being posted. It would allow the judge to order restitution, following conviction, to the victim. It would empower the court to seize and order the forfeiture of property related to the offence, such as computers and mobile devices.

Furthermore, a justice could issue a peace bond where, on reasonable grounds, he or she believed that an individual would commit a new offence. Last, and quite importantly, a person could

also ensure that the spouse of an accused person was eligible to testify against the accused in court.

As a former police officer, I am a little biased on this legislation, because I believe that it goes as far as it needs to go. I will explain to my colleagues why I believe it does.

A lot of the existing powers that assist police in investigations have not been modernized for some time. In fact, it is long overdue. For the most part, police are working with 1980s legislation in 2014. It is a bit of an advantage to the bad guy, as the police are always playing catch-up. As we have heard previously from other speakers, they want to hear why the police cannot react more quickly. The reality is that the laws are not there for them to act more quickly.

This legislation would provide for the preservation of volatile computer data. Found under proposed section 487.012, a police officer could make a demand, in form 5.001, requiring a person to preserve computer data in his or her possession. Unless the demand was revoked earlier, it would expire 21 days after it was made. This is probably the most valuable tool for police in this electronic age. It would allow the police the time needed to obtain a warrant to seize evidence. In this electronic age, data can be destroyed or quickly moved. This in itself would allow police to act in a more proactive manner.

I would like to speak to this a little more. The fact of the matter is that with computer data, when police identify a suspect, they do not have the ability to go to that person and say that they need to hold on to the information and cannot delete it, move it, or do anything with it. They would be able to do that through form 5.001. They have not been able to do that to this point in time. It would be a huge opportunity for the police to actively investigate something more proactively.

It would require judicial authority to acquire preserved computer data. As mentioned above, the police would be given the authority to preserve the evidence, but they would still have to obtain a warrant to seize the evidence. That has always been the case.

● (1700)

There is a misconception sometimes that police can just go and grab something and do not need a warrant. The fact of the matter is that there has always been a judicial requirement to seize evidence. Otherwise, once it gets to court, it is thrown out. This bill would give the police an added 21 days to preserve evidence and to be able to obtain a warrant.

The bill would modernize the Criminal Code to recognize all forms of communication. Until recently, the Criminal Code commonly identified communication as either oral or written. We have come a long way in the last 20 years. The Criminal Code identifies what can be received electronically by the police through oral or written means. As I said, we have come a long way, especially with the advent of Facebook, the Internet, Twitter, and Instagram. A lot of these things have really changed the way the police have had to do business.

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Most communications today are made by electronic means. Today, to write a letter and put it in a post office box is foreign to most people. It just does not happen. Most of us in this place right now are looking at an electronic device. We are not looking at a piece of paper. We pay our bills online, and we communicate using mobile devices.

This legislation would give police better tools to better track and trace telecommunications. We live in a world where electronic messages and photographs can be distributed instantly anywhere around the world. Giving police the tools to react quickly is not only needed but well overdue.

I have heard from the other side that we should split the bill. Members like one part but not the other. The fact of the matter is that we cannot have one part without the other. It is not possible. We have to be able to give the police the authority and the ability to track electronic data, as is known today, that was not there 20 years ago.

Finally, this legislation would streamline the process for obtaining multiple warrants and orders relating to the execution of wiretap authorization. I was the author of two Part IV affidavits in my time as a police officer. I can tell the House that it is a long and arduous process that requires multiple layers of investigation, each of which must be verified and then reviewed and approved by a Supreme Court judge. To get to this level of investigation, all other forms of investigation must have been exhausted. This form of investigation is not taken lightly by any level of police or judicial department.

My good friend from York Centre in his speech mentioned DNRs, or dial number recorders. It brings me back to a few years ago, when we used those prior to getting to a full wiretap. Just to get a dial number recorder opportunity to place on a phone line goes through a huge amount of paperwork and justification for a Supreme Court justice.

With so many forms of electronic devices available to the public, police must have multiple tools available to them, including wiretap evidence, but I can assure you, Mr. Speaker, and every Canadian, that it is used as a last resort.

It is far too easy in this day and age to do hurtful, irresponsible, and illegal activities that were not possible not so many years ago. With Facebook, Twitter, Instagram, and other forms of social media, we have seen how it is used to humiliate, and in some cases, to have the worst of outcomes, because the victim has absolutely no control over an anonymous, faceless predator.

People who commit these cowardly acts need to be held to account as quickly as possible. This legislation is a good start. We must recognize, as legislators, that when it comes to the Criminal Code, we must provide the most up-to-date laws so that both the police and the courts can deal with this type of crime.

• (1705)

[*Translation*]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, everyone in the House agrees that this is a crucial issue. There have been some very serious tragedies across Canada, including what happened to Rehtaeh Parsons last year. We all want to work together.

Why did my Conservative colleague not support Bill C-540, introduced by my colleague from Dartmouth—Cole Harbour, which would have achieved the consensus of the House and would have allowed us to tackle the bullying problem right away?

[*English*]

Mr. David Wilks: Mr. Speaker, the reality is that Bill C-13 is a bill that is all inclusive. It provides what we want to do with regard to cyberbullying, but it would also enhance the ability of police to do investigations through electronic means. We need to continue down this road. This is a great start, and I look forward to looking at Bill C-13 at committee.

• (1710)

Mr. Colin Carrie (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I want to thank my colleague from Kootenay—Columbia. He has so much credibility when he speaks to these issues, as he served our country as an RCMP officer for years. Listening to what he has to say really gives us, here in the House, some perspective on what the bill actually means on the ground.

That is going to be my question to him, if he could elaborate. He said that he has been listening to the speeches throughout the day and that people misunderstand what the reality is out there. He has heard people say that we should split the bill. He said that we cannot have one without the other. I was hopeful that he could use some of the time remaining to actually explain this in detail so that other members in the House would realize why it is so important that we move forward with this very important bill.

Mr. David Wilks: Mr. Speaker, when we are dealing with electronic forms of communication, the police need to be able to obtain that information through those means. Because we are in a computer age, when someone in a far-reaching country can impact someone in Canada within seconds, the police have to be able to intercept, track, and monitor those types of things. The bill identifies specifically what the police can and cannot do with regard to the transmission of data and the electronic data they receive.

When police enter into an investigation, it is far-reaching, and it takes a long time to get to that electronic interception portion of the investigation. However, we also have to recognize that with regard to things we have seen recently, it can change very quickly. Giving the police the ability to have electronic data information is something that is essential to ensuring that this does not happen again.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I do not think there is any question that every member in the House wants to see action taken to ensure that with the use of the Internet for bullying, for intimidation, and for spreading pornographic images, we have all the tools law enforcement needs. However, the balance must be maintained to ensure that we do not open up warrantless access to the records of thousands of Canadians who are committing no crimes.

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I recognize the hon. member's time with the RCMP, and I appreciate the work he did. It could be cumbersome to obtain a warrant, but in most cases, surely the RCMP are able to obtain warrants as they go through the business of proceeding in criminal trials and investigations. That has been the rule of law in our country, and we need to extend it to the Internet, not raise the flood gates on warrantless access.

Mr. David Wilks: Mr. Speaker, I am a little confused by the question, because there is nothing in the bill with regard to warrantless searches. I would like to see the section that says warrantless search. There is nothing in there. There is a preservation order. A police officer must still go to a justice to get approval to get the information from the preservation order. There is absolutely nothing in the bill for a warrantless search and never will be.

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, I am pleased to rise to speak in support of this bill. In doing so, I wish to salute the leadership and thoughtful analysis that has been provided by my colleague, the member for Gatineau. As is so often the case in the House, I wish I could simply stand in this place and enthusiastically support this Conservative initiative, but once again the Conservatives cannot stop themselves from overreaching.

As others have noted in this debate thus far, the official opposition requested unanimous consent to have the bill divided into two parts and to allow the part that was initially introduced by my colleague from Dartmouth—Cole Harbour, Bill C-540, the non-consensual distribution of intimate images, dealt with in one fashion, and ask that it be adopted as quickly as possible in committee because of all-party support. Why could this not be about that? Because it is about more than that. Other provisions from the defunct Bill C-30 should be studied separately, in the NDP's view, and given the attention that they so desperately require.

I am going to speak first about some of the cyberbullying issues, then focus upon what are called the lawful access provisions and the critique that so many people have made about those provisions, and then return in the few minutes available to the issue of cyberbullying, which is so critical.

Even in this fractured and divided Parliament, I cannot imagine many colleagues who would disagree with the need to better protect people of all ages from the distribution of intimate images without their consent. We have clearly heard from families, educators and law enforcement officials that there is a need to update the Criminal Code to address this kind of malicious activity. There seems to be no doubt about that. In fact, a few months ago I attended a presentation on Parliament Hill that was hosted by ResearchImpact, Canada's knowledge mobilization network group, that is seeking to maximize the economic, social, health and environmental impacts of research.

Among the presentations I heard in the Centre Block was one by a University of Victoria professor on a program that Professor Bonnie Leadbeater, a professor in the department of psychology at the University of Victoria, was involved in as a researcher. She is also the author and evaluator of WITS LEADS, an elementary school program, a program designed to bring together schools, families and communities to help elementary school children deal with bullying and peer victimization and to encourage adults to respond more effectively to children's requests for help.

This cutting-edge research by Professor Leadbeater and her peers has made a real impact across the country. In fact, for her work, Professor Leadbeater was awarded the Partnership Award by the Canadian Institutes of Health Research this past year. I am happy to see such important and applied research on bullying from my community and that it has had such national impact.

Therefore, it is unfortunate that the Conservatives are taking a straightforward issue that everyone supports and making it into something much more complicated than it needs to be. That is why the NDP has proposed the splitting of this bill, with all of its unanimous support, from those parts that are, frankly, much more controversial, as I will describe in a moment.

We all know that the initiative for Bill C-13 was the tragic events of the highly-publicized suicides of two adolescent victims of cyberbullying, Rehtaeh Parsons of Nova Scotia and Amanda Todd from my province of British Columbia. Frankly, the bill essentially repeats what my colleague, the member for Dartmouth—Cole Harbour, had already put in his bill, as I said earlier, so obviously there is no issue of support. However, the scope of the application of Bill C-13 is so much larger and targets a whole lot of other issues that have nothing to do with cyberbullying, issues like access to bank financial data, the Terrorist Financing Act, telemarketers and the theft of telecommunications services. These are all in the bill before us today.

● (1715)

It is the issue of access and warrantless disclosure of personal information from Internet service providers to "lawful authorities" that is at issue for this other part, the larger part of this initiative, and it is that I wish to address now.

Many experts on privacy law have expressed great concern over this initiative. A famous privacy lawyer in Halifax, David Fraser, has expressed it as "really cynical and disappointing", to use his words. He says that there is a whole bunch of irrelevant and other stuff in here that is going to distract from the legitimate discussion of how to fine tune it and get it absolutely right. He is, of course, right.

I would like to focus on the very current critique of the bill by Professor Michael Geist who is perhaps one of our most famous academics and practitioners in this field.

Professor Geist, the Canada Research Chair of Internet and E-commerce Law, is a professor at the University of Ottawa. To say he has written prolifically on this topic would be an understatement. As recently as two weeks ago, he wrote the following:

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The debate over Bill C-13, the government's latest lawful access bill, is set to resume shortly. The government has argued that the bill should not raise concerns since new police powers involve court oversight and the mandatory warrantless disclosure provisions that raised widespread concern in the last bill have been removed. While that is the government's talking points, I've posted on how this bill now includes incentives for telecom companies and other intermediaries to disclose subscriber information without court oversight since it grants them full civil and criminal immunity for doing so. Moreover, newly released data suggests that the telecom companies don't seem to need much of an incentive as they are already disclosing subscriber data on thousands of Canadians every year without court oversight.

This is not an opposition politician speaking. This is probably the leading academic expert on this matter in the country who is bringing this to our attention. No wonder there continues to be great concern.

Professor Geist goes on to talk about the work that the Privacy Commissioner is doing, the recommendations she has released designed to enforce privacy protections in the age of cybersurveillance and a report that includes recommendations for reform to our private sector privacy law to:

—require public reporting on the use of various disclosure provisions under PIPÉDA where private-sector entities such as telecommunications companies release personal information to national security entities without court oversight.

That is what is before us.

Civil liberties groups and academics sent a public letter to the various leading telecom companies asking them to shed new light on this policy of data retention and sharing policies. The claim is that our role in the whole surveillance activity remains a bit of a mystery, but there can be little doubt that Canadian telecom and Internet companies play an important role as intermediaries that access, retain and possibly disclose information about their subscribers' activities. These are the kinds of concerns that have so many Canadians continuing to be concerned.

I would like to read another quote into the record from Professor Geist. He says:

In fact, Bill C-13, the so-called “cyberbullying” bill, includes a provision that is likely to increase the number of voluntary disclosures without court oversight since it grants telecom companies and Internet providers complete immunity from any civil or criminal liability for those disclosures....The privacy implications of this secret disclosure system are enormous...

I wholeheartedly support the initiative on cyberbullying. However, once again, I wish the government did not overreach and go into this area of lawful access, which causes so much concern in the communities across the country.

• (1720)

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, the member referred to warrantless searches and telecommunication companies retaining data and potentially providing it to the police. Could the member give an example of that?

Mr. Murray Rankin: Mr. Speaker, one of the issues that is addressed in the bill is the so-called low threshold for what is called metadata. Professor Geist has been talking about the voluntary disclosure resulting from privacy threats of personal information and the lack of civil and criminal immunity granted to intermediaries like Internet service providers and telecom companies that provide

disclosure. It is the definition in the bill of transmission data that is so concerning.

The bill would create a new warrant allowing judges to order the disclosure of transmission data when there would be reasonable grounds. However, there is also this continuing concern about metadata, which if we have learned nothing from the revelations in the last while concerning the national security agency and CSEC, we obviously have to address very carefully.

• (1725)

[*Translation*]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, as my colleagues have already said in the House, we have some reservations about this bill. We would certainly change a number of things.

I would like my colleague to tell us what he would like to change about this bill and whether he has confidence in the committee process given the Conservative majority in Parliament.

[*English*]

Mr. Murray Rankin: Mr. Speaker, I am concerned about the provisions that used to be in Bill C-30, the “you're with us or you're with the child pedophiles” bill as the former minister of public safety referred to it. It would appear that many of those provisions have been put into this bill without a lot of analysis. We have an amalgam of a bill that everyone supports on cyberbullying with its controversial provisions of that sort dealing with public safety.

The bill will go to committee for which I am obviously grateful, but a lot more work needs to be done with it. Whether the government of the day, having tried once, failed and come back again, will accept amendments will remain to be seen. We live in hope.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, as my colleague said, there clearly is a difference between the Conservative talking points around critical issues of privacy and what is actually in the bill.

I have also reviewed what Professor Geist has had to say about the bill and I am concerned that the privacy of Canadians could be infringed.

Could the member for Victoria explain more clearly what the difference is between the sections where the judge would have supervisory powers over the access to evidence and where telecommunication companies would turn over private information without review?

Mr. Murray Rankin: Mr. Speaker, to do so would require an analysis of the Personal Information Protection and Electronic Documents Act that has been the subject of a mandatory review by the House but has yet to take place; that is to say, we have not had that bill reintroduced. It deals with telecommunication companies and the like. How that is going to connect with this initiative is something about which many people are worried. In other words, we have a two-legged stool but we are only examining one leg here to fully understand how it is going to work.

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The government should finally come forward with the amendments to PIPEDA that are long overdue and awaited by so many sectors so we really can effectively and fully answer the question by my hon. colleague from Saanich—Gulf Islands.

Mr. Larry Maguire (Brandon—Souris, CPC): Mr. Speaker, I rise to speak to Bill C-13, the protecting Canadians from online crime act.

I would like to use this opportunity to speak to some of the misconceptions about this important piece of legislation. Much has been reported in the media about Bill C-13 proposing an expansive new power that would allow police to collect and obtain evidence without a court order. Further, it has been reported that this new provision would encourage telephone and Internet companies to provide as much information as they want, because they would be protected from criminal and civil liability.

In all honesty, I am not sure where to start when addressing these assertions because they are misleading and inaccurate. The much maligned provision in question is the proposed section 487.0195 of the Criminal Code. This proposed section has been portrayed by some as a convenient way for the police to sidestep court authorization requirements by requesting, from organizations, for example banks, telecommunication service providers, et cetera, voluntary disclosure or voluntary preservation of documents or data.

I want to be clear at the outset that this provision is included in Bill C-13 for greater certainty only. As is the case for similar types of provisions used sporadically throughout the Criminal Code, proposed section 487.0195 is intended to clarify Parliament's intent relating to a provision and to assist the courts in interpreting the law. To be clear, proposed section 487.0195 would not provide the police with any new powers.

Under the law today, and under the law prior to the creation of production orders in 2004, police, as part of their general policing duties of common law, have always been permitted to obtain information voluntarily from a third party without a court order. In 2004, production orders were included in the Criminal Code to allow police to obtain a court order that would compel a third party to provide information in situations where the third party could not or would not do so voluntarily.

I say “could not or would not” here because companies have obligations regarding the protection of information. Companies that collect the personal information of Canadians have to store it, use it, and disclose it in accordance with privacy legislation, such as the Personal Information Protection and Electronic Documents Act. In addition, they may have other relevant obligations not to disclose information, for example, pursuant to their contractual agreements with the customers.

It may also be of interest to note that most privacy legislation is crafted in a permissive manner when it comes to disclosures. This means that the legislation spells out when a company can voluntarily disclose information. In other words, the legislation permits the disclosure of personal information in certain circumstances but never requires it.

This is a very important point, because there have been concerns expressed that section 487.0195 is somehow creating a new power

requiring companies to provide access to information. It is not a new power, it is merely a re-enactment of an existing “for greater certainty” clause, nor does it contain any requirement to co-operate with a request. Police can ask for the voluntary disclosure of information, but the third party is free to refuse to disclose it until a judicial warrant or order has been issued. The initial version of this “for greater certainty” provision was enacted in 2004 as section 487.014 of the Criminal Code. It was created to make it clear that there was no need for the police to obtain production orders when persons were providing their assistance on a voluntary basis as long as there was no prohibition against the person doing so.

To put it another way, the primary purpose of this provision was, and still is under the proposed section 487.0195, to clarify that police do not need a judicial protection order every time they ask a person for information.

To sum up on these points, section 487.0195 is not new to the Criminal Code. It has existed since 2004. It is not a power. By its very definition, it can only clarify what already exists in the law, and cannot be the source of new legal authority.

The explicit protections from criminal and civil liability now found in subsection 487.0195(2) of this “for greater certainty” provision have also been mis-characterized as a “get out of jail free” card or as a provision that will open up the flood gates and allow the free flow of information between the private sector and the state.

● (1730)

It is true that Bill C-13 proposes to amend the law to explicitly refer to the protections from civil and criminal liability when a person chooses to provide voluntary assistance to the police. However, this amendment would not be a major change to the law as it presently stands. The Criminal Code currently provides this protection under section 25, which is cross-referenced in the current version of this section, section 47.014. The cross-reference to section 25 in the law currently and the new text proposed in Bill C-13 are both designed to clarify that a person who discloses information could not be sued or prosecuted for voluntarily providing information that they are not prohibited from disclosing.

It should be noted, however, that the considerable case law interpreting the scope of the existing protections under section 25 is consistent in that it only protects conduct that is reasonable in the circumstances. This is not a blanket protection for assisting police. A telephone company that voluntarily provides information to police that they are legally obligated to protect, including under contract, could not avail itself of these protections.

To be clear, whether Parliament again legislates in this area or not, this protection already exists through the court's interpretation of section 25 of the Criminal Code. Including language in the bill that explicitly indicates more clearly the existing protections from civil and criminal liability in the current law is not a proposal for substantive change. It would make the provision more transparent and understandable on its face. This is not a significant development of the law in this area, nor is there any hidden agenda.

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This provision is not expected to have a large impact on current practices. All it does is clarify and make more transparent the current protections. This clarification may help new companies that are just entering into co-operation with law enforcement for the first time to more easily be able to understand the scope of the law in this area. They would not have to hire lawyers to research the jurisprudence to understand how the protections afforded by current section 25 of the Criminal Code would apply in this context.

I will take a moment to speak about the other minor changes that are proposed for this section. Bill C-13 proposes to incorporate a reference to preservation demands and preservation orders into the section, to clarify that a person may also voluntarily preserve data, so long as doing so is not otherwise prohibited.

Bill C-13 also proposes to remove a reference to the public officer “enforcing this or any other Act of Parliament” from the current section 487.014 to ensure that the provision is not misinterpreted as precluding voluntary co-operation in the context of general policing duties that do not directly relate to the enforcement of a statute. Such common law police duties include contacting the next-of-kin of an accident victim, returning stolen property to its owner, or contacting the homeowner in the case of a break-in.

Police are better able to keep society safe and to investigate criminal activity when persons, groups, and organizations are willing to assist them. The purpose of the current Criminal Code section 487.014 and the proposed section 497.0195 of Bill C-13 is to ensure that police and the public can continue to work co-operatively. In the context of this provision, the proposed legislation does not provide the police with any new powers. The bill proposes small revisions to the current law, to make clearer in what circumstances the police do not require production orders if a third party voluntarily assists in a police investigation by voluntarily providing information.

I would add that the type of mis-characterization of the bill that we have witnessed by some commentators distracts from fruitful debate on the subject. This is an important bill, not only for what it provides Canadians in the form of increased protections on the issue of cyberbullying, but also because it provides police with an investigative tool box for modern technology that protects and respects people's privacy.

Canada's international partners have been using these kinds of updated tools for over a decade. These new and modernized investigative tools will not only give police access to the information and evidence they need to apprehend Internet criminals, but they will also assist police in addressing crimes generally in today's advanced telecommunications environment, where smart phones and computers are ubiquitous and telecommunications technologies are constantly evolving.

These tools have been carefully tailored to balanced the interests of the state in collecting vital evidence relating to the commission of a crime with personal privacy interests that Canadians value so profoundly.

● (1735)

Each tool was calibrated to reflect its relative level of invasiveness against the privacy interest in the information it is used to obtain. Although many of our international partners have had access to these

types of tools for well over a decade, the extra time Canada has taken to enact these updates has allowed us to learn from the successes and failures of others, and I am confident that the investigative toolbox that Bill C-13 would provide police has incorporated the most sophisticated privacy protections for Canadians.

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, I listened to my colleague's speech and many of the speeches this afternoon with great interest because at the heart of it, all parties agree with the essential underpinning of part of this bill, which is to protect young people from cyberbullying.

However, there is a history here, and my hon. colleague from Dartmouth—Cole Harbour presented a bill 10 months ago that would have done exactly this. We have been asking the government, as we have on many other occasions, to split this bill to make this a much clearer declaration and protection for young people, and with the adoption of the measures that were in the previous bill that my colleague from Dartmouth—Cole Harbour presented.

Could my colleague answer a simple question? If this entire House is focused and agrees on the importance of this, why would the government muddy the waters by bringing in a variety of other issues including the imposition of a two-year sentence for somebody who steals cable? Why would that be thrown into a bill that is supposed to protect young people from cyberbullying?

● (1740)

Mr. Larry Maguire: Mr. Speaker, it has been pointed out by my colleagues very clearly why this bill is so important to be collectively put together in this manner, to try to protect from cyberbullying not only our youth of today but others as well in our Canadian society, particularly from electronic cyberbullying. There are many types of cyberbullying that are not offensive, but the type of cyberbullying that can be done electronically without consent is certainly not acceptable in our society. It does not keep our streets safe. It does not keep our young people, or many adults, from being put into abusive situations, because the type of cyberbullying we are talking about has been done without their consent in many cases.

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, I was interested to hear the member talk about the privacy safeguards contained in the bill. I would say “incredulous” would be closer to the right word.

There is a provision within the bill that would provide an immunity for Internet service providers and telcos who voluntarily provide information. So this is an immunity against civil prosecution and against criminal prosecution. Could the member explain how this immunity ties in with his thesis that there are privacy protections contained in the bill?

Mr. Larry Maguire: Mr. Speaker, I made it very clear in my comments that in relation to some particular types of questioning that can be done by individuals for their privacy on this particular bill, there are many areas where disclosure is not part of the laws we have in Canada today. Particularly, as I pointed out, in the case of some companies, there are privacy legislation and laws in place that they have to work with their employees before a company can provide such disclosure, and it would be up to the individuals.

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Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, I want to thank my colleague for his excellent speech on Bill C-13. We have heard a few times today from opposition members about splitting the bill, and it was part of a previous question.

We seem to have agreement among the parties that first, the bill is going to go to committee, which is excellent; and that second, making cyberbullying a criminal offence is important. However, there seems to be a discussion about whether we give the police and the legal system the tools to actually enforce that criminal offence.

Can the member talk about why it is important that the bill have both? Not just identify and create a criminal offence for cyberbullying but also give police and other law enforcement and judicial systems the ability to enforce the new criminal law.

Mr. Larry Maguire: Mr. Speaker, the concern, of course, is to put some teeth behind being able to define what cyberbullying might be. Without having some kind of penalty put in place for law enforcement, it is a very difficult bill to enforce.

The opposition would perhaps like to have an identification of cyberbullying with no consequences. Our government is committed to providing an outcome that is very clear. There has to be some way of backing up the identification of cyberbullying with an enforced result that tries to protect and prohibit people from continuing to provide such cyberbullying mechanisms in the future.

• (1745)

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, it is my honour and pleasure to speak in the House to Bill C-13, from a couple of perspectives.

As the chair of the justice committee, I am looking forward to the discussion and debate we will have with the many witnesses who come forward on this important bill. Because of the issue of cyberbullying, the Government of Canada, and all of us, recognize the importance of Bill C-13 and taking a proactive approach on this.

However, before I get into that, I will admit that I did not know much about the aspects of cyberbullying. Therefore, over the last few weeks I have had the opportunity to talk to my daughters, who are 23 and 24, one of whom has just graduated from university. The other one is still in university, which is not that far away from high school.

We live in a relatively affluent community. There is no denying that Burlington is relatively affluent. I asked them what they knew about cyberbullying in their high school or this community. To my surprise, both of my daughters indicated there were two incidents within their own high school. Young women were photographed without their consent, in what I will describe as compromising situations, and those images were distributed throughout the high school. It did not result in the kind of tragedy that we have had elsewhere in Canada; however, it was an absolute form of bullying that I was not even aware of.

This issue, which we all agree is an issue, does affect all areas of Canada. There is no economic disparity in terms of lower-income people being more apt to experience higher aspects of cyberbullying than higher-income communities. It affects everyone. That is why this bill is important and needs to be comprehensive.

I know we have heard a few discussions from the other side about there being a motion to deal with a strategy. Strategies are great for collecting dust. From our perspective, we need action. This bill takes action.

We heard that there was a private member's bill from the opposition on a specific portion of cyberbullying, which is accurate. However, I think we have, in a more appropriate way, taken a more comprehensive approach to attacking this issue and applying the laws of the land to it.

I have not heard anyone say that this is not a complicated issue. Once in a while it has been said that there is a simple answer. There is no simple answer. What we are doing today will not end cyberbullying. I do not think that anyone is declaring a victory over cyberbullying.

However, these are the tools we need to attack this problem. We need to make it a criminal offence. We need to give police and the judiciary the tools to enforce this law. We need it so that when we do catch these individuals who are spreading inappropriate, non-consensual photos of youth, which is the example I will use because we are familiar with it—although it can happen at all ages, and the bill does not apply just to youth but to everyone—the country will have the tools to say that it is a criminal offence, something that we will not tolerate, and they will face a consequence for doing it. In addition, we will provide the police with the ability to do investigations, to collect evidence to sustain a criminal offence in terms of prosecution through the court system.

My hope is that as we attack this problem through the police, the judicial system, and our criminal court system, and that as those who are committing these crimes are found guilty, it will be a wake-up call to end cyberbullying. It is a process that will not happen overnight, but it is one that we need to start.

• (1750)

I want to talk for a few minutes about some of the myths we have heard regarding this bill. In one of the earlier speeches, someone said we are making the stealing of cable signals illegal. Guess what? Stealing cable is already illegal. People are not allowed to take cable without paying for it. That is already in the Criminal Code. All the bill does is to improve the wording, to capture that activity and the new ways of telecommunications and cable providing Internet services. That is what the bill would do. Stealing cable signals is illegal. Everyone in the House should know that and should not be questioning why it is in the bill.

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A big myth about the bill is that it incorporates the controversial elements of Bill C-30, which rightfully was withdrawn by our government, in response to two things. One was regarding some activity that could take place that would not require a warrant. It was clearly in the bill, and it is not in Bill C-13. Every activity requires a warrant. That was the reaction we had, and we went through the bill and changed the process to reflect what we heard from the public and the opposition parties.

We should be congratulated on that, but that is not what happens around here. That is part of the problem with the House. When a government listens to the opposition and the public and makes a change, it should be congratulated and not criticized for making that change. That is not what happens around here. The government was told that it was not competent to know that in the first place, so it was criticized for making a change. Why bother making a change? In this case, making the change was the right thing to do, and that is why we did it.

There was another piece in Bill C-30 that dealt with the framework by which a provider of Internet services would have to have something so that we could monitor the traffic, basically. We got rid of that piece. It is not in the current bill, and that was part of what we heard in terms of a response to Bill C-13.

I have heard from the opposition members not to be reactive, to be proactive. This is exactly what Bill C-13 does. It is proactive activity that the police are able to undertake so they can do their job, so we can bring criminals who are attacking our young people to justice. Being proactive is exactly what Bill C-13 does.

The third issue we heard about is that this is an omnibus bill. We agree with making it a criminal offence, which is excellent, and everyone should agree with that. However, there are other parts in the bill that actually implement the criminal offence, that allow the police and the judicial system to charge folks, investigate, bring them to court, and bring them to justice, to end this horrific crime that is mostly done against young people.

We need Bill C-13. I am looking forward to the committee stage. It is my understanding that we have a tremendous number of witnesses to talk about the different issues. That is where the debate will really happen, in terms of witnesses telling us what could be better. We will have a discussion among the members of Parliament, ask good questions, and we will get the best bill we can to help protect the young people of this country.

• (1755)

[*Translation*]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, the NDP would obviously like to change a number of things in the bill. Honestly, I must say that we do not have a lot of trust in the government, because it has rejected all the amendments proposed by the NDP in committee. I do not believe that the government will work with us on improving this bill and ensuring that the bill truly meets the needs of people who are bullied.

I would like to ask the following question. Why did the government not support the bill introduced by my colleague from Dartmouth—Cole Harbour? He introduced Bill C-540 to address cyberbullying. Why did the government wait for months instead of

simply supporting my colleague's bill, which would have helped speed up the process?

[*English*]

Mr. Mike Wallace: Mr. Speaker, I have two answers. One is to the question and the other is to the lead-up to the question.

First of all, on the lead-up to the question, if the member from the NDP checks with the Chair, she will find that there have been NDP amendments for different items at the justice committee that have been accepted. To say that we are 100% no-confidence or that 100% of the NDP amendments have never been approved or accepted at committee is completely inaccurate.

Secondly, I personally did not support the NDP private member's motion because it was not comprehensive enough. The motion dealt with making cyberbullying a crime, but it did not give the tools to enforce the Criminal Code. That is why we needed a government motion that would be properly vetted through the justice department. We are much more comprehensive in our approach to this very complicated issue.

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, the member indicated that the warrantless production of documents and the warrantless search is now a thing of the past, and that this element of Bill C-30 is not present in Bill C-13. However, there is something in Bill C-13 that would provide immunity to Internet service providers and telephone companies when they produce records at the request of law enforcement authorities. In order to make it easier for them, this immunity would apply to both criminal prosecution for the production of these records and any civil suit.

Given that the member's position is that there are no longer warrantless searches, is it not the case that there is now an incentive for co-operation among Internet service providers, or at least a disincentive has been removed, which is tantamount to having warrantless searches all over again? What the government is doing indirectly is what it tried to do directly, through Bill C-30.

Mr. Mike Wallace: Mr. Speaker, that is a huge stretch and it is just not accurate. In any criminal activity right now, a Canadian, whether a company or an individual, has the right and the opportunity to voluntarily support and help the police in an investigation. If my house gets broken into, I can invite the police in to do a search to help find the culprit.

All we would do with this legislation is try to encourage businesses to actively and proactively support finding the culprits who are carrying out criminal activity against our youth. I see no problem with that. I know that the Canadian public has no problem with that, and I will be supporting that in this legislation.

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, could the member comment on transmission data? It has been a bit of a question here on what the police can and cannot do with transmission data, and what they can and cannot reveal.

Government Orders

Mr. Mike Wallace: Mr. Speaker, I had to read about what transmission data is. It is the information that the Internet provider has. The police can go and say it is not allowed to delete the information. We have that in Ontario legislation, but I think the Liberals did it anyway. The information has to be put on hold. The police do not have access to it. They have to go and get a warrant to get access to it, but it prevents the Internet provider from actually deleting it.

As we know, bits and bytes are pretty easy to delete. We want to keep them for the police to do their proper and proactive investigations.

● (1800)

[*Translation*]

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I am pleased to rise in the House today to speak to Bill C-13. We could call it, among other things, the bill to protect Canadians against cybercrime.

This bill focuses on cyberbullying and bullying, something that I feel very strongly about. I have worked on this almost since I became an MP and even before that. I am the father of two daughters, one in elementary school and the other in high school. Thus, I am very concerned about the issue of bullying and cyberbullying. Furthermore, I was formerly a teacher. I was a high school and adult education teacher for almost 10 years.

I realized that bullying and cyberbullying are very important concerns. We have to tackle them and work on prevention. In fact, prevention is the first thing we must work on. This bill provides for solutions once the damage has been done, but we also have to work on prevention.

In that regard, even before I start talking about the bill, I would like to point out that the NDP is leading the fight against bullying. Two NDP members did an excellent job of bringing this subject to the attention of the Conservatives, who really did not have this on their radar. The first, the member for Chicoutimi—Le Fjord, worked very hard after being elected to introduce a motion, which unfortunately was defeated by the Conservatives. I still cannot believe what happened. It is mind-boggling to see all that.

What is important is that this motion was about a bullying and cyberbullying prevention strategy. The strategy was very well laid out. I will come back to that later because it really is an important element that the Conservatives should take a look at.

There was also the bill introduced by my colleague from Dartmouth—Cole Harbour, Bill C-540. I still do not understand why the Conservative did not vote in favour of this bill. I do not understand why they voted against it, since the main provisions in that bill can be found in Bill C-13. We could have saved some time if everyone had supported the bill introduced by the member for Dartmouth—Cole Harbour, which could have been sent to committee to be amended. That is what democracy is about. We fully support democracy.

However, it is completely unacceptable that the Conservatives voted against the bill and have now introduced a very similar bill. Furthermore, they are turning it into a partisan issue by saying that

the Conservatives are the ones who drafted this bill and that they are very good.

It is sad to see this kind of partisanship in the House of Commons, especially on such an important issue. We are talking about the future of our youth. Young people are our future. We need to take care of them because our wealth lies in them. We need to pay attention to them and combat bullying and cyberbullying. This should not be a partisan issue. We should have been able to address this problem, which transcends party lines.

I am very disappointed that we were not able to move forward with these bills.

Before I go into more detail on Bill C-13, I would like to commend some groups in my riding of Drummond for the work that they have been doing day in and day out for years. Recently, in 2012, there was a big event to provide information, promote awareness and speak out against bullying.

● (1805)

All of the groups in the greater Drummond area that work every day on these issues were there. Sometimes large events like this are organized, but most of our organizations' work is done on a day-to-day basis.

The anti-bullying committee, which is part of the anti-violence committee, welcomed representatives from Sûreté du Québec, the Commission scolaire des Chênes, Collège Saint-Bernard, CALACS La passerelle, CAVAC, École aux Quatre-Vents—which has shown great initiative in the fight against bullying—Buropro, Commun Accord, the Association québécoise de défense des droits des personnes retraitées et préretraitées, the CSSS and others. Many concerned people in the greater Drummond area came together in the fight against bullying and cyberbullying. This was a major gathering in the greater Drummond area.

Earlier, I listened to the excellent speech given by my colleague from Sherbrooke. I also listened to the very heartfelt and passionate speech given by my colleague from Chicoutimi—Le Fjord, who has been fighting against bullying and cyberbullying for a long time.

The NDP members are the ones at the forefront of the fight against bullying and cyberbullying. That is why we are going to vote in favour of Bill C-13. However, we do so with a twinge of regret because we know that the Conservatives voted against a similar bill that we introduced.

This bill contains all sorts of measures. Unfortunately, the Conservatives use good bills that make sense, such as Bill C-13, as catch-all bills. This is what we call omnibus bills. They confuse the issue and therefore we do not know whether we will vote for or against the bill. If the fight against cyberbullying were the main focus of the bill, we would definitely have voted in favour of it.

Government Orders

What this bill is missing is a focus on prevention. I know how important that is from my experience as a teacher and a father and from listening to my colleagues, such as the member for Chicoutimi—Le Fjord. He proposed a strategy to combat bullying and cyberbullying. I would like to talk a little bit about it because it is extremely worthwhile. It is disappointing that the Conservatives voted against it, but it is not too late.

Front-line groups in Drummond and Sherbrooke are essential, as the member for Sherbrooke so rightly pointed out during his speech. They are the ones doing the work on a daily basis. However, the government must also stand firm at the national level, give good guidance and provide support.

I see that I have less than a minute to talk about this important, topical issue. The motion moved by the hon. member for Chicoutimi—Le Fjord stated that the House should study the prevalence and impact of different types of bullying, including cyberbullying. It is important to understand what this is really about. Then, we need to identify and adopt a range of evidence-based best practices to combat bullying and cyberbullying. Finally, we need to promote and disseminate anti-bullying information to Canadian families.

Schools and organizations are important, but families are too. Parents have a role to play by talking to their children about the serious nature of what they are doing. Bullying and cyberbullying are serious and can have a serious impact on the community.

● (1810)

The organizations that are working on this issue in Drummond and Sherbrooke and across Canada need support.

[*English*]

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, my colleague across the way has acknowledged the importance of this bill. It is an ongoing issue now in Canada.

Lianna McDonald is the CEO of the Canadian Centre for Child Protection in Winnipeg. Lianna has a lot of experience in working with victims of cyberbullying. She said that Bill C-13 “will assist in stopping the misuse of technology and help numerous young people impacted and devastated by this type of victimization”. For someone like Lianna McDonald who works every day with this, I would like to hear what my colleague has to say about her very insightful comment.

[*Translation*]

Mr. François Choquette: Mr. Speaker, I would like to thank my colleague for her question and comments.

She is absolutely right. Bill C-13 is a useful part of the fight against cyberbullying. The first problem is that the Conservatives already voted against a similar bill that we introduced.

The second problem is that this bill is a catch-all. It contains amendments to certain laws concerning financial data of banks, such as the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, as well as changes that concern telemarketing and the theft of a telecommunication service. It includes a number of the provisions of the former Bill C-30.

If Bill C-13 actually allowed us to seriously address cyberbullying, we would pass it quickly. Unfortunately, this is a catch-all that

contains some very bad measures. That is what we have a problem with.

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I thank my hon. colleague from Drummond for his excellent speech. I would also like to thank him for mentioning the organizations in Sherbrooke that are doing excellent work on the ground. These stakeholders in Sherbrooke work on a daily basis with young people, whether in schools or in other sites in Sherbrooke. Their essential work in our communities is based on prevention rather than providing a cure.

Can my colleague explain why it is important to adapt our legislation to new technologies? Does he think that bullying has changed over the past 30, 40 or 50 years? Has the way in which young people bully each other changed, even if they are doing it unconsciously? Why should we adapt our legislation as a result?

Mr. François Choquette: Mr. Speaker, I thank the hon. member for Sherbrooke. Indeed, cyberbullying has become a very dangerous weapon and is much easier to use than traditional bullying. Bullying and cyberbullying are both extremely dangerous.

Recent studies have shown that cyberbullying has an adverse effect on the social and emotional aspects of a young person's life and on their ability to learn in school. Effects include anxiety, shorter attention spans, lower marks in school, feelings of despair and isolation, depression and even suicidal tendencies.

Bullying and cyberbullying are tragic. We need to tackle and prevent these issues. First and foremost, we need to prevent this phenomenon altogether. When we cannot prevent, we must stop it, but sometimes it is too late for some young people. That is why it is important to tackle this problem. We need to take the bull by the horns and support organizations like the ones in Sherbrooke and Drummond.

● (1815)

The Acting Speaker (Mr. Bruce Stanton): It being 6:15 p.m., pursuant to order made Wednesday, March 26, 2014, 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.

[*English*]

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. I declare the motion carried. Accordingly the bill stands referred to the Standing Committee on Justice and Human Rights.

(Motion agreed to, bill read the second time and referred to a committee)

Hon. John Duncan: Mr. Speaker, I would request that we see the clock at 6:30 p.m.

The Acting Speaker (Mr. Bruce Stanton): Is that agreed?

Some hon. members: Agreed.

* * *

[Translation]

BUSINESS OF SUPPLY

OPPOSITION MOTION—TIME ALLOCATION AND CLOSURE

The House resumed from April 10 consideration of the motion.

The Acting Speaker (Mr. Bruce Stanton): Pursuant to order made April 10, 2014, the House will now proceed to the taking of the deferred recorded division on the motion of the hon. member for Bonavista—Gander—Grand Falls—Windsor relating to the business of supply.

Call in the members.

• (1840)

[English]

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

(Division No. 105)

YEAS

Members

Allen (Welland)	Andrews
Ashton	Ayala
Bennett	Benskin
Blanchette	Blanchette-Lamothe
Boivin	Borg
Boutin-Sweet	Brahmi
Brosseau	Caron
Casey	Cash
Chicoine	Chisholm
Choquette	Christopherson
Cleary	Côté
Crowder	Cullen
Cuzner	Day
Dewar	Dion
Dionne Labelle	Donnelly
Doré Lefebvre	Dubé
Dubourg	Duncan (Edmonton—Strathcona)
Dusseault	Eastar
Eyking	Foote
Fortin	Freeman
Garneau	Garrison
Genest	Genest-Jourdain
Giguère	Goodale
Grogulé	Harris (Scarborough Southwest)
Harris (St. John's East)	Hsu
Hyer	Jacob
Jones	Julian
Lamoureux	Lapointe
Larose	Latendresse
Laverdière	LeBlanc (Beauséjour)
LeBlanc (LaSalle—Émard)	Leslie
Liu	MacAulay
Mai	Marston
Martin	Masse
May	McCallum
McKay (Scarborough—Guildwood)	Michaud
Morin (Chicoutimi—Le Fjord)	Morin (Notre-Dame-de-Grâce—Lachine)
Morin (Laurentides—Labelle)	Morin (Saint-Hyacinthe—Bagot)
Mourani	Mulcair

Murray
Nicholls
Pacetti
Perreault
Plamondon
Rafferty
Rathgeber
Regan
Saganash
Scarpaleggia
Sellahsor)
Sims (Newton—North Delta)
St-Denis
Stoffler
Toone
Trudeau
Valeriote— 111

Business of Supply

Nantel
Nunez-Melo
Papillon
Pilon
Quach
Rankin
Raynault
Rousseau
Sandhu
Scott
Simms (Bonavista—Gander—Grand Falls—Windsor)
Sitsabaesan
Stewart
Thibeault
Tremblay
Turmel

NAYS

Members

Ablonczy	Adler
Aglukkaq	Albas
Albrecht	Alexander
Allen (Tobique—Mactaquac)	Allison
Ambler	Ambrose
Anders	Anderson
Ashfield	Aspin
Benoit	Bergen
Bernier	Bezan
Blaney	Block
Boughen	Braid
Breitkreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Butt
Calandra	Calkins
Cannan	Carmichael
Carrie	Chisu
Chong	Clarke
Clement	Crockatt
Daniel	Davidson
Dechert	Del Mastro
Devolin	Dreeshen
Duncan (Vancouver Island North)	Dykstra
Falk	Fast
Findlay (Delta—Richmond East)	Finley (Haldimand—Norfolk)
Fletcher	Galipeau
Gallant	Gill
Glover	Goguen
Goldring	Goodyear
Gosal	Harper
Hawn	Hayes
Hillyer	Hoback
Holder	James
Kamp (Pitt Meadows—Maple Ridge—Mission)	Kenney (Calgary Southeast)
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lauzon
Lebel	Leef
Leitch	Leung
Lobb	Lukiwski
Lunney	MacKay (Central Nova)
MacKenzie	Maguire
Mayes	McColeman
McLeod	Menegakis
Merrifield	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
Obhrai	O'Connor
Oliver	O'Neill Gordon
Opitz	O'Toole
Paradis	Payne
Poilievre	Preston
Raith	Rajotte
Reid	Rempel
Richards	Rickford
Ritz	Saxton
Schellenberger	Seeback
Shea	Shipley
Shory	Smith
Sopuck	Sorenson
Stanton	Storseth

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Strahl	Sweet
Tilson	Toet
Trost	Truppe
Uppal	Valcourt
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 — 145	

PAIRED

Nil

The Speaker: I declare the motion defeated.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

• (1845)

[*Translation*]

CITIZENSHIP AND IMMIGRATION

Mrs. Maria Mourani (Ahuntsic, Ind.): Mr. Speaker, during the humanitarian crisis associated with the Israeli-Lebanese conflict in the summer of 2006, and following the earthquake in Haiti in 2009, our country allowed Canadian children to return accompanied by both their parents, even if they were not Canadian.

That is currently not the case for Canadian children in Syria, which has been at war since 2011. Why this double standard?

The only concession the government is making in theory—again, in theory—is that these children can be accompanied by one non-Canadian parent. Families are being separated.

Out of the 14 cases of Canadian children that I identified in Syria, only one family agreed to make such an application and to live with the separation imposed by the government. Even in that case, the mother's visa was denied. That is why I say “in theory” because in fact, the Conservative government is doing nothing for these Canadian children stuck in Syria.

The question is: what is the situation in Syria? It is a terrible humanitarian crisis. On January 10, 2014, the United Nations announced that it would no longer update the death toll, which it estimated had gone well beyond 100,000. In April 2014, the death toll is estimated at more than 150,000, according to *Le Monde*. The situation for the children is catastrophic and despicable. We are talking about hundreds of thousands of orphans.

On March 13, 2014, the Special Representative of the UN Secretary-General for Children and Armed Conflict said that the number of children affected by conflict had doubled in one year and that Syria has become one of the most dangerous places on earth for children. Three million Syrian children are being deprived of an education.

In March 2014, the United Nations estimated that 9 million Syrians had left their homes because of the violence and that 2.5 million of them had taken refuge in neighbouring countries. Half of them are children.

Lebanon, which has a population of 4.8 million, has reportedly taken in a million refugees. Turkey and Jordan have reportedly taken in nearly 600,000 refugees each. Iraq has reportedly taken in nearly 220,000 refugees and Egypt just over 133,000.

During the summer of 2013, the government announced that it wanted to welcome 1,300 refugees here in Canada by the end of 2014 but that only 200 of those would be resettled by the government. The others would be the responsibility of individuals.

While the demand for asylum increased by 28% throughout the world in 2013, Canada became known for reducing the number of asylum seekers it accepted by nearly 50%. That is appalling.

We are all members of the same big human family, and we should be sharing the burden of others' suffering. Like Canadian children, Syrian children are our children. We need to open our hearts and oppose the violence that these children are experiencing.

Unfortunately, what I am seeing today is that this government lacks compassion and humanity when it comes to this unthinkable situation. I find that extremely sad.

• (1850)

[*English*]

Mr. Costas Menegakis (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Mr. Speaker, as the member would know, I cannot speak to specific cases with respect to citizenship and immigration issues, but I would like to respond in the following fashion.

All visitors to Canada must meet the requirements for temporary residence in Canada as set out in the Immigration and Refugee Protection Act. We understand that people are disappointed when their visa applications are refused; however, our responsibility is to make sure that all visitors meet the requirements to come to Canada as set out in Canada's immigration law.

I listened to the member opposite and I have to disagree wholeheartedly with her comment that our government is not showing compassion with respect to the Syrian people or the Syrian situation. The Government of Canada is deeply concerned about the crisis in Syria and will continue to do what it can to best help the Syrian people.

Canada is one of the world's largest providers of humanitarian aid to Syrian refugees. The member should know that to date Canada has committed more than \$630 million in humanitarian development and security assistance to the Syrian crisis.

Canada has one of the most generous refugee policies in the world. We welcome about one out of every ten of all resettled refugees globally and are consistently among the top three countries accepting resettled refugees.

In response to the June 2013 UNHCR appeal for assistance with extremely vulnerable cases, Canada committed to resettling 1,300 Syrian refugees by the end of 2014: 200 refugees through the government-assisted refugees program, GAR, and 1,100 through the private sponsorship of refugees program. Canada is on track to meet its commitment to resettle these refugees through the government-assisted refugee program by the end of 2014.

In the time I have left, let me share a personal story.

In the month of January 2014, along with some colleagues from the governing party, I had an opportunity to visit Jordan. While we were there, we took the opportunity to visit a northeastern crossing of the border of Jordan with Syria.

While we were there, we were welcomed by Brigadier-General Hussein Al-Zyoud of the Jordanian Armed Forces, who was showing us the refugee resettlement camp that bordered the Syrian border. It was by chance, and I would like to say by fortune, for us to be there, because we had an opportunity to witness something very moving.

We saw about 150 Syrian refugees within 20 minutes of our arrival coming through the desert after having walked three days in the desert to this crossing point. Most of them were women and children. There were some gentlemen there, but older gentlemen. We assumed the fathers had stayed back to defend the family properties or had met with some misfortune. However, the women and children came to us. They were so happy to come and see that they had finally arrived in a place of safety. This is what was really moving for us as Canadians and Canadian parliamentarians.

A colonel with the Canadian Armed Forces was there with us, and along with Brigadier-General Hussein Al-Zyoud they showed us the impact of Canada's investment in helping the Syrian people. They actually showed us the equipment and the maintenance plan moving forward.

Therefore, as a Canadian parliamentarian, I have to say that I am very proud of the action that our government has taken and will continue to take to support the plight of the Syrian people.

• (1855)

[*Translation*]

Mrs. Maria Mourani: Mr. Speaker, I would like to point something out to my colleague. He may have missed it and I can understand that.

During the 2006 Israeli-Lebanese conflict, the Canadian government—the same one that is in power today—ensured that Canadian children—not Lebanese, but Canadian children—could return to Canada with both their parents, even if the parents were not Canadian. We had the same program for Haiti.

We do not have this program for Syria. Why? I identified 15 children—there are surely more than that—who cannot return to Canada at this time because one or both of their parents are not Canadians. Why this double standard?

With regard to refugees, the former immigration minister announced the arrival of 1,300 refugees in 2013. How many of these 1,300 have come to Canada to date? There are perhaps a

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dozen, one hundred, or not even that. What is happening? The refugee camps are overflowing. There are one million refugees in Lebanon, which has a population of 4.3 million.

What are we waiting for to do our part and what is the Canadian government waiting for to do its part in this terrible humanitarian crisis?

[*English*]

Mr. Costas Menegakis: Mr. Speaker, in order for me to answer specifically to that particular question, I would have to bring up examples of the specific cases that she is referring to, with some of the children that she has seen who have not been able to come back. As everyone in the House knows, due to the Privacy Act, it would be inappropriate for me to comment about that.

However, the fact is that we have issued a record number of visitor visas this year. We will continue to do so. We will continue to protect Canadians and Canadian interests in our immigration system at all times, but we will also continue to be compassionate to those who are in need. When we bring legislation to the House that reaches out to people who are in difficulty, I would urge her to vote with the government, not against the government, which has been her record and the record of members opposite certainly since I was elected here in 2011.

RAIL TRANSPORTATION

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, this is rare. I know this is the first time I have had an adjournment proceeding to follow up on a question asked in the House of Commons, my question of February 24, where there has been such clear action by the government that I can start my adjournment question by commending the Minister of Transport for moving against the DOT-111 unsafe railcars. I know the hon. minister is unlikely to participate in the debate this evening and it will likely be the parliamentary secretary, but I am encouraged that Canada has taken action.

In the time that I have, I would like to go over this in terms of what the issue is in a nutshell, and proceed to ask what further safety steps the current administration is considering. Because, as the Minister of Transport has said in a number of the news stories, it is clear that rail safety is not assured even by moving to remove the DOT-111 railcars off the tracks. It is going to be a phased-in process. That is one issue of concern that I know some parties have spoken to. There is the concern that 5,000 railcars will be taken off initially, but another 65,000 will be removed over a period of three years. As we know, phasing out these cars is complicated by the fact that replacement cars are not being manufactured quickly enough to replace the most dangerous cars. We know we have the shipment of hazardous goods through Canadian communities and that it is a cause for concern.

I have noted that in the media coverage of the decision taken by the Minister of Transport to remove the DOT-111 cars there is also going to be an examination and risk assessment of the routes which are being used and ensuring that as much as possible is being done for rail safety.

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So in line with what we know is taking place, I have a couple of questions that I would like to pursue this evening in our adjournment proceedings. Again, I am so pleased that we are moving to get rid of the DOT-111 cars because the Transportation Safety Boards in both Canada and the U.S. have said that these cars are unsafe for the shipment of hazardous goods. Canada has taken action ahead of the United States, and that is to be commended.

However, this issue remains, and I wonder if the hon. parliamentary secretary will be able to share this with the House. What other steps are being taken? Is the federal government now prepared to find a system of advance notification for prior informed consent for any communities that are located along rail lines that are carrying hazardous goods where they would like to have advance notification? We all know the tragedy in Lac-Mégantic happened with no notice whatsoever to the community that anything hazardous was being shipped through it. I think it is fairly clear from the investigations that perhaps even the shipper did not know how dangerous the unconventional Bakken crude would be.

I would also like to know if the federal government is considering following the lead of the U.S. rail safety improvement act a few years ago that instituted something called “positive train control” systems to ensure that an operator in a control room would know whether the brakes were working and whether all systems on the train were on track through sophisticated software on board the trains.

I would also like to know whether we are prepared to say that some goods are simply too hazardous to be shipped by rail.

Those are the questions to proceed tonight, but again, I am extremely pleased that my question on February 24 took place when we had no action and that tonight, April 28, we have seen substantial action.

● (1900)

Mr. Jeff Watson (Parliamentary Secretary to the Minister of Transport, CPC): Mr. Speaker, let me begin by thanking the hon. member opposite for her intervention in this proceeding tonight.

As was noted, there have been a number of actions taken by this government with respect to rail safety. I have been on the transport committee since 2007, prior to my appointment as a parliamentary secretary last year, and a number of important safety remedies have been undertaken.

I recall back then that an independent rail advisory panel was struck to make recommendations to the minister and the government at the time. A number of those recommendations, in fact almost all of them, have been fully implemented.

The Standing Committee on Transport, Infrastructure and Communities did an important review as well, and many of its recommendations were put into place.

Bill S-4 came forward with a number of important amendments, among them, everything from mandating that a company executive be appointed specifically for safety at the company, the requirement for environmental management plans, and whistle-blower protection. A number of important measures came out of that as well.

A number of important steps have been taken in light of Lac-Mégantic as well, and important new directives from the minister regarding the proper testing and classification of dangerous goods.

An important consultation took place between the Canadian Association of Fire Chiefs and the Federation of Canadian Municipalities that resulted in an important information-sharing protocol that establishes a registry of designated first responders in communities, who will be contacted with respect to historic information about the types of shipments that will be passing through communities, and the additional requirement that if there is any market change in that regard, that there would be a more immediate notification to the people on that registry of what is passing through their community.

That was important obviously for the ability of first responders and communities across the country to begin planning what resources they need for what typically would come through their communities, and what types of exercises they need to do in modelling response.

A number of additional consultations resulted in directions as well. The requirement now is for environmental response action plans for very flammable, dangerous goods, things like aviation fuel, ethanol, crude—things that were not there before, and a task force that would come, bringing together first responders and municipal officials to talk about that response and how we do that.

As the member alluded, important steps were taken on DOT-111s, the immediate banning of the worst offenders and the phase-out of retrofit over three years for the remaining ones.

I should also note that the Standing Committee on Transport, Infrastructure and Communities has also been asked by the minister to look into a number of additional measures in all modes. The rail aspect of that will be wrapping up in about another two weeks and interim findings will be coming in a report on that particular segment.

There has been testimony regarding positive train control, which is a broad term for a number of different possible automatic braking features that could be done. The question of advance notification has been raised in the questioning, and the committee has not come to a decision on that or a recommendation to the minister, but I invite the member opposite to stay tuned to what the committee is doing in terms of its important work.

● (1905)

Ms. Elizabeth May: Mr. Speaker, I am encouraged to know that positive train control is being examined and could be brought in.

We have a lot of hazardous goods moving on rails, and I think over the years we have seen cutbacks in the number of crew. I remember that when a number of significant derailments in Canada were analyzed forensically afterwards, had there not been such cutbacks, for instance having rail crew travelling in a caboose to know what was going on, there would not have been a derailment.

I see my hon. colleague from Edmonton—Strathcona in the chamber. I may misspeak the name of the lake near where her cottage was.

Ms. Linda Duncan: Lake Wabamun.

Adjournment Proceedings

Ms. Elizabeth May: At Lake Wabamun, there was a significant derailment, where it appeared that there was a lack of train crew on board.

It was clear that we have seen real problems in rail safety before Lac-Mégantic, although nothing has ever been as devastating.

I encourage the current Minister of Transport and congratulate her. I do not think we say often enough in this place when something good has been done. I thank her and congratulate her. I look forward to working with her for greater rail safety.

Mr. Jeff Watson: Mr. Speaker, I know that the minister will be pleased to hear the commendation. In light of the announcements last week as well, we know that there have been positive things that have been said from important stakeholder groups in this regard. The president of the Federation of Canadian Municipalities, Claude Dauphin, has spoken very highly of it. He said:

The new safety measures announced today respond directly to our call for concrete action and are another major step forward in improving the safety of Canada's railways and the communities around them.

The NDP's transport critic, on the issue of the three-year phase-out, said, "The three-year period is the best thing that can be done".

The Canadian Association of Fire Chiefs has also said very commendable things about this.

It has been a consultative approach that has resulted in very concrete steps to improve public safety. Again, the standing committee on transport is very involved in this. There will be interim findings in June, with a final report and recommendations by the end of the year. I encourage members to see what is going on in that particular committee. If they have suggestions, of course, let us know. If there is more that we can do and it is reasonable, believe me, we will be making those recommendations.

EMPLOYMENT AND SOCIAL DEVELOPMENT

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I wish that I could commend the Minister of Employment and Social Development for the same level of broad consultation and action on the issue of temporary foreign workers. However, we will have a fulsome debate tomorrow on this topic, and the call for an independent audit by the Auditor General. I look forward to the support from the Government of Canada in the same way that it is starting to reach out on the issue of rail safety.

On April 1, I put a question to the Minister of Employment and Social Development about a concern brought to my attention by ironworkers who work in the oil sands in northern Alberta. Their concern was that 65 Canadian ironworkers were laid off and replaced by temporary foreign workers. Their concern is the dearth of oversight and enforcement in the delivery of the temporary foreign worker program.

Initially it was called the accelerated program in Alberta. There was a call by the industry that there was such a shortage of skilled workers that it should not have to do a labour market analysis, and so it was removed. That program has ended, and now there is a pilot project, which has been extended.

I look forward to a response, given the concerns and the government's response on the service sector, which some would

think is heavy-handed. We hope that it is willing to look more widely and to do an in-depth review and consultation, in particular with the workers who are being impacted by this program.

On that day, April 1, the minister responded by alleging that all of the Canadian workers were immediately rehired. He also undertook that the government was going to throw the book at non-compliant employers who violated the temporary foreign worker rules. In fact, this was not what happened. Today I delivered a letter to the minister from the ironworkers, with a very clear outline of the facts of what has occurred on the site over the year.

The facts are that these layoffs were not identified by his department but were identified by the ironworkers themselves. That is their deepest concern, that there is simply no oversight. It was only brought to light when the Canadian workers approached me and I raised the matter with the minister.

As I have mentioned, the ironworkers have informed the minister. That was almost a month ago, and the minister undertook that he would do an investigation. A month later, my understanding is that there still has been no specific action against Imperial Oil, which employed these 65 Canadian ironworkers and then laid them off.

Among those Canadian workers was an aboriginal apprentice. There has been a lot of talk in the House about how the government is supporting Canadian companies to make apprenticeships available, particularly for aboriginal Canadians. This young man was in the middle of his apprenticeship. He has a young child. He was dismissed outright and had to find other work, which he eventually did.

If I were to backtrack, it was the fall of 2013 when the ironworkers were first approached. In the oil sands, there are apparently brokers who bring in both Canadian and temporary foreign workers. The broker had tried to get the ironworkers to certify and approve these workers, but they said, firstly, that they were not appropriately skilled, and, secondly, that there were a lot of Canadian workers that were ready, willing, and able to work on the site. Regardless, Canadians were employed and then removed from the site and replaced with temporary foreign workers.

We have a clear example of a breach of the rules. Sadly, prior to that there were up to 300 Canadian workers who were replaced by temporary foreign workers at another oil sands site.

I would like to hear from the government on what it has been doing over the last month, who has been sent to the site, who exactly is investigating, and when we can expect a response.

• (1910)

Mr. Costas Menegakis (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Mr. Speaker, at a time when there are so many unemployed Canadians seeking to fill available jobs, we think it is unconscionable for employers to try to circumvent the system by hiring foreign workers to do those jobs instead.

Adjournment Proceedings

Let us be clear about the purpose of the temporary foreign worker program. Canadians must always come first for available jobs, no exceptions. Temporary foreign workers can only be hired as a last resort when all other efforts to hire Canadian workers have failed. Employers have to demonstrate this when they apply.

In 2013, over 14,000 negative labour market opinions, or LMOs as we call them, were issued. Not only that, but after an LMO is issued, if employers do not follow the rules, we will suspend or revoke their LMO and place their name on a blacklist, named and shamed for all to see. Our government will not tolerate any abuse of the temporary foreign worker program. Every allegation of misuse will be vigorously investigated. There are serious criminal sanctions including fines and jail time if employers lie about their efforts to hire Canadians.

We made a series of reforms to the program last year and the program remains under ongoing review. Amendments were introduced to give the government the authority to conduct on-site inspections to make sure employers are meeting the conditions of the program; bar non-compliant employers from applying for labour market opinion for two years; immediately add the names of these non-compliant employers to a public list; and introduce application fees and fees for work permits, so that hardworking taxpayers no longer subsidize these costs.

The temporary foreign worker program is employer demand driven and there primarily to fill temporary labour shortages where Canadians are not available. This government will not tolerate any abuse of the temporary foreign worker program and we have even more improvements coming to the program soon. There are no two ways about it. We will throw the book at any employer who does not respect the rules of the temporary foreign worker program. We will investigate allegations of serious abuse. Those found guilty will face the due consequences. There are no two ways about this.

On March 28, my colleague, the hon. Minister of Employment and Social Development, announced the introduction of legislative amendments that will give the government authority to impose serious financial penalties on employers who break the rules of the temporary foreign worker program. These are tough penalties. We are sending a clear message to employers who abuse the temporary foreign worker program that they will be publicly named and barred from the program.

We have no tolerance for employers who displace Canadians. We have no tolerance for employers who abuse the program and temporary foreign workers. We have no tolerance for employers who break the rules. This is also a clear message to Canadians in all circumstances that they will be first in line to fill available jobs.

• (1915)

Ms. Linda Duncan: Mr. Speaker, it is strong language, but we have yet to see what actions are going to be taken against these major

fossil fuel companies in the oil sands. Strong action across the board, some say, overly heavy-handed against the restaurant industry. In this case, this is not the first incident. There was another even more egregious incident with Husky Energy where it replaced 300 Canadian workers with temporary foreign workers and what do we see in response? It is one thing for the government to talk about these strict, serious penalties it is imposing, but who is out there identifying the problems?

We also heard about the strict requirements for LMOs. Well, there is no LMO for the oil sands. It is like open season, so the brokers for workers can just continuously bring in a stream. The question that the ironworkers are asking and it includes welders and other skilled tradespeople who are approaching me over the last month, is who is providing the oversight of these brokers? Are these brokers able to bring temporary foreign workers into the country with no need for any kind of skilled labour shortage study? Where is the action? Who is on the ground to identify violations?

Mr. Costas Menegakis: Mr. Speaker, we totally reject the notion that regulations governing the temporary foreign worker program have no teeth. On April 7, the member will know, the Minister of Employment and Social Development made public a list of employers who broke the rules. This shows our determination to protect the rights of Canadians who are qualified for jobs that have been offered to temporary foreign workers.

We will take no lessons from New Democrats, who decry the program publicly but privately ask for more foreign workers for their ridings, often on behalf of employers who have had their LMO applications rejected, as they did not meet the criteria about putting Canadians first.

Employers who plan to hire temporary foreign workers must first demonstrate that they have made every effort to hire qualified Canadian workers first. This is a rigorous process. In 2013, we issued 14,000 negative labour market opinions.

Our government will not tolerate any abuse of the temporary foreign worker program. Every allegation of misuse will be vigorously investigated. There are serious criminal sanctions, including fines and jail time, if employers lie about their efforts to hire Canadians. All allegations made to Service Canada about misuse of the program will be vigorously investigated.

The Acting Speaker (Mr. Bruce Stanton): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:19 p.m.)

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