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Chair: Mr. John Brassard



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• (1105)

[*Translation*]

The Chair (Mr. John Brassard (Barrie—Innisfil, CPC)): I am now calling the meeting to order.

Welcome to meeting number 117 of the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

Today the committee is considering the Main Estimates 2024-25 for the first hour; then will resume its study of the impact of disinformation and misinformation on the work of parliamentarians for the second hour; and finally, we will end with some time in camera to discuss a few items of business.

Before we begin, I would like to remind all members and other meeting participants in the room of the following important preventative measures:

[*English*]

I'm not going to go through them. I think we're all aware of them.

Mr. Dufresne, just make sure, if you're not using the earpiece, to put it in the proper place, as indicated on the table. We certainly would not want to cause any harm to our interpreters. Of course, the room has been adjusted for that as well.

Pursuant to Standing Order 81(4), the committee is resuming consideration of the main estimates 2024-25. We'll be dealing with votes, after we're done, under the Office of the Commissioner of Lobbying, the Office of the Conflict of Interest and Ethics Commissioner, the Office of the Senate Ethics Officer and the Offices of the Information and Privacy Commissioners of Canada, which were referred to the committee on Thursday, February 29.

I'm going to welcome, for our first hour, someone who is no stranger to this committee, Mr. Philippe Dufresne, who is the Privacy Commissioner of Canada, and Mr. Richard Roulx, deputy commissioner of the corporate management sector.

Commissioner, you have up to five minutes to address the committee. Please start now. Thank you.

Mr. Philippe Dufresne (Privacy Commissioner of Canada, Offices of the Information and Privacy Commissioners of Canada): Thank you, Mr. Chair.

Members of the committee, I'm pleased to be here today to discuss the Office of the Privacy Commissioner of Canada's main estimates for fiscal year 2024-25 and to describe the work of my office to protect and promote the fundamental right to privacy of Canadi-

ans. I'm accompanied by Richard Roulx, deputy commissioner, corporate management sector.

In January I launched a strategic plan that lays out three key priorities that will guide the work of the OPC through 2027. The first is protecting and promoting privacy with maximum impact, by using business intelligence to identify trends that need attention, producing focused guidance and outreach, leveraging strategic partnerships and preparing for the implementation of potentially new privacy legislation.

The second is addressing and advocating for privacy in this time of technological change, with a focus on artificial intelligence and generative AI, the proliferation of which brings both potential benefits and increased risks to privacy.

The third is championing children's privacy rights to ensure that their unique privacy needs are met and that they can exercise their rights.

[*Translation*]

I believe that these three priorities are where the Office of the Privacy Commissioner can have the greatest impact for Canadians, and that these are also where the greatest risks lie if the issues are not addressed.

Protecting privacy is one of the paramount challenges of our time. My office is poised to meet this challenge through strong advocacy, collaboration, partnerships, education, promotion, enforcement and capacity building, which includes doing more to identify and address privacy trends in a timely way.

Investigations under the Privacy Act, which covers the personal information-handling practices of federal government departments and agencies, and the Personal Information Protection and Electronic Documents Act, Canada's federal private sector privacy law, are a key aspect of the Office of the Privacy Commissioner's work on issues that significantly impact the lives of Canadians.

[English]

In February I made public the results of my investigation into Aylo, the operator of the website Pornhub and other pornographic websites. I found that the company had contravened Canada's federal private sector privacy law by enabling intimate images to be shared on its websites without the direct knowledge and consent of everyone who is depicted.

In releasing my report on this investigation, I reiterated that the non-consensual sharing of intimate images is a serious privacy violation that can cause severe harms to victims, and that organizations have an obligation under privacy law to prevent and remedy this.

This case is also relevant to the discussions that will be taking place on Bill C-63, and I will welcome the opportunity to share my views on the online harms act with parliamentarians.

[Translation]

I also look forward to sharing in the coming months the findings of two high-profile investigations that are closely tied to two of my strategic priorities—protecting children's privacy and addressing the privacy impacts of emerging technology, including AI.

When I appeared before you last year on Main Estimates, I spoke about the launch of investigations into TikTok, as well as OpenAI, the company behind the AI-driven text generation 'chat bot' ChatGPT. Both investigations are being conducted jointly with my counterparts in Quebec, British Columbia and Alberta.

• (1110)

[English]

In the case of the TikTok investigation, the four offices are examining whether the practices of the company ByteDance comply with Canadian federal and provincial privacy legislation and, in particular, whether valid and meaningful consent is being obtained for the collection, use, and disclosure of personal information.

Given the importance of protecting children's privacy, the joint investigation has a particular focus on TikTok's privacy practices as they relate to younger users.

The investigation into OpenAI and its ChatGPT chat bot is examining whether the company is compliant with requirements under Canadian privacy law in relation to consent, openness, access, accuracy and accountability. It is also considering whether the collection, use and disclosure are done for an appropriate purpose.

[Translation]

Both investigations remain a high priority and we are working to complete them in a timely manner.

Protecting and promoting privacy with maximum impact remains integral to fulfilling my current mandate and preparing for potential changes to federal privacy law.

[English]

In the 2023 budget we received temporary funding to address pressures related to privacy breaches and a complaints backlog, as well as to prepare for the implementation of Bill C-27. While these temporary funds provide necessary and immediate support, it is es-

sential that my office be properly resourced on a permanent basis to deal with the increasing complexity of today's privacy landscape and the associated demands on my office's resources.

To address this, we will continue to present fiscally responsible funding requests and will also aim to maximize agility and cost-effectiveness by assessing and streamlining program and service delivery.

With that, I would be happy to answer your questions. Thank you.

The Chair: Thank you, Mr. Dufresne.

We're going to start with our first six-minute round.

Go ahead, Mr. Barrett.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Thanks for joining us this morning.

Mr. Dufresne, on March 7 I wrote you a letter asking you to undertake another investigation into the government's ArriveCAN app. In light of the new information related to the handling and security of Canadians' data, can you provide the committee with an update to your ongoing investigation into ArriveCAN?

Mr. Philippe Dufresne: Following your letter, on March 19 I announced that I will be investigating allegations of privacy concerns following a complaint against the Canada Border Services Agency related to the development of the ArriveCAN mobile app. The investigation will examine contracting practices related to ArriveCAN and, more specifically, the measures that were in place to protect personal information during the development of the app, in order to assess compliance with the Privacy Act, which applies to federal departments and agencies.

The investigation is ongoing under the Privacy Act. I have to maintain the details of that investigation confidential while it is ongoing, but I look forward to completing it and to making the findings public once that is done.

Mr. Michael Barrett: Understanding that the Privacy Commissioner has obligations to respect privacy, I will ask you a series of questions, and if you're able to provide us with an update or further information, I'd appreciate it.

Do you have an expected date of completion as to when we'd be able to see your findings?

Mr. Philippe Dufresne: I do not.

We work to complete this investigation in as timely a manner as possible, but we seek answers and submissions. We consider them, and we will be working to complete this as quickly as we can.

Mr. Michael Barrett: Have you been able to obtain from the government and contractors all of the necessary documents that you've sought?

Mr. Philippe Dufresne: I don't have concerns to raise on that front. There are powers under the act that would allow me to obtain information if I needed it.

Mr. Michael Barrett: Are you investigating a potential breach of section 7 of the Privacy Act? Section 7 states:

Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be used by the institution except

(a) for the purpose for which the information was obtained....

Mr. Philippe Dufresne: We are examining the contracting practices. We're examining the measures in place to protect personal information during the development of that app, and we're going to be assessing compliance with the Privacy Act provisions. If we see concerns there, we're going to raise those and flag those.

Mr. Michael Barrett: You're not able to say specifically which sections of the act apply, like section 8 of the Privacy Act, which states:

Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section.

It's section 7 or section 8, but you can't specify which.

• (1115)

Mr. Philippe Dufresne: My announcement of that investigation has not restricted specific provisions of the act or otherwise. We said that we are looking for compliance with the Privacy Act, and if we identify concerns there, we'll raise them.

Mr. Michael Barrett: The Auditor General's report on ArriveCAN made it clear that the record-keeping done by the government was really so poor that the Auditor General wasn't able to precisely attribute a cost to ArriveCAN. She said that she thought it was \$60 million. Are you finding that to be the case in your efforts?

Mr. Philippe Dufresne: These would be some of the comments and observations that we would make in the final report of our investigation, as was done by the AG in hers, so this is not something that I would be commenting on at this stage. It would be once the investigation is over.

Mr. Michael Barrett: I'm interested to know whether or not you've interviewed government officials, contractors and people whose security clearance was unable to be accounted for. If you can speak to that, I'd appreciate it.

Can you take us through what an interview would look like, irrespective of whom you're interviewing?

Mr. Philippe Dufresne: In our investigation process, we will identify with the departments the issues that we're looking into. We're going to ask them questions. We're going to ask them for documentation, and we're going to look to see if their practices are compliant with the elements in terms of the use, the collection, the disclosure and the safeguards.

As it moves forward, we may have additional questions. We may follow up on that. We prepare a draft report of our findings. We share with them. We give them the opportunity to comment. This will be under way, but these are not elements of information that I would be making public until the investigation has been concluded.

Mr. Michael Barrett: ArriveCAN was mandatory for use for travellers, and, for some people, travel is required for their employment or to access medical services, but it's also part of their rights as Canadians to travel freely. The use of the app was mandatory, and the collection of data was mandatory. They had to surrender their personal information.

What would the consequences be should you find that CBSA or that the government broke the law, broke the Privacy Act?

Mr. Philippe Dufresne: One of the areas in the Privacy Act that I would hope to see changed in future modernization of the act is that I do not currently have the ability to make orders, binding legal orders vis-à-vis a department of the government. I would make recommendations, and I would identify if there are shortcomings. That's what my report would do, assuming that there is a violation.

The Chair: Thank you, Mr. Barrett and Mr. Dufresne.

Mr. Fisher, go ahead for six minutes.

Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.): Thank you very much, Mr. Chair.

Thanks, gentlemen, for being here today.

You talked about emerging technologies. Can you maybe highlight what new initiatives and priorities you would be doing as part of a strategic plan that would grow Canadians' privacy with regard to these emerging technologies in the increasingly digital landscape?

Mr. Philippe Dufresne: Thank you.

We're doing a lot of things. We're working very closely with our provincial and territorial partners. This is one of the elements I'm very proud of in terms of our close collaboration. We've issued, for instance, a joint resolution on the responsible use of AI, setting out our expectations in terms of privacy practices vis-à-vis AI. We've done that with respect to children's privacy, highlighting things like the fact that technologies should not be used to nudge children and minors to make privacy-harmful decisions. We're looking at all of those aspects with a particular focus on AI, but we're looking as well to see how we can use technology ourselves within the OPC to be more efficient.

We've launched an online portal for privacy impact assessment submissions, to make that more seamless. We have developed a tool to assess whether certain privacy breaches would give rise to a real risk of significant harm. Again, it's not to replace the human decision-making but to provide assistance on that. We don't see technology as something that's prevented by privacy. You can have and you must have innovation, public interest and economic success alongside privacy, so we're really maximizing looking at that. Of course, there are always risks with the use of data in powering innovation. This is why I've said we do use data to support innovation, but we have to use innovation to protect personal information.

• (1120)

Mr. Darren Fisher: First of all, I'm curious as to how Canadians would find out about this. What can Canadians do proactively, on their own, to protect themselves? Using these tools that you're talking about is great, but let's assume we're just trying to help Canadians proactively take care of their own privacy.

Mr. Philippe Dufresne: We issue a lot of documents in terms of guidance and statements on issues. For instance, with a number of international colleagues in the privacy community around the world, we issued a statement on data scraping, calling on social media companies to take rigorous measures to protect the information on their social media platform to protect against data scraping, to protect against privacy breaches.

In part of that document, we also gave advice to citizens and to Canadian, saying, "Here's what you could do to protect your own.... Check your privacy settings on your apps. Make sure you're aware who you're giving permission to when you're sharing pictures of your kids, the notion of sharenting. Be mindful of the implications."

It's important to reiterate that the primary obligation shouldn't be on individuals to protect themselves. Organizations and departments and laws have to be there, because that's one of the concerns if we delegate this too much to individuals. They need to feel there is a system and that the organizations with the tools to do it are taking their responsibility seriously.

Mr. Darren Fisher: I assume you go to school on our allies and what they do in their respective offices. Who's doing really well? What types of things are they doing? Are you following the good examples?

Mr. Philippe Dufresne: We're working very closely with a number of our international counterparts. I'll name a few.

The G7 data protection authorities work yearly. Last year in Japan, we issued a joint statement on artificial intelligence from a privacy standpoint. I was very proud of that statement. It's a statement that was endorsed in the Department of Industry's and Minister Champagne's statement on voluntary codes for AI. It's that collaboration, the sense that my colleagues and I understand the need to have very strong privacy protection but at the same time very strong economies and a very strong ability for organizations to have data across borders.

I'll point to the U.K.'s ICO. They've done great work on children's privacy. They have a children's code, an age-appropriate code, talking about steps that we can take. I think this is something that Bill C-27 highlights. I was happy to see a recent amendment at

the INDU committee recognizing the best interest of the child, which was one of my recommended amendments for this bill.

I think we're seeing lots of work in this space and lots of awareness too. Perhaps another example I'll give is the creation of what we call the privacy sandbox. A commissioner's office will invite industry to come and test a new process and highlight risks in privacy before this technology is deployed, so that the risk can be mitigated. You protect privacy, and you avoid a complaint on the front end.

Mr. Darren Fisher: Do you get a sense that there are any social media platforms that are better than others at respecting the privacy of Canadians, or are they trying to perhaps look for ways to undermine?

Mr. Philippe Dufresne: We have ongoing complaints and litigation with some of those social media platforms, so there are clearly some issues that we're looking into.

We were in litigation following a complaint decision on Facebook. We have a matter vis-à-vis Google in terms of questions on the de-indexing of information. We're looking into our investigation of TikTok.

These social media platforms are attending and participating in terms of the global privacy discussions and meetings, and they are providing their input. They are listening to the comments and the input of the community, but I will continue to reiterate to them through both our promotion and persuasion tools and also the compliance tools where necessary.

The Chair: Unfortunately, that's your time, Mr. Fisher.

• (1125)

[Translation]

Mr. Villemure, you have the floor for six minutes.

Mr. René Villemure (Trois-Rivières, BQ): Thank you very much, Mr. Chair.

Commissioner, welcome back. I am always happy to hear what you have to say.

I am going to address a few questions before getting to the heart of the matter. A citizen of Trois-Rivières who is very concerned about privacy issues asked me a question the other day to which I did not have an answer. So I decided I would give him an answer only after I have heard your opinion on the subject.

The citizen's question was about visiting a website, which you can do without accepting certain conditions. However, the data is personalized when you accept the conditions, and so on.

He asked me if the mere fact of having visited a website in itself can be considered personal information.

Mr. Philippe Dufresne: Data about people's location and visited websites provide information about their interests. That is why we are concerned about browsing and localization cookies, and the use of this information to profile people.

So, indeed, refusal is an element that would be relevant to the protection of information. That is why the discussion about witnesses and accepting them is important, because it is all about getting information pertaining to our areas of interest.

Mr. René Villemure: In other words, if a person refuses cookies and leaves a website while browsing, this information will still have been collected.

Mr. Philippe Dufresne: By refusing cookies, you restrict the use of certain things. Some uses are unavoidable, however, and there will also be a request for consent to use the information for targeted advertising, for example.

One of my concerns is that these choices are not always easy to make. The simplest choice is to accept everything. However, I would like the choice to refuse everything to be much simpler and more accessible. Often, you have to go through two or three other levels to get there, and even then, you have to provide details. On the other hand, the option of accepting everything is always there.

In my opinion, there is still work to be done here.

Mr. René Villemure: When you start unchecking partners and there are 127 of them, it takes a long time. In fact, I am always amazed at the number of partners who can take advantage of our data.

So, to give a simple answer to the citizen who asked me this question, I will tell him that the information will still have been gathered.

Mr. Philippe Dufresne: If the person leaves the site, no further information is collected.

However, we are rightly concerned that we do not always know what we are consenting to. It can also prevent us from accessing a service we would like to be able to use otherwise.

These elements are part of our thinking. Furthermore, as algorithms become more and more powerful, artificial intelligence can detect more things with less information. So we need to be vigilant in this respect.

Mr. René Villemure: It still threatens the concept of freedom of choice.

I actually had a question for you about vigilance. Earlier, my colleague asked you about platforms that respect privacy. But beyond the big platforms, which ones are the offenders? A lot of people around me use all kinds of stuff I have never heard of. Which sites should we be more vigilant about?

Mr. Philippe Dufresne: Recently, for example, we carried out an audit in this area, but the results have not yet been made public.

We did what we call a data sweep. Working with international partners, we randomly checked a number of websites to see if there were any deceptive ways of communicating on these websites that encouraged people to give up too much privacy. We have done this in conjunction with the authorities in charge of protection competition, because there are clearly overlaps. When we get the results, we will be able to say that we have concerns about certain sites.

So far, we have tended to comment on undesirable practices and targeted cases where we condemn an organization, which we do after receiving a complaint. There are ongoing complaints that are cause for concern.

For my part, I want to see more sites where privacy is included by default. My concern is that website visitors face a choice. It is easy to accept everything, but it is not easy to refuse everything.

Mr. René Villemure: If you choose to continue without accepting cookies, is any information still collected?

Mr. Philippe Dufresne: Parameters can be set by default. Sometimes consent is given automatically. Sometimes, to continue, you have to click on "accept all", and this is an aspect we are looking into. My colleague from the UK has made this a specific issue.

Mr. René Villemure: As for consent to accept everything, would we need to amend the law? Or would it be enough to amend regulations?

Mr. Philippe Dufresne: In Bill C-27, for example, the emphasis is on making consent easy to understand and simpler. In addition, organizations are required to be more proactive, and there is a greater role for my office in preparing guidelines. It also provides for the authority to issue orders. So, that is why I think this bill is a step in the right direction.

• (1130)

Mr. René Villemure: Do you think an order would be followed? Or would it be disregarded, as in the case of the Information Commissioner's orders?

Mr. Philippe Dufresne: Until proven wrong, I am going to assume that an organization will abide by the law. If not, there is recourse to the courts, hence the importance of being able to issue orders.

In Canada, certainly, most organizations or companies care about their reputation and their customers. They want to do the right thing, so they will comply with a recommendation. We saw that, for example, in the Home Depot case, where recommendations were made that were followed, and there was good co-operation.

However, it is important to be able not only to make orders, but also to issue fines. I am not saying this because I want to use these powers, but they help responsible decision-making and motivate decision makers to prioritize privacy. Without it, those decision-makers might prioritize other areas where organizations could be fined because there are no fines in our sector.

Mr. René Villemure: Thank you very much.

The Chair: Thank you, Mr. Dufresne and Mr. Villemure.

[English]

Mr. Green, you have six minutes.

Go ahead, please.

Mr. Matthew Green (Hamilton Centre, NDP): Thank you very much, Mr. Chair.

I have adequately taken control of my mute button, and I apologize for the earlier disruption.

Mr. Dufresne, I always appreciate you when you appear before this committee. In so many ways your work guides the work that we do, not just in the committee but as parliamentarians.

I would like to reference your 2024-25 departmental plan, in which you have survey results on the protection of privacy rights that I find very concerning. In the 2022-23 survey, only 39% of respondents felt that businesses respect their privacy rights. That's down 45% from 2020-21. Only 58% of respondents felt that the federal government respected their privacy rights, and again that was down from 63%. Both of these results fall well short of your target of 90%.

Can you explain why these numbers are so low and what can be done to reverse this downward trend?

Mr. Philippe Dufresne: I think those numbers are low. This is one of the reasons we have highlighted technology and children in our strategic priorities. I think there is a sense that technology is more and more intrusive. It's relying more and more on data and on personal information to fuel tools and innovation, so there are some of the discussions we have been having here today in terms of consent to use websites, in terms of what can people do to protect their personal information. I think Canadians feel they are bombarded by requests for their personal information, so it's important that the institutions and the systems provide recourse and provide proactive discipline in organizations, not only to protect privacy but to be seen to protect privacy.

We are seeing these types of concerns. We are seeing that Canadians want to see more rigorous legal protections of their privacy rights. This is why we're advocating for a modernized legislation whereby I would have order-making powers. There would be the possibility of fines. There would be the possibility of real consequences if privacy is not respected.

We also need to see more proactive privacy protections that are done at the front end. I have been calling for privacy impact assessments to be a legal obligation, both for departments and for private sector organizations.

I think there's work to be done. It shows that Canadians care about their privacy and that collectively we need to be mindful of

this so that Canadians do not feel, as they seem to now, that it can be a trade-off between your personal information and innovation.

Mr. Matthew Green: Those are some very important points that you've raised. Certainly, when you talk about the impact, the privacy impact assessments, we at this committee dealt with what I consider to be the complete disregard of the mandate of the Treasury Board to provide those. Some departments were just completely disregarding privacy impact assessments and only doing them, in fact, after they were caught.

However, you raised the issue, which I think is quite important, about safeguarding our youth in this regard. Of course, I'm sure you would perhaps agree that youth today are not going to websites. They're using social media platforms. You referenced, I think, an assessment around TikTok.

Without getting into the details or pre-empting the release of your report, can you just provide us a high-level assessment of the ways in which platforms profile and use algorithms to target people based on their interests and why that would be a problem?

• (1135)

Mr. Philippe Dufresne: In some of these investigations we're focused on the consent. Are you obtaining meaningful consent by Canadians, and are you doing that in an appropriate way with respect to the age? We have guidance on that in terms of the fact that what is appropriate for an adult isn't going to be appropriate for a child, for a minor.

There are different types of circumstances, and Bill C-27 recognizes that by protecting minors' information and treating it as sensitive, so that's an additional positive step to recognize the best interests of the child.

Mr. Matthew Green: On a more pointed question, based on your preliminary work on this, do you find some platforms worse than others? For instance, TikTok is constantly brought up, and we're hearing lots of information about that, but how would they compare to, say, an Instagram or X, formerly known as Twitter, or Facebook?

Mr. Philippe Dufresne: What we look for in terms of investigations and reviews is whether an organization is putting in commensurate measures to protect the sensitivity of the information of minors and children. Are they aware of the likelihood that their users are minors? We're investigating TikTok, and we announced that we are going to be focusing particularly on children's use, because this is a big part of the clientele of that website.

Mr. Matthew Green: Is that because you don't think Instagram, Facebook and X do the same, or that they do it in different ways? Help me understand that.

Mr. Philippe Dufresne: We're investigating TikTok right now, so this is the one where we will have some findings to make. We made a general statement for all social media, in terms of protecting the rights of children, with my provincial-territorial counterparts. We cautioned against nudging techniques that would encourage children to give more personal information than they need to. We called for the treatment of children's personal information to be different and for them to have a greater right to delete information. I won't make a specific comment about a specific website if we haven't investigated it particularly on that issue, but generally we are calling on all of those platforms to be mindful of those elements.

Again, I think Bill C-27 will bring greater tools in respect of this heightened protection. I've made it one of my priorities, so we're going to continue the education work but also targeted compliance, as needed, to protect children, whichever platform is at issue.

The Chair: Thank you, Mr. Green.

Thank you, Mr. Dufresne.

Mr. Kurek, I have you up. We're going to start our second rounds of five minutes. Go ahead, sir.

Mr. Damien Kurek (Battle River—Crowfoot, CPC): Thanks very much, Chair, and thanks, Commissioner.

I'm curious, Commissioner, are you aware of the privilege debate that took place in Parliament last night and this morning regarding 18 members of a parliamentary association with an attempted hack of personal information?

Mr. Philippe Dufresne: I am not. No, I haven't been briefed on that yet, unfortunately.

Mr. Damien Kurek: It's a very quickly developing situation. We learned only a couple of months ago, because of an unsealed report from the Department of Justice compiled by the FBI in the United States, that in January 2021 there was an attempt by a hostile foreign state actor connected with the communist dictatorship in Beijing to infiltrate 18 parliamentarians' personal email accounts.

I know you haven't had a chance to get into the debate that took place in Parliament—I am hopeful, and certainly, I've been at committee here and we haven't been called to a vote, so I think that's a good sign that it passed unanimously to send that to PROC—but I'm wondering if you can share some thoughts with this committee about how important that is, and not just the protection of private information when it comes to MPs being able to do their jobs. Obviously, that's one part of it, but I also brought up in my speech last night how important it is to ensure that Canadians feel protected and that appropriate responses are brought forward when there are attempts to use private information for nefarious purposes, whether that be with diaspora communities that may be at odds with a government they have a connection to or other uses. I'm wondering if you can provide any comments on that and share some thoughts with this committee.

• (1140)

Mr. Philippe Dufresne: I issued a declaration last December with the UN special rapporteur on privacy and human rights, and I highlighted the link between the protection of privacy and other fundamental rights. That includes democratic rights, so in protect-

ing privacy, whether it's the privacy of members of Parliament, voters or citizens, we can see that there are overlaps with other sectors. That's why it's so important to protect privacy for its own sake and also because it supports and promotes other fundamental rights. That's an issue that's raised in this instance. I will certainly be interested to see where the.... The question of parliamentary privilege is a question for the House, of course, but certainly we'll be mindful and will be briefed on it.

There is a proposed modification to the Canada Elections Act vis-à-vis privacy obligations for political parties, so that's another example in which you have some intersectionality. My office has a role to play, but there are other regulators, such as the Canada Elections CEO, so this is an area where I work very closely with other regulators where there are areas of overlap, and we'll be following up.

Mr. Damien Kurek: Is informing parliamentarians, in this case, and the public...? It was interesting that, as the debate was taking place last night, Premier Eby of British Columbia announced.... I happened to see the statement on Twitter, and of course it provided a link to a Government of B.C. website.

Is informing those affected and, generally, the public of what's going on a part of the process of making sure that privacy can be safeguarded?

Mr. Philippe Dufresne: Well, if we're talking about privacy breaches generally in the private sector or public sector, one of the elements is that the organization would have to notify my office and would have to notify the affected individuals as early as possible. That's one of the mechanisms to provide that information, and then there are mechanisms to take steps to protect and prevent and address it.

We have complaints under way with respect to privacy breaches, for instance, with the government's location services, BGIS. We've launched an investigation vis-à-vis the Global Affairs privacy breach, so privacy breaches are something that we are concerned about. They're happening more and more, and we have a role to play in that.

Mr. Damien Kurek: Thank you, Commissioner.

Certainly, I'd value, if you have any.... I'm basically out of time, but if there's any further feedback that you could provide this committee and hopefully, if you have a chance, send.... As PROC, hopefully, will be seized with this in the near future, I'd certainly encourage you to share your feelings and feedback there.

The Chair: Thank you, Mr. Kurek.

We're going to go to Mr. Bains next for five minutes.

Go ahead, sir.

Mr. Parm Bains (Steveston—Richmond East, Lib.): Thank you, Mr. Chair.

Of course, thank you, Mr. Dufresne, for joining us again today.

I'm curious to understand a bit more. How big is the team that you're working with? What resources do you have? Is this allowing you to be more proactive in engaging strategic priorities? Where are you at with your office and your team?

Mr. Philippe Dufresne: We have roughly 215 employees at the OPC, and we have proposed budget funding for my office in the 2024-25 main estimates of \$34 million. We have had an increase of \$4.5 million in the previous year. Half of that is attributable to collective bargaining increases, so that's not really increasing our budget or our ability to do our work; it's just maintaining it. We've had temporary funding, as part of budget 2023, of \$2.4 million for that year to help us address the backlog and privacy breaches.

We need increases in our budgets on a permanent basis. This additional funding is useful and very important, but it will come to an end, and the challenges will not come to an end. We are seeing more privacy breaches. We are seeing them on a larger scale. We are seeing that they are more complex, and technology is making it more challenging.

There is a need for more permanent funding on that. Specifically on the point of more proactive and promotion work, we will also need additional resources in this space, particularly if Bill C-27 is adopted. Bill C-27 would bring new responsibilities to my office from an enforcement standpoint, with order-making powers, but also with, just as importantly, more guidance opportunities to help organizations and small and medium-sized enterprises know what their obligations are, to provide clarity on this industry, which needs as much certainty as possible to do its work and to know what the expectations are.

There are very interesting provisions in Bill C-27 that would allow the preparation of codes of practice and certification programs. These are things that businesses around the world have been asking for to give them more certainty, and I would be playing a role in approving them and providing some more legal certainty.

There are a lot of things that we could be doing. The resources limit that. Of course, public resources have to be used judiciously and cautiously. We're looking at that. We've made some requests. We're going to continue to do that in a fiscally prudent manner.

• (1145)

Mr. Parm Bains: It's clear that your obligations are continuing to change and that your scope is broadening. As these technological advances occur, you have to continue growing from there, so I understand that.

Can you expand on the sandbox example you gave and maybe even the data sweep? What are the criteria you use?

Mr. Philippe Dufresne: In terms of the sandboxes for organizations, we're not currently resourced to offer this, but my international counterparts are, and they are doing it with business, so they will say, "You can come over, and you can test this new technology in a safe space where the regulator can provide input, can provide risk. We're able to provide proactive guidance and to be consulted, and

we have services for that, but not to the extent of offering sandboxes. This is something I'd like to be able to do. I think it would be good for Canadians and good for industry.

We've identified that we would need ongoing annual funding, an increase of about \$25 million for Bill C-27, to optimally provide those services based on those new authorities.

In terms of the sweep that you made reference to, with our partners we look at various numbers of websites and see.... I don't have the randomized formula that was used by the team, but the goal is to say that we're going to do some spot checks and see.... Are there trends? Are there concerns? Are we seeing some websites that are using what we call deceptive practices or dark patterns, which are communication tools that will lead people into making bad decisions and will sometimes trick them?

Mr. Parm Bains: On that piece there, you talked about nudging techniques. Can you give some examples of that? Before I run out of time, I'm curious also if you can add on.... Should we be having an educational campaign across Canada to ensure that people know what to avoid and what kind of nudging techniques there are?

The Chair: Mr. Bains, you are out of time, but Mr. Dufresne, if you can, answer that question quickly, please.

Mr. Philippe Dufresne: Very quickly, a nudging technique basically means that you're making it very easy to make one choice and very hard to make another choice. When you're making it very easy to make a bad choice, you're nudging towards that bad choice.

The Chair: Thank you, sir.

[*Translation*]

Mr. Villemure, you have the floor for two and a half minutes.

Mr. René Villemure: Thank you very much, Mr. Chair.

Mr. Dufresne, I am going to take advantage of your presence again to ask you some questions that have been put to me by my Trois-Rivières constituents.

The other day, someone asked me the following question: When a company says that you have to accept strictly necessary cookies, who determines that they are strictly necessary? Is there a standard? Is it what the company considers to be strictly necessary?

Mr. Philippe Dufresne: This is the company's point of view.

In the act, there are provisions stating that companies should not collect more information than is necessary for them to achieve their purpose, but the determination of what is necessary is made by the organization.

Mr. René Villemure: So there could be a gap.

Mr. Philippe Dufresne: It can be challenged. Some might question whether some information is really necessary. In that case, processes can be triggered, including with my office, to look into the matter.

Mr. René Villemure: When it comes to financial technology, are there any particular privacy concerns?

• (1150)

Mr. Philippe Dufresne: What are you referring to?

Mr. René Villemure: All-in-one banking applications come to mind.

Mr. Philippe Dufresne: There were discussions about this in the budget recently. There are going to be legislative proposals to encourage a more open banking system, so with more information sharing, both in the interests of consumers, but also to combat money laundering.

In one case, this will be governed by the banking regulators; in the other, it will be governed by the anti-money laundering authority. In both cases, I expect to be consulted as a stakeholder.

In the case of anti-money laundering, it is anticipated that, in connection with the provisions that will be proposed, there will be regulations for me to approve codes of good practice.

I think these proposals will certainly foster innovation as well as the ease of communicating and having banking services, while protecting privacy first and foremost. My role will be to ensure that these innovations do not come at the expense of privacy.

Mr. René Villemure: We would like to believe that this innovation, which promises to be beneficial, will protect the fundamental right to privacy.

Mr. Philippe Dufresne: I will use the powers granted to me by law to continue making sure that privacy is protected. In the context of a new bill, I will give my opinion to the relevant committee and tell them, where appropriate, whether I believe the wording should be strengthened. I will certainly be very active in raising concerns, as I have done in other areas, such as cybersecurity and national security.

As I have often said, it is not a zero-sum game. We should not say we cannot have innovation without sacrificing privacy. All this requires work and consultation. For example, last year, with my colleagues from the Competition Bureau and the Canadian Radio-television and Telecommunications Commission, we created a forum of digital regulators because we want to work together and we do not want there to be zero-sum games.

We have just renewed this forum for a second year. I will be chairing it this year. We will be looking for concrete results.

The Chair: Thank you.

[English]

Mr. Green, you have two and a half minutes.

Go ahead.

Mr. Matthew Green: Thank you very much.

I'm going to put two questions to you relatively quickly, sir.

You reported that 55% of complaints received by your office are responded to within the service standards, but that is still below your target of 75%.

Can you explain what steps you are taking to reach the 75% target?

Mr. Philippe Dufresne: We've obtained additional funding, and that's helped.

We are looking at our processes. We have done an assessment to see if we could find efficiencies. Can we streamline? Can we have some more early resolution of complaints? We're really looking at all of those aspects, and this is strategic priority number one in my strategic plan, talking about optimizing the OPC itself.

Mr. Matthew Green: Is the funding adequate, sir?

Mr. Philippe Dufresne: Well, the funding is not adequate, and it's not permanent.

We have had temporary funding, and that has helped greatly. We need permanent funding, because those complaints and breaches are permanent, and they are increasing. This is something I hope to—

Mr. Matthew Green: On March 7, 2023, the Information Commissioner of Canada appeared before our committee, and she had some feedback on the way in which you're funded.

On the topic of funding, I strongly believe that a model that gives the Minister of Finance and the Prime Minister the power to limit the required funding agents of Parliament is contrary to our oversight role. As agents of Parliament, we report directly to Parliament rather than to a cabinet or a particular ministry. Frankly, the manner in which we're funded should reflect this independence.

Do you agree with that statement?

Mr. Philippe Dufresne: I do. I think as agents of Parliament we report to you; we don't report to the executive branch. In fact, we investigate complaints against the executive branch.

In my case, there may be a difference vis-à-vis my private sector mandate—I have both public sector and private sector mandates. There may be less of a concern vis-à-vis the investigation of the private sector, but vis-à-vis the investigation of the public sector, there is that appearance of concern.

Mr. Matthew Green: This is straightforward. Do you have any recommendations on how to make the process by which funding is provided to the officers of Parliament entirely independent of the government?

Mr. Philippe Dufresne: There was a process in the past whereby the requests were reviewed by a committee of parliamentarians. I think it was chaired by the Speaker's office, and you had representatives of all parties, and then it went forward to Treasury Board. It wasn't fully independent, but it certainly provided greater oversight.

There's the example of the Parliamentary Budget Officer, or Elections Canada. The idea is to have less approval by the Treasury Board and the executive and more approval by the speakers or the Houses. There are tools, and I think the key point is more legislative involvement.

• (1155)

The Chair: Thank you, Mr. Green.

Mr. Dufresne, we're going to go to four minutes and four minutes. We'll go with Mr. Brock followed by Ms. Khalid.

We do have some votes, so I need to leave a little time for that.

Go ahead, Mr. Brock, for four minutes.

Mr. Larry Brock (Brantford—Brant, CPC): Thank you, Chair. Thank you, gentlemen, for your attendance.

Commissioner, my questions will be directed towards you for my four minutes.

Is it accurate, sir, that my colleague Mr. Barrett is the only parliamentarian to launch a particular complaint and a request for your office to investigate the circumstances behind the arrive scam issue?

Mr. Philippe Dufresne: The current complaint was in response to Mr. Barrett's—

Mr. Larry Brock: Was he the only parliamentarian?

Mr. Philippe Dufresne: My team can correct me if I'm wrong, but my understanding is that's the case.

Mr. Larry Brock: Okay.

Have you received anonymous complaints from any other source in relation to the arrive scam debacle?

Mr. Philippe Dufresne: I don't have that information, and I'm not sure that's necessarily information I would be making public if it was an anonymous situation. I'm not sure how to respond to that.

Mr. Larry Brock: I'll be more specific.

Have you received any complaints or any areas of concern raised by any current or former CBSA officials or employees?

Mr. Philippe Dufresne: Again, the Privacy Act places significant confidentiality obligations on me, on that one.

Mr. Larry Brock: Okay. I anticipated that response. I thought I'd ask it, though.

I'll follow up on a point that I'm not sure I was clear on in terms of an inability on your part to provide meaningful consequences should there be a violation of your act.

Did I get that correct?

Mr. Philippe Dufresne: You did.

I do not currently have the ability to issue binding orders under the Privacy Act.

Mr. Larry Brock: Okay. What about monetary penalties?

Mr. Philippe Dufresne: It's the same. There are no monetary penalties.

Mr. Larry Brock: Okay. This has been an issue since the act was amended and created. Is that correct?

Mr. Philippe Dufresne: That's correct, and it's a concern on both the private sector side and the public sector side.

Mr. Larry Brock: You have made several recommendations along those lines in your current role, and I'm sure your predecessors probably voiced very similar concerns to committee members. Literally, since 2015, there has been no appetite by the Justin Trudeau government to provide any meaningful consequences to these violations. Is that correct?

Mr. Philippe Dufresne: Bill C-27 was introduced by the government. It would provide me with the ability to issue orders, and it would provide for the ability for fines to be issued. That's on the private sector side.

In terms of the public sector, there is no bill to modernize it.

Currently, the Department of Justice has done a consultation paper in which that was a recommendation in terms of a greater compliance mechanism, and I would certainly encourage that moving forward.

Mr. Larry Brock: Sure, and when was that recommendation made by the DOJ?

Mr. Philippe Dufresne: The recommendation was made in 2021. Since then, they have been consulting to get, in particular, more of an indigenous perspective on this.

My office, under my predecessor, supported this, of course, as do I.

Mr. Larry Brock: I have one quick question on the arrive scam issue.

There are very strong allegations that a vice-president of the CBSA by the name of Minh Doan intentionally deleted four years' worth of relevant emails. These are emails that would have been very helpful to the Auditor General when she conducted her review, and they would have been helpful for the internal investigator, who is still investigating the actions of several players.

Do you think they would have been helpful for you as well if you had had access to that? If so, sir, what do you say in terms of your position as a commissioner in relation to those allegations?

The Chair: Could we have a very quick response, please?

Mr. Philippe Dufresne: If I were to make any comments on that, it would be at the conclusion of an investigation if we had seen concerns, so it's not something that I would comment on at this stage.

The Chair: Ms. Khalid, you have four minutes. Go ahead.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you very much, Chair, and thank you to our witnesses for being here today. I always really appreciate your input.

I just want to pick up on a point raised by my colleague Mr. Green with respect to the balance of powers, and something that you said as well.

Is it possible for there to be a complete separation between what your office does and what the government does and the interaction between the two?

• (1200)

Mr. Philippe Dufresne: Well, we work very closely as agents of Parliament. It's not a perfect, complete separation. We're proposed by the executive branch, but we're approved by the Houses, so there is certainly independence.

However, we work as part of the public service, and we apply a number of the procedures. We also have to work very closely with the Treasury Board, which provides guidance on Privacy Act compliance.

You've heard me recommend strong compliance powers, and I believe this is necessary. I am also a firm believer in collaboration and prevention, so I do work very closely with departments to inform them of privacy and encourage them to raise issues in advance so that we can prevent them.

Ms. Iqra Khalid: Just expanding on that, then, how do you work with stakeholders to navigate through the changing needs of the privacy concerns that Canadians have right now?

Mr. Philippe Dufresne: We do a lot of outreach with all sectors and civil society.

I've had a very interesting discussion with children, youth parliamentarians. I am very interested in their challenges, how they see privacy issues and how they interact with their schools. I want to see privacy as part of a mandatory curriculum. It's certainly not an exclusive federal jurisdiction, and I work with my provincial colleagues on that.

I work very closely with industry. I receive complaints about industry, of course, but it's important for me to understand what their realities are. We want laws and rules that make sense and protect Canadians' fundamental right to privacy but also work for industry. I want Canada to be competitive and innovative.

I've said that the three priorities of my vision for privacy are that privacy is a fundamental right, but it's privacy that supports innovation and public interest and generates trust.

It's important that I understand those realities, and it's important that they understand my preoccupation. It's a very helpful dialogue, in which they will say, "Here are the challenges we face on the ground," and I will say to them, "Here is what I hear from Canadians where they feel that their privacy is not being protected."

That dialogue continues, and then, if issues are not resolved, there are ways through compliance. Even through compliance, I think that in some cases we may find that there is a violation, but we make a recommendation, and the organization learns it. They speak to their counterparts, and then they implement the good practice.

Ms. Iqra Khalid: I know there have been conversations about digital ideas as part of trying to circumvent a lot of these issues

you've talked about. What is your viewpoint on that? Do you think that is necessary, and how does that work with our privacy laws?

Mr. Philippe Dufresne: This is an example of where I've had strong collaboration with my provincial and territorial counterparts as the Privacy Commissioner. In October—not this October, but the year before—we actually issued a joint statement on digital ID from the privacy perspective. We flagged this as something that can make it easier for Canadians to interact with their government and so on, but it has to be done, if it is to be done, in a privacy-protective manner.

We gave a number of pieces of advice on that: It should preserve anonymity; it should not be a central repository, and so on. There were a number of comments. We didn't say, "You can't have it." We said, "This is something that could certainly be useful; make sure you do it in a privacy-protective way," and we gave some clear advice on how to do that.

Ms. Iqra Khalid: Would a digital ID in the hands of a private company pose significant risks to Canadians?

Mr. Philippe Dufresne: All aspects of obtaining digital identification or biometric information about anyone, whether from the public sector or the private sector, are an area people have to be mindful of. We currently have draft guidance on the use of biometric information, one for the private sector and one for the public sector. We've received good feedback from industry and from Canadians on that. We're working to finalize that.

Certainly, any type of innovation, digital or otherwise, brings a lot of benefits, or it can. We need to make sure it's not done at the expense of privacy, and there are ways of doing it.

The Chair: Thank you, Ms. Khalid.

Thank you, Mr. Dufresne. I do appreciate you being here on behalf of the committee today. Thank you for the important work you're doing on behalf of Canadians.

Mr. Roulx, thank you for being here in support as well.

I'm going to move to the main estimates right now.

I'm going to ask the committee whether we have unanimous consent to adopt all votes on the main estimates 2024-25 referred to the committee in one vote.

Do we have consent to do that?

Some hon. members: Agreed.

The Chair: Okay. Thank you, Mr. Green and Monsieur Ville-mure.

Shall vote 1 under the Office of the Commissioner of Lobbying, vote 1 under the Office of the Conflict of Interest and Ethics Commissioner, vote 1 under the Office of the Senate Ethics Officer and votes 1 and 5 under the Offices of the Information and Privacy Commissioners of Canada carry?

OFFICE OF THE COMMISSIONER OF LOBBYING

Vote 1—Program expenditures.....\$5,391,678

(Vote 1 agreed to on division)

OFFICE OF THE CONFLICT OF INTEREST AND ETHICS COMMISSIONER

Vote 1—Program expenditures.....\$7,708,333

(Vote 1 agreed to on division)

OFFICE OF THE SENATE ETHICS OFFICER

Vote 1—Program expenditures.....\$1,451,267

(Vote 1 agreed to on division)

OFFICES OF THE INFORMATION AND PRIVACY COMMISSIONERS OF CANADA

Vote 1—Program expenditures—Office of the Information Commissioner of Canada.....\$15,344,268

Vote 5—Program expenditures—Office of the Privacy Commissioner of Canada.....\$30,553,547

(Votes 1 and 5 agreed to on division)

The Chair: Shall I report the main estimates 2024-25 to the House?

Some hon. members: Agreed.

Mr. Michael Barrett: On division.

The Chair: Thank you.

We're going to suspend for a few minutes while we set up the next panel.

Thank you again, Mr. Dufresne.

The meeting is suspended.

• (1200) _____ (Pause) _____

• (1230)

The Chair: I will resume the meeting.

Unfortunately, some technical issues have occurred with the headsets, and the witnesses for the second hour are not available to the committee today. I will ask the clerk to see if we can re-invite them for another time.

It's unfortunate that we're in this circumstance. It's the nature of hybrid meetings, unfortunately.

Go ahead.

Mr. Michael Barrett: On a point of order, Chair, can you confirm that the witnesses were all sent the correct headsets? It's just important to note that we approve budgets for these studies. We incur an expense to send the headsets. We incur an expense for the physical headsets. While it's regrettable, and we appreciate the acceptance of invitations by witnesses, there are standards that we have. This is a workplace. We have to respect the health and safety

of everyone in this workplace. That includes using the proper equipment. I'm sure it's always been the case before that we've sent the headsets. Life happens. I appreciate that. The inconvenience is unfortunate.

I just want to confirm that the error wasn't on the part of this committee or the House.

The Chair: I'll defer to the clerk to answer that question, Mr. Barrett. My understanding is that the headsets were properly sent. There were some circumstances, which I'm not going to get into for the sake of the witnesses, where they weren't available to them.

Madam Clerk, do you want to talk about that?

The Clerk of the Committee (Ms. Nancy Vohl): Yes. Absolutely. Thank you for the question. It is a good question.

In answer to Mr. Barrett, the two witnesses who were supposed to appear on May 2 indeed were sent headsets for the May 2 appearance. The two of them are busy people and travelling the world. They were somewhere in Canada at the time, but they are now currently travelling the world. They were informed that in order to appear, they needed to have the proper headset.

Somewhere—with jet lag and going from one city to another and another—one of the witnesses specified that he had the headset but left it somewhere on the way.

As for Mr. Giguère, he was in the United States. A headset was sent over to him. We saw yesterday that the headset was still in the United States, in the facility, so we followed up. He got himself one of the approved headsets, which we can reimburse. The tests were all done. Nonetheless, as sometimes happens for some reason that we do not understand, it seems that the sound is not working.

One of the witnesses forget a headset somewhere, but it was provided, and they were informed.

Mr. Michael Barrett: Understood. Thanks.

The Chair: Thank you, Mr. Barrett.

It is unfortunate. Obviously, a lot of resources go into ensuring that these meetings function properly, but it's where we're at.

Ms. Khalid, go ahead.

Ms. Iqra Khalid: Thank you, Chair.

Given that proper notice has been given, I move the following:

That, given the comments of the Leader of the Opposition last week in which he suggested he would use the notwithstanding clause if given the chance, and previous statements that the Conservative Party of Canada would require a digital ID to access content on the Internet, the committee report to the House that the committee:

- a) Recognizes the importance of the Canadian Charter of Rights and Freedoms to protect the rights of all Canadians, including the right to privacy; and
- b) Opposes the federal Parliament's use of the notwithstanding clause in all instances.

Chair, I'll check with you to see if everything is in order before I speak to the motion.

• (1235)

The Chair: I thought about this motion over the last couple of days, Ms. Khalid. I'm going to rule it inadmissible for several reasons, not the least of which is that there are a couple of references to the notwithstanding clause in the Canadian Charter of Rights, which I believe falls under the purview of the justice committee.

The second reason is what I deem to be a hypothetical assertion in relation to the Conservative Party leader's digital ID.

I rule the motion inadmissible, as it's outside the scope and mandate of the committee, Ms. Khalid.

Ms. Iqra Khalid: Chair, I would like to challenge your ruling, because I have seen a lot more loosely worded motions move forward in this committee.

This is a significant issue with respect to privacy and with respect to the rights that are enumerated within our charter. I think our committee has an obligation to pursue this.

The Chair: Ms. Khalid would like to challenge the ruling of the chair.

I'm going to the clerk for a vote on the question: Shall the decision of the chair be sustained?

Go ahead, Madam Clerk.

(Ruling of the chair overturned: nays 7; yeas 3 [*See Minutes of Proceedings*])

The Chair: The ruling is not sustained. The decision is nay.

The motion is moved.

Ms. Iqra Khalid: I'd like to speak to it.

The Chair: Go ahead, Ms. Khalid, and then we're going to Mr. Kurek.

Ms. Iqra Khalid: Thank you very much, Mr. Chair.

I really do appreciate this opportunity. Over the past couple of weeks, I've been quite alarmed. I grew up in this country. I was not born here. I came here and got to realize the importance of our Charter of Rights and Freedoms because my front door neighbours don't look like my side door neighbours. We don't practise the same religion. We wear different shells and we have different ideologies, yet we are still one of the most peaceful countries in the world. When I see rhetoric around the implications of the Charter of Rights and Freedoms and what our Constitution is in the future, it really makes me very alarmed.

In the context of social media impacts—digital IDs, for example, and the proposition thereof—in terms of what political parties and the Leader of the Opposition are saying, it really alarms me. I think it is important for our committee to have a commitment in Parliament as to how we're going to move forward on making sure our Charter of Rights and Freedoms and our Constitution are maintained, and that we continue to abide by that.

Now I'll quote articles that have stated, quoting the Leader of the Opposition, that he will pass criminal laws using whatever means. He says: "We will make them constitutional, using whatever tools the Constitution allows.... I think you know exactly what I mean."

Now, from my perspective, given that this is a person who was part of a team that tried to pass the barbaric cultural practices act and a snitch line on people like me—my mother wears a hijab, for example—and given how diverse our neighbours are, it really alarms me as to where this is coming from.

It also alarms me, Chair, when we talk about a woman's right to choose and see Conservative antics in the House right now, questioning whether a woman can choose what she does with her body and whether we're going to criminalize that, using whatever tools necessary to control what a woman's body is. The implications are very severe for me, and, you know, the Leader of the Opposition continues to say that even if his proposals don't meet the constitutional standards, he'll "make them constitutional, using whatever tools".

Chair, that is extremely alarming. When you pair that with concerns of privacy within our social media, the framework that we have right now and the fact that we are already really testing the limits of how we make sure we protect the rights of individual Canadians in our country—including the right to privacy, including minority rights, whether it be LGBT, whether it be different religious groups, whether it be a woman's right to choose—it is really very alarming. I think it is incumbent on our committee to pass this motion and get this through the House.

Now, in the ethics committee, we've studied the collection of data, etc., and I'm talking specifically about the right to privacy piece and specifically the digital ID on collecting information from Canadians.

Now the Leader of the Opposition is proposing to leave data, the sensitive data of Canadians, in the hands of a company like Pornhub, for example, and that is, again, a slippery slope as to how far that goes. How are we maintaining and protecting that data? Should that data be there? When we talk about the right to privacy, we really need to ensure that we are maintaining that right to privacy within industry and within our government and in how Canadians' rights are protected. I mean, we've seen what happened with Ashley Madison, with a hack, for example. We've seen MPs with top secret security clearance being blackmailed over their use of the Internet and the photos they have circulated.

Chair, I will reiterate the importance of ensuring that we have the ability as a federal government to ensure our Constitution is maintained and is protected. It is important for all parliamentarians.

Chair, when somebody tells you something, you believe them, and we effectively have been told that our Constitution has a workaround for the Leader of the Opposition. We need to ensure that we protect the rights of Canadians and our Constitution in how we operate here as parliamentarians. I'm hoping that we can pass this motion very quickly.

Thank you.

• (1240)

The Chair: Thank you, Ms. Khalid.

I have Mr. Kurek, Mr. Barrett, Mr. Brock and then Mr. Housefather.

Go ahead, Mr. Kurek.

Mr. Damien Kurek: Thanks very much, Chair.

It is really interesting to hear the Liberals talk. I'd like to address two things. First is what is an underhanded swipe at a bill that passed the House of Commons with a plurality of support here only a number of months ago, and that is Bill S-210.

What's interesting is there was some support from all parties, but functionally what this motion and Ms. Khalid seem to be doing is to somehow stand up for the very companies that she just stated she didn't trust. She wants to stand up and allow them to distribute violent pornographic material to minors. That is astounding, shocking and, quite frankly, Chair, absolutely disgusting.

I've taken a great interest in Bill S-210 because of the detrimental effects that a young person's exposure to violent, explicit material can have on their mental health and their ability to form productive relationships. For the Liberal Party to be doing the bidding of a company like MindGeek, which runs sites like Pornhub, which is willfully.... The Privacy Commissioner referenced earlier today how they've just completed a study on some of the privacy concerns with that. It's astounding that they would be opposed to this, something that united all senators.

Chair, you've heard me talk, I'm sure, at length about some of the frustrations I have with the other place, as we refer to it, but when S-210 passed unanimously through the Senate, I believe that there were more than 40 different options presented for a site that hosts explicit material to be able to verify someone's age. However, the Liberals don't care about the facts. They want to play politics and suggest that this is about digital ID.

Mr. Chair, I tell you, this is divide and distract at its best. They are doing the bidding of some of the worst corporate players in history, as has been revealed by the good work of Canadian parliamentarians as well as in an exposé in The New York Times that was describing this. That those Liberal members would carry water for that is absolutely unbelievable.

There is a lot more that certainly I could say about that, but it is obvious that either they haven't read Bill S-210 or haven't cared enough about doing the research into what's being proposed and how it can actually protect young people, or they are intentionally trying to divide and distract on an agenda, and I won't even pretend to know what that involves, because it is certainly beyond the pale.

Mr. Chair, I would like to, if I could, share just briefly about some of the assertions related to the Charter. Again, this is what I can suggest is nothing more than an attempt to divide and distract Canadians. What the Leader of the Opposition has made very clear is that when it comes to the most heinous criminals in our history, the Quebec City mosque shooter as an example, the justice reforms

that he is proposing would make sure that the only way heinous criminals like that leave prison is in a box.

I know my colleague from Leeds—Grenville—Thousand Islands and Rideau Lakes said something similar in the House of Commons, but, Chair, the Liberals don't seem to care about that. They care more about trying to, I don't know, score cheap political points or something, to divide and distract, as opposed to having meaningful discussions around justice reform. Certainly, when it comes to the notwithstanding clause, it's as if the Liberals forget that section 33 is a part of the Charter of Rights and Freedoms. Now, are they deceiving and misleading Canadians on that? It goes back to the very fundamental basics of the Westminster democratic system, and that is the fact that Parliament is the supreme lawmaking authority of the land. I would hope that their intentions are not nefarious, but it certainly leads...and I'll let Canadians be the judge of that.

• (1245)

When it comes to the criminal justice reforms that are being contemplated and suggested by the Leader of the Opposition, it has been very clear, and freedom, Chair, is a sword that slices in both directions, for those you agree with and those you disagree with. For members of the Liberal Party to suggest somehow that they stand up for the charter when they are literally—and this is not the figurative use of the word literally—the only government in Canadian history to willfully suspend charter rights against Canadians.... They did that, and it was found that they had done that illegally.

Chair, it is unbelievable that they would use these sorts of tactics, that they would gaslight, that they would—I don't even know if there are words that are strong enough that would be parliamentary to describe what the Liberals are doing on this.

If they want to discuss the use of the notwithstanding clause, I'm happy to do that, Chair, because there is a very clear case to be made that the most heinous criminals in Canadian history deserve to be behind bars. I challenge members of the Liberal Party to go and tell their constituents that those individuals should walk free on Canadian streets. I challenge them to go to their constituents again when it comes to the issue that I first talked about, when it comes to the suggestion that some of the worst corporate players, some of whom have even moved their operations out of Canada, should somehow have a free pass to distribute explicit material to minors, knowing the devastating impact that has on the mental health of our youth, Chair. We are seeing the worst of what so many people think of when they think of politicians.

Chair, I could certainly say a lot more on this, whether on the constitutionality of what we have been talking about or on the hypocrisy of members of the Liberal Party or on how it is astounding that they are trying to divide and distract in this way to somehow score some cheap political points—maybe because they're desperate, seeing as it's actually Canadians who get to make choices in elections and that is something that no parliamentarian should ever take for granted.

Chair, I will move an amendment, if I may, because I think there is a valid point to be made. This is an opportunity. Let's take the political spin out of what the Liberals are trying to gaslight Canadians with, and let's move to a point where we can have a real discussion about what it means to actually protect the rights and freedoms of Canadians.

Therefore, I would move that we strike the first part of the sentence, up to “the committee”, and then keep paragraph a) and delete paragraph b).

Chair, we will make sure the clerk gets a copy of that in a moment.

• (1250)

The Chair: Do me a favour. Just repeat what you said there, Mr. Kurek, on your amendment, please, if you don't mind.

Mr. Damien Kurek: Strike the first part of the first paragraph and keep just “That...the committee report to the House that the committee”, and then keep paragraph a) and remove paragraph b).

The Chair: The way I'm reading it, then, is “that the committee recognizes the importance of the Canadian Charter of Rights and Freedoms to protect the rights of all Canadians, including the right to privacy.”

Is that what you're proposing?

Mr. Damien Kurek: Yes, except it's “That the committee report to the House that the committee”, and then paragraph a) as you described.

The Chair: The amendment is on the floor.

Mr. Darren Fisher: Is that in order?

The Chair: I'm ruling it in order. Yes.

Go ahead on a point of order.

Mr. Anthony Housefather (Mount Royal, Lib.): Mr. Chair, this whole resolution is about the notwithstanding clause. This amendment removes all references to the notwithstanding clause. It goes against the principle of the original motion. It should not be receivable, and if the chair is ruling it receivable, I challenge the chair.

The Chair: Okay. Hang on a second.

• (1255)

(Pause)

• (1255)

The Chair: After reviewing the amendment, Mr. Housefather, I am going to rule it in order.

I'll accept the challenge. If that's what you'd like, go ahead.

Mr. Anthony Housefather: Thank you, Chair.

The Chair: Madam Clerk, we have a challenge to my ruling on the amendment.

Please call the vote on the question: Shall the decision of the chair be sustained?

(Ruling of the chair overturned: nays 6; yeas 4)

The Chair: I'm going to continue on the motion.

Mr. Kurek, I see your hand. I'm going to get back to you. I'll put you on the list.

Mr. Barrett is next. Go ahead, Mr. Barrett.

Mr. Michael Barrett: Thanks very much, Chair.

With respect to the comments from the Leader of the Opposition on using section 33, the notwithstanding clause, it's important to note that section 33 is section 33 of the charter. Of course it's legal. Of course it's part of the charter for a reason. Once used, the laws in question are, of course, constitutional.

When we're talking about the rationale for using the notwithstanding clause.... Look, as my colleague, Mr. Kurek, pointed out, when you have someone like the Quebec City mosque shooter who stormed a place of worship, who murdered in cold blood six innocent worshippers in a place where they must have felt safe—we have to feel safe when we go to our places of worship—the violation of that sanctity can't be overstated. For the heinous disregard for the lives of the victims in that terrible event—I'm not going to use the name because they don't deserve the notoriety they were seeking—what the shooter deserves is to spend the rest of their natural life in maximum-security prison. What we've seen is that's not the reality that the individual is going to have to live with.

What are the other options? They'll go to medium security, and then they'll end up with a security override and they'll be in minimum security, and they'll be living in a townhouse with other offenders on a street where there are no walls and no barbed wire.

• (1300)

Ms. Pam Damoff (Oakville North—Burlington, Lib.): I have a point of order, Chair.

Minimum security is not a townhouse in communities. We can at least stick to the facts here.

The Chair: This is debate, Ms. Damoff.

Go ahead, Mr. Barrett.

Mr. Michael Barrett: Chair, I would say this to Ms. Damoff. I'd invite her to go to Pittsburgh Institution, just outside my riding, where the minimum-security inmates live in townhouses. They have a shared kitchen. There's a single door handle lock on the door. There are no alarms on the windows. They wear jeans and T-shirts on the weekends and walk, of their own volition, down to the lake and go fishing. There's no fence to keep them in, and there are lots more of them than there are guards.

Do you know how I know that? I was there two weeks ago. I walked in. There was no fence, and there's nothing to keep them in. For the individuals who are in there, multiple security overrides have been used. They're not minimum-security offenders. There's just no room for them.

We have people who should be serving sentences in more restrictive conditions but are living in a townhouse. The pork chops were thawing on the counter when I went inside. I opened the fridge and it was jammed full of food—fresh fruit, fresh vegetables. One of the residents of the townhome was sitting watching TV and welcomed me in. His compatriots were not working for the day. They were sitting on the step, just enjoying the sun on their faces.

That's what we can expect when we don't have a framework in place. The individual I referenced before, who perpetrated a heinous crime, ought not to leave maximum security save for in a pine box.

That's what we're talking about when we talk about the use of the notwithstanding clause.

The Leader of the Opposition has been explicit about that. If anyone missed that, I'm reiterating it right now. That's exactly the type of criminal justice use that is required.

We know that minimum-security escapees, inmates who have been in maximum-security and had security overrides down to medium security and down to minimum, have just walked off site and perpetrated more heinous offences, made more victims of those who live in the communities around there.

That's not our expectation.

We had a point of order moved by the former parliamentary secretary to the Minister of Public Safety, now in a different parliamentary secretary portfolio.

It is a matter of public record that minimum-security inmates have been able to walk off. In the last couple of weeks, I have verified, with my own eyes, the conditions that these inmates live in. I was surprised that I live so close. I know that people who work at this institution live in my community. I had no idea that these were the conditions that exist at our minimum-security facilities. That says nothing of what I observed and the poor conditions in our medium-security facilities or our assessment facilities, or for our maximum-security inmates.

The reality for Canadians is that what we expect is going to happen when justice is done isn't necessarily the reality. We have seen this. I have a list now of examples of escapes that have resulted in more crimes being perpetrated on people in their communities. That's why it's so important.

• (1305)

We have to remember that our rights as Canadians deserve to be protected and respected. When we have this imbalance that begins to take form, begins to take shape, where the rights of the accused and the rights of the convicted, of the guilty, are given higher order than those of victims and those of innocent Canadians writ large, I'm frankly not comfortable with that.

While there's a cry that this is some kind of hidden agenda, well, it's not very hidden. The Leader of the Opposition stood up in front of a room full of police officers and said that there needs to be reform to some criminal justice laws. When pressed for more information, he said that the type of criminal justice reform that was previously proposed, where we would have consecutive sentencing for individuals who commit heinous crimes, should be restored.

We've seen section 33 used before, and I won't pronounce on the acceptability or the appropriateness of its use, but I will speak to my comfort with this proposal. I think that this is peak transparency. This is peak transparency to have the Leader of the Opposition, in a minority Parliament context, tell Canadians that he's ready for an election today, and if he is elected, we will stop putting the so-called "rights" of people like the individual I mentioned before, who perpetrated a heinous crime.... He needs to stay in maximum security. He shouldn't get out and shouldn't have the privileges that a medium-security situation offers. I'm very comfortable with that. I'm very comfortable with the proposal from the Leader of the Opposition.

It's going to become more important, and it's eminently reasonable for us to pronounce on what we would do. Should the committee make a statement that we recognize the importance of the charter, including section 33, the notwithstanding clause, to protect the rights of all Canadians, including their right to privacy? I could see us getting there. That's reasonable. I think that's fair.

What I haven't heard, after nine years of the NDP-Liberal government, is them seeking to repeal section 33. If there's this great discomfort with the notwithstanding clause, repeal it. You're in government. You have a majority. Stack the Senate with Liberal appointees and just take it out. There hasn't been any talk of that, nor a challenge. Well, it depends on the provinces as to whether or not they want to challenge its use.

This is very important when we consider what kind of country we want to live in. I'm very comfortable in saying that I want to live in a country where people who commit the most heinous offences stay in maximum-security prisons for their natural lives. The beautiful thing about a democracy is that people who don't like that have the opportunity to have their say. That's the beautiful thing about our democracy.

• (1310)

Mr. Kurek spoke very well about the contortions that one has to bend themselves into to say that everyone who voted for the bill to protect minors from pornography is somehow looking to further a digital ID, a single digital ID. I don't think that's reasonable, but I don't think the intention was for this to be reasonable. It was supposed to be outrageous, but I'm not outraged. I'm happy to speak to it. The digital ID that the Privacy Commissioner talked about, when he was here earlier, spoke to a single digital ID to access government services, so for those of my colleagues in the Bloc and in the NDP who are considering this motion, it's important to note that there has been no statement by the Conservative Party of Canada to require a digital ID to access content on the Internet. That's patently false. We often hear talk from this committee about being serious in our proposals and making sure that we're being logical and ethical, but that, of course, was never said. What we said is that minors shouldn't be victimized by companies who operate sites like the crime scene that is Pornhub.

We talked in this committee about bullying, online bullying and the effects of social media on young people. Young people in schools have often seen revenge porn or had non-consensual sexual images of themselves being shared online and finding their ways onto these sites, sites like Pornhub. To say that we want to protect children from these very dark and truly dangerous places on the Internet is.... We've been transparent about what it is that we want to do, and to say that it's nefarious and that it's going to have some other purpose, like a one-size-fits-all digital ID, is disingenuous.

Again, I think the intention was for it to be outrageous and disingenuous. I'm very comfortable...and that's why I voted for the idea that it would be a requirement to have age verification to access pornographic material online, because it's necessary to protect children. I can't see where the controversy is with that. There's never been any proposal. I think Mr. Kurek spoke to the number of options that were discussed in the studying of the legislation, but no one serious or credible said that the sites in question, like Pornhub, would be entrusted with people's personal information. As I said before, it's a crime scene, and what is allowed to go on there is criminal.

Protecting children, I think, is reasonable and important. It's more than just a part of my job as a parliamentarian; it's part of my job as a member of society, and so too I believe it's a part of my job as a member of society to protect people from the types of heinous monsters who seem to find their way into minimum security and then go and commit capital crimes, the worst kinds of crimes, like murder, after walking off camp. We're not talking 50 years ago. We're talking in recent years.

• (1315)

It's a question of what kind of place we want to live in. Do we want to live in a place where we have children being exposed to the sharing of non-consensual, sexually exploitive material that victimizes some of their peers and is monetized by monsters like those that run Pornhub?

Can we take a step like requiring the use of age verification to limit the exposure and the risk for children? I think that's important.

To try to conflate it into something else, because there's maybe a belief that we wouldn't want to talk about it.... I'm actually eager to talk about it. I think there should be more conversations about what's happening to children, what our role is and if we want to be complicit, because failure to take action when there are options in front of you would make one complicit.

As I said before, do I support the idea of making a statement to the House that we recognize, as a committee, the importance of the Canadian Charter of Rights and Freedoms, including the notwithstanding clause, or all parts of the charter to protect the rights of all Canadians, including the right to privacy? Yeah, I think so.

I think I'd move an amendment to that effect, Chair. I'm not going to pull the trigger on that at this moment, because I'd like to work on it, but I think that's where I would go with it.

With respect to the use of the notwithstanding clause, or perhaps to add the context of the proposed use of the notwithstanding clause to make sure that the type of monsters I mentioned before—again, I'm being vague so as not to glorify the individual or the crime. I don't want to keep saying it, because it truly is horrible. Individuals like that who perpetrate crimes like that need to be locked up for the duration of their natural life.

If we want to add the context of what the Leader of the Opposition's comments were, that's an amendment I would consider, and I'd be interested if colleagues were interested in supporting what he said. If they want to offer a quote, they can offer a quote from me. I've made them in the House and outside the House specifically with respect to the use of the notwithstanding clause as proposed by the Leader of the Opposition, and also there's the context on the use of age verification to protect children from pornography and the sharing of non-consensual or sexually exploitive materials. I think that the context in both of those examples would be useful.

Further—

The Chair: Mr. Barrett, you're going to have the floor, but I'm going to suspend for five minutes, because I have to confer with the clerk.

I'm going to suspend for five minutes, and then I'm going to come back to you after that, if you don't mind.

Mr. Michael Barrett: I'll work on my amendment.

The Chair: Thank you.

• (1315)

(Pause)

• (1330)

The Chair: I call the meeting back to order.

When we left, Mr. Barrett had the floor.

The floor is still yours, Mr. Barrett. Go ahead, please.

Mr. Michael Barrett: I move to adjourn.

The Chair: You move to adjourn.

Okay, do we have consensus to adjourn the meeting?

Some hon. members: No.

The Chair: Okay, I'm going to call the vote.

Madam Clerk, if you don't mind....

(Motion negatived: nays 6; yeas 4)

The Chair: The motion fails.

Mr. Barrett, do you still...?

Mr. Michael Barrett: Yes, Mr. Chair. I just thought, since it was the end of our scheduled time.... It's 1:30 p.m. I heard that folks had places to be.

Look, while I have an amendment to prepare, I just want to summarize my comments.

Ms. Iqra Khalid: I have a point of order, Mr. Chair. I thought we had suspended so that Mr. Barrett could draft his amendment. That was what our last wording was.

The Chair: No, we suspended because I had to confer with the clerk, which I did. I resumed the meeting, and I gave the floor to Mr. Barrett. Mr. Barrett still has the floor.

Go ahead, Mr. Barrett.

Mr. Michael Barrett: I just want to summarize, Mr. Chair.

Mr. Matthew Green: I have a point of order.

This is out of curiosity, so I mean no personal offence to Mr. Barrett. I'm just curious. When a motion to adjourn happens, would that not be the final....? Would that not mean that the member would have conceded his time to the speaking list, and it would go to the next speaker?

How do you move that motion and keep the floor, procedurally?

The Chair: That is a very good question, Mr. Green.

Some hon. members: Oh, oh!

Mr. Matthew Green: I'm full of them, sir.

The Chair: Okay, you know, I'm honestly not sure about that, Mr. Green, so I'm just going to consult with the clerk. However, in the meantime, Mr. Barrett has ceded the floor. He's given up his time, so I am now going to go to Mr. Brock. I will come back with some guidance on that.

Thank you, Mr. Green.

Go ahead, Mr. Brock.

Mr. Larry Brock: Thank you, Chair.

I'll allow you to be mindful of the clock. I know we have resources to two o'clock. I probably have at least two hours' worth of commentary and material to read out.

I start by sharing the initial commentary from my colleague, Mr. Kurek, on just how disappointed he was to hear the commentary from Ms. Khalid in terms of the framing of her motion and how shocked and disturbed she was. The hypocrisy from that member—and, quite frankly, the entire Liberal bench—on these two issues is just astounding. The lengths they will go to try to change the channel on where public opinion is with the Liberal Party of Canada and their leader, Justin Trudeau, really speaks to how low they have sunk, and the attempts they will make to try to fearmonger, to frighten and scare Canadians, are pretty much the entire playbook of the Liberal Party of Canada since Justin Trudeau became leader of the party. Literally, since 2013, it has all been about scaremongering.

Even before 2013, one can make the argument that going back to the 2004 and 2006 elections under PMs Martin and Chrétien, there were lengths they would go to to try to paint any leader of the Conservative Party of Canada as a bogeyman and suggest that Canadians ought to be fearful that there is somehow a hidden agenda, that they will say one thing and do another, which really is the playbook of Justin Trudeau and has been since he formed government in 2015.

It's more pronounced now because, let's face it, they're down 20-plus points in the polls. They have been down for well over a year—

• (1335)

Ms. Iqra Khalid: I have a point of order, Chair. Talking about relevance, I'd encourage the member to come back to the topic at hand.

The Chair: He will.

Go ahead, Mr. Brock.

Mr. Larry Brock: Relevance is very subjective.

As I telegraphed to the committee, my speaking remarks are at least two hours long, so I will get to the relevant points of Ms. Khalid's motion in due course.

Ms. Iqra Khalid: It's kind of unfortunate, Chair.

The Chair: Mr. Brock has the floor.

Ms. Iqra Khalid: I got you. I apologize.

The Chair: Go ahead, Mr. Brock.

I'm not going to accept any interruptions here. We've talked about this many times, the fact that relevance is subjective. Mr. Brock will get to his points and make his points in an appropriate manner. I don't want any interruptions unless it's related to the actual Standing Orders and you can cite those.

Go ahead, Mr. Brock.

Mr. Larry Brock: Before I was interrupted, Chair, I talked about the Liberal Party of Canada's standing among the Canadian electorate. A number of polls have been conducted literally since the day our leader was elected. There has been a consistent drive to water down and eliminate that Liberal support. It obviously must be extremely disappointing to many long-standing members of the Liberal Party of Canada.

It's not surprising that we have a number of ministers who've decided not to run for re-election. We have a number of MPs deciding not to run for re-election. There is a phrase that I'm not going to use, but it's clear that they too look at the polls, and they know that public opinion is changing.

It's changing for a number of reasons, Mr. Chair. There always has been a shelf life for any political party. That applies to the Liberal Party; that applies to the Conservative Party. People get tired of being promised a number of things pre-election, merely to buy a vote, and then being profoundly disappointed when the prime minister of the day does not deliver.

That's precisely what's happening with Justin Trudeau. I'm sure he and Deputy Prime Minister Chrystia Freeland and the entire finance department, if not the entire Liberal bench, thought that the spring budget would finally end some negativity toward their economic policies, that they were going to make it fairer for a number of generations and that it wasn't strictly about the middle class. Now, it's fairness for multiple generations. However, what are we seeing in the budget? We're seeing the same, worn-out talking points that Justin Trudeau promised Canadians in 2015 and completely has not delivered on, particularly, in my view, in the area of public safety. I'm going to get to relevant points in due course.

It's emblematic of why this party and its members are just so desperate to find something for people to look at other than their track record. The budget has fallen flat on its face. One could have made the argument that the Prime Minister was going to drop the writ two or three weeks ago, with his cross-country tour and with all of his ministers following along and delivering all these little goodies as to what they can expect from the budget.

However, nothing has moved the channel, because Canadians are wise and Canadians are intelligent. They have finally realized that this Prime Minister, who they thought was going to conduct governance so differently.... Let's all remember his famous words in 2015, of how he would do politics differently, that his administration would be known as the most transparent, accountable and responsible government this country has ever seen.

However, then you take a look at everything that has transpired—their unwillingness to provide documents at committee, and instructing their members to filibuster when it comes to exposing elements of corruption and unethical behaviour. The list goes on and on. I could spend hours doing a deep dive, just taking a look at the number of scandals that have rocked Justin Trudeau and members of his cabinet and backbench, literally since 2015. Canadians are wise individuals, Mr. Chair, and they remember these things.

Therefore, all the efforts that the Liberal members of this committee are making now, trying to scare Canadians and fearmonger, in my view, are going to fall flat on their faces.

• (1340)

Let's take, for instance, this whole concept of the scariness of the notwithstanding clause. The notwithstanding clause—surprise, surprise—was introduced by Justin's father himself, Pierre Elliott Trudeau, well over 40 years ago. That notwithstanding clause, in the last 40-plus years, has not been amended. It has been on the books for a very long time. While no federal government has exercised its use, it does not necessarily mean—in fact, I'll say definitively does not mean—that it's inappropriate to use it in the future.

We know that some provincial premiers have used it. Where was the backlash from Justin Trudeau? Well, I guess there was a bit of backlash. He talked a good game, but he didn't do anything about it when Doug Ford, Premier of Ontario, talked about it, and when the Premier of Quebec talked about it.

This is something that is law in this country. For all the non-lawyers on the Liberal bench, I invite them all to take the time, which would probably be less than two minutes, to actually read section 33 of the charter. When used, and clearly I'm just paraphrasing it, it's not permanent. It's reviewable at five years.

When we take a look at the comments recently made by our leader, these are comments that have not changed or been altered any which way from the first moment he talked about the applicable use of the notwithstanding clause. Despite the best efforts of Ms. Khalid to try to open up the floodgates and widen the potential abuse of the notwithstanding clause to scare Canadians, to make them fearful of the use of that clause because now it might be applied to reproductive rights, it is an absolute joke. It's offensive. She knows full well, as does every member of that Liberal bench, where the Conservative Party of Canada stands on that issue—dead stop, no further discussion needed.

That won't stop the Liberals, though. That will not stop them. They will continue to scare Canadians into believing that Prime Minister Pierre Poilievre—yes, I will say with complete confidence that he will be Canada's next great prime minister—will use it, if he uses it and when he uses it, for its stated objective. His stated objective is to correct a lot of things happening in our justice system that are really, really disturbing, not only to members of Parliament but also to Canadians as a whole.

I want to spend a bit of time talking about the Bissonnette case, because that really forms the genesis of our discussion regarding the notwithstanding clause. I want to read an article from the press. This is dated February 8, 2019. It contains some of the important words used by the sentencing judge in Quebec before the government decided to appeal.

The heading reads, “Quebec City mosque shooter sentenced to at least 40 years in prison”, and goes on to say:

Judge calls Alexandre Bissonnette's attack an “unspeakable tragedy” that “tore apart our social fabric”

- (1345)

Alexandre Bissonnette, who pleaded guilty to killing six men at a Quebec City mosque two years ago, will be allowed to ask for parole at the age of 67, a judge decided Friday.

Bissonnette, 29, will serve an automatic life sentence for shooting and killing the men at the Quebec Islamic Cultural Centre on Jan. 29, 2017. He has been behind bars since the shooting.

He will be allowed to go before the Parole Board of Canada after serving 40 years, ruled Superior Court Justice François Huot—in a decision that left survivors and families feeling “disappointed,” “dismayed” and “gutted.”

I'll go back to those words, Mr. Chair:

Huot called Bissonnette's attack an “unspeakable tragedy” that “tore apart our social fabric.”

During a sentencing hearing that lasted nearly six hours, the judge read out parts of his 246-page decision—

I'm sure that members of this committee would not like me to start reading all 246 pages, but I am certainly happy to, if necessary.

—to a packed courtroom, describing Bissonnette's actions as “premeditated, gratuitous and abject.”

“His crimes were truly motivated by race, and a visceral hatred toward Muslim immigrants,” Huot said.

Bissonnette was emotionless as the judge read out his decision and was quickly escorted out of the courtroom.

After a gruelling day, survivors like Saïd El-Amari were visibly upset by the outcome. He choked down tears of anger as he spoke outside the Quebec City courtroom.

“Today is a sad day. We are committing 17 orphans to 40 years of suffering, at the end of which they will have to show up again to keep this assassin behind bars. That suffering starts today and will last 40 years—I am floored.”

Ayem Derbali, who was hit by seven bullets and is now paraplegic, said he almost fainted when he heard the judge's final decision.

“I would have liked to see justice served today,” said Derbali.

Megda and Amir Belkacemi, who lost their father in the attack, extended their support to the families of the victims of Bruce McArthur, who was also sentenced today on eight counts of first-degree murder, with a chance of parole in 25 years.

Earlier in the day, Justice Huot did a minute-by-minute run through of the shooting.

It's important that I read this out, because I'm going to compare and contrast to the ruling of the Supreme Court of Canada that deemed this cruel and unusual punishment.

Armed with a .223-calibre rifle and a 9-mm Glock pistol, Bissonnette was carrying 108 bullets when he entered the Islamic cultural centre, shooting into the crowded prayer room as Sunday prayers were ending.

The article identifies the names of those who died and says that five others were critically injured.

Bissonnette pleaded guilty in March 2018 to six counts of first-degree murder, five counts of attempted murder for the men he wounded, and a sixth count of attempted murder for the 35 people present that night, including four children.

- (1350)

Both the Crown and Bissonnette's lawyers said they have to review the lengthy sentencing decision and would not be commenting.

While first-degree murder carries an automatic life sentence, the judge had to decide how long Bissonnette would have to wait before he could seek parole.

We all know this:

In 2011, Stephen Harper's Conservative government adopted Article 745.51 to the Criminal Code, which allows a judge to impose consecutive rather than concurrent periods of parole ineligibility for multiple murders.

For the Canadians who are watching these proceedings—and I'm really glad that we are public and not in camera, because Canadians deserve to hear this—“consecutive” means just that, that there was a potential that Bissonnette could have served 25 years for the intentional premeditated killing of each member of that mosque. That's 25 times seven. He would have died in prison. He would have been carried out in a box.

With concurrent periods, it is the opposite. In essence, what the Supreme Court of Canada has done is to grant legal licence to mass murderers, telegraphing to all mass murderers that, regardless of the number of victims, regardless of how they kill those victims and regardless of their background, they have a licence to mass-murder innocent civilians in this country, and they will serve a maximum of 25 years before they're eligible for a chance at parole, because the wisdom of those nine judges—not too far from here, at the Supreme Court of Canada—deemed that having a life sentence that really means a life sentence....

These are the words that had been entrenched in the Criminal Code of Canada for decades: “a life sentence”, but our learned judges of the Supreme Court of Canada found that 40 years, Mr. Chair—not 25 times seven years, which would be 175 years—was cruel and unusual, because it denied this mass-murdering animal the opportunity to revictimize every single family member and extended family member of the seven people he killed. As a member of the Ontario bar, I find that absolutely and profoundly disappointing.

I had to think about the Bissonnette decision, Mr. Chair, when I was a member of the justice committee and we were studying victims' rights. It was coincidental that at that time the Bissonnette decision of the Supreme Court of Canada was released.

We invited two victims during one particular day of our study. I wish I had the transcript, so that I could actually share the extremely profound language these victims used. They appeared at the justice committee perhaps a week or two after the release of that decision.

I remember one case in particular—and I don't know if any members of this committee remember it—in which the accused, now a convicted murderer, was a man by the name of Dellen Millard. He and another co-accused, also a convicted murderer, decided to answer an ad from a gentleman. It was a young father who had recently got married, had a young family and lived in a rural part just outside of the city of Hamilton, Ontario. Millard answered an ad for the sale of the victim's pickup truck.

- (1355)

This is probably a warning to Canadians as a whole. I'm sure that people are taking appropriate precautions as a result of what happened in this particular case.

The two killers arrived at the residence of the victim. At the time, he was holding his baby, a baby who was denied the opportunity to really know her father. I think she was literally under the age of one at the time. They pulled up, and what they did should have been a red flag, in hindsight. Whatever vehicle they used, or whether they were dropped off at the residence of the victim, they ultimately walked up his driveway. It was a fairly long driveway. They said they were interested in following up on the ad for the sale of the truck.

• (1400)

The Chair: Mr. Brock, I hate to do this, but I'm going to have to stop you there.

Mr. Larry Brock: I'm very disappointed in that, Chair. This is a great story I wanted to share.

The Chair: I'm sorry, but we've run out of resources.

The meeting is adjourned.

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